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1901-06-14

Senate.

Tho President took the chair at 10.30 a.m.

PETITION.

Senator WALKER presented a petition from a public meeting of members of the Christian Endeavour movement, in the town of Marrickville, in favour of the proceedings) of the Senate being opened with prayer.

PERSONAL EXPLANATION

Senator Sir JOSIAH SYMON

- I desire, Mr. President, to ask you a question, and before doing so I should like, with the indulgence of the Senate, to state one or two facts which lead to the question being put.

Tho PRESIDENT. - It would be better to ask leave of the Senate. I will therefore put the question -

That Senator Sir Josiah Symon have leave to bring forward a matter without notice.

Motion agreed to.

Senator Sir JOSIAH SYMON

- This morning, through the "courtesy of the Clerk, I have been able for the first time to obtain a copy of the exact motion which was carried yesterday opening in reference to moving the Senate into a committee of the whole, and the appointment of Senator Dobson temporarily as Chairman of the Committee. The resolution was as follows : -

That the President do now leave the chair, and the Senate resolve itself into a committee of the whole for the consideration of this Bill, and that

Senator Dobson do take the chair temporarily until the permanent standing orders are adopted by the Senate on the report of the committee appointed to prepare the same.

To that motion, when it became a substantive motion on the introduction of the words which I moved as an amendment, I moved a further addition to follow the words " this Bill,"

And on every occasion on which this Senate shall resolve itself into Committee of Supply.

Having moved that amendment, you, sir, ruled that it was out of order for reasons that you were good enough to give - namely, that it was contradictory to the words already carried.

The PRESIDENT

- Pardon me; that was not my reason.

Senator Sir JOSIAH SYMON

- I need not press the point because it is not relevant. My object is not to discuss the ruling at this moment. You, sir, having given your ruling, I immediately stated "I except to your ruling."

The PRESIDENT

- The honorable senator said " I accept your ruling."

Senator Sir JOSIAH SYMON

- The question I am going to ask you, sir, I put with a view to the proper and decorous proceedings of this Senate, and not with a view to casting reflections upon rulings from the Chair. As I have . stated, I immediately said - " I except to your ruling." I then stepped down from my seat, which at that time was next to Senator Keating, to the floor of the chamber, with the view of putting my exception to your ruling in writing. My friends, and a large number of senators in the Chamber, including Senator Sir Frederick Sargood and my honorable and learned friend, Senator Dobson, distinctly heard me use the words - " I except to your ruling."

Senator Drake

- What does the honorable and learned Senator say the words were 1

Senator Sir JOSIAH SYMON

- " I except to your ruling."

Senator Drake

- I understood the honorable senator to say "accept," and so did the President. I will reply to the honorable and learned member directly.

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Senator Sir JOSIAH SYMON

- I do not know what the honorable gentleman means. Perhaps he will be good enough to wait until I have finished.

Senator Glassey

- The Postmaster-General has no right of reply.

The PRESIDENT

- I understood that Senator Sir Josiah Symon wished to bring before the Senate a matter which in the ordinary course of business he would not have been allowed to bring forward. The Senate gave him leave to do so, but I do not think any discussion can take place.

Senator Sir JOS T AH SYMON

- I believe that when senators hear the question I am going to put, they will be disposed to think that I am treating the matter as it should be treated in this Chamber. Honorable senators sitting near me, and others on this side of the chamber, distinctly heard me say - "I except to your ruling." But I am bound to say that other honorable senators were under the impression that I said - "I accept your ruling." It is my duty to say that and it is for that reason that, as I hope every honorable senator will do when a misapprehension occurs, I take the earliest opportunity of calling attention to the matter, and having it put right for the sake of what, if I may use the expression, we are all desirous of maintaining, namely, a sort of entente cordiale in this Chamber. Believing, sir, that you understood me to say - "I except to your ruling," I felt that it was incomprehensible that the motion should have been put. That is the reason why, when stepping down to the table, I asked - "What is the question?" In addition to that, at the conclusion of business yesterday evening, as there was absolute confusion among a number of senators as to what the question really was, I took the opportunity of a reference being made to a motion by Senator Higgs, to ask that it be read, in order that the matter might be put right at once. As I have already stated, some senators thought that I said "accept" and not "except."

Senator GLASSEY

- I was under that impression, for one.

Senator Sir JOSIAH SYMON

- There are other senators who are under that impression. Therefore, of course, I am free to admit that a misunderstanding may have arisen. Under such circumstances it seems to me the proper course is to have such a misunderstanding cleared up at the earliest possible moment. Therefore, the question I intend to put to you, sir, is, whether you understood me to say - "I accept the ruling," or - "I except to the ruling" ? Of course if you also understood, as I am sure must have been the case, that I said "accept" I can understand what took place. If you had understood me as saying "I except to your ruling," the question would not have been put in the way it was put. The amendment would not have been dropped while an exception to your ruling was in existence. I think the Senate will agree with me that I am taking the readiest and most decorous method of setting right a misunderstanding which has arisen, by asking whether you understood me to say "I accept" or "I except."

The PRESIDENT

- I most undoubtedly understood the honorable and learned senator to say, "I accept your ruling." I am fortified in that opinion, because, if the honorable and learned senator had said "I except to your ruling," he ought to have submitted a motion disagreeing with the ruling. All rulings of the President stand unless the Senate itself disagrees with them. Therefore, I could come to no other conclusion; in fact, I never was for a moment in doubt as to what the honorable and learned senator said.

Postmaster-General

Senator DRAKE

. - May I endeavour to make this matter a little clearer? I have a distinct recollection that after Senator Sir Josiah Symon had used the words which have been misunderstood, you, sir, said, "As the honorable senator accepts my ruling, I have no other course than to put the question."

Senator Sir JOSIAH SYMON (South Australia). - May I add - because there is nothing like dealing everything up when one is about it - that I understood you to say, Mr. President, "As the honorable senator excepts to my ruling I put the question," and Senator Playford came to me and said, "The President has yielded to your objection and has put the amendment." So that there has been a misunderstanding throughout. I hope that the precedent we have adopted to-day will be always followed to prevent any possible misunderstanding continuing.

The PRESIDENT

- Perhaps it would be better for an honorable senator who wishes to challenge a ruling to say " I dissent from the ruling," or " I challenge the ruling," or words to that effect, which cannot- be misunderstood.

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Senator Sir Josiah Symon

- That would be better.

MINISTERIAL STATEMENT

Supply Bill

Senator DRAKE

- I desire, in reference to the discussion last evening on the Appropriation Bill, to make a short statement. I have gone very carefully into the matter since, and have had a consultation with my colleagues, and I desire to inform the Senate as to the course I propose to adopt. I hope that course will meet with the approval of honorable senators who have spoken on the subject. I propose that when order of the day No. 1 is called on - that is, the order of the day for the suspension of the standing orders - to move that the order be discharged, and on the order of the day No. 2 - the second reading of the Supply Bill - being moved I propose to consent to an amendment, to the effect -

That the Senate returns to the House of Representatives the Bill with the respectful request that the House of Representatives will furnish the Senate with the items of expenditure comprised in the sum which the Bill purports to grant to His Majesty.

Senator Sir Frederick Sargood

- "Furnish !" That will not do.

The PRESIDENT

- I do not think we ought to discuss the matter now.

Senator DRAKE

- I do not desire that the matter should be discussed now. I merely wish to make that announcement a course which will be proposed for the acceptance of the Senate.

Senator Best

- Does that mean that the Bill will be returned to us with a schedule?

Senator DRAKE

- We shall then have returned the Bill to the other branch of the Legislature, and-

Senator Sir Josiah Symon

- Are we in order in discussing this now ?

The PRESIDENT

- I think honorable members had better reserve the discussion.

Senator DRAKE

- I do not desire to have the matter discussed now.

The PRESIDENT

- But if the honorable member discusses the matter, other honorable members will also discuss it.

Senator DRAKE

- I am only making an announcement as to the intentions of the Government, and as to the course I shall be prepared to adopt when the order of the day is called on.

DAILY PRAYER

Senator WALKER

- I move - That it be an instruction to the Standing Orders Committee to frame a standing order providing that the proceedings of this Senate be opened daily with prayer.

The PRESIDENT

- Before Senator Walker commences his speech I ought to inform the Senate that I have received several communications, all asking that the motion be agreed to. These communications are from the Council of the Churches in Victoria, His Grace the Most Reverend Saumarez Smith, Primate ; His Grace the Most Reverend Thomas Joseph Carr, Archbishop of Melbourne ; the Right Reverend George Tait, Moderator of the General Assembly of the Presbyterian Church in Victoria ; the Reverend A. R. Edgar, President of the Wesleyan Conference; Dr. Bevan, of the Congregational Church, Collins-street, Melbourne ; the Australasian Wesleyan Methodist General. Church Conference, sitting in Brisbane ; a number of people in

the Maylands district in Adelaide ; and the President of the Way College, Adelaide.

Senator Major Gould

- May I ask whether it would not have been a more convenient and proper course if these representatives of religious bodies had addressed the House by petition and not to the President direct ?

The PRESIDENT

- The former would have been the proper course.

Senator Major Gould

- It is just as well that a matter like this should be clearly understood, so that persons may not fall into error. I am quite sure that if people desire to bring under the notice of the Senate any public matters, honorable members will be prepared to present their petitions.

The PRESIDENT

- The proper way is to approach the House by petition, but these communications having been sent to me, I thought it only my duty to mention the fact.

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Senator WALKER

- Personally, I was. rather sorry that the Council of Churches and others had selected me to propose this motion. I would sooner some one with more parliamentary experience had been asked to do so, but I felt it was an honour I could not well refuse, more especially as you, sir, may perhaps remember that at the Convention in Adelaide, when the honorable member for South Australia, Mr. Glynn, proposed in the Constitution that there should be a recognition of the Almighty, I seconded the motion. It is needless to remind honorable members that, in some of the States at all events, the fact of there being a recognition of the Almighty in the Constitution had a great deal to do with making the referendum a success. Many persons would not have given their adhesion to Federation had there not been in the preamble of the Constitution the words, "humbly relying on the blessing of Almighty God." I do not think I am called upon to make a lengthy speech in submitting this motion, because I am happy to have ascertained that almost all honorable members are disposed to allow it to pass in deference to the views of outsiders, even if honorable members themselves have not very strong opinions upon the subject. Personally, I. have been brought up in what some people may perhaps regard as a narrow school, though I am not disposed to agree with them in that view. I was brought up in a school in which I was taught to acknowledge the guidance of the Almighty in all my ways, and following that, I am consistent in moving that this instruction be sent on to the Standing Orders Committee. I trust that the fact that the proceedings of Parliament will be commenced with prayer, will do something to increase the spirit of reverence in this rising community. In Australia the absence of reverence on the part of young people is frequently very noticeable, and it behoves us to do what we can to. maintain the old idea on the subject of the recognition of the Almighty, with all consideration for those who differ from us, and I trust that anything I may say will not be offensive to those who think somewhat differently from me. In addition to the preamble in the Constitution, we have the fact that the Governor-General opened this Parliament with prayer, and we have the knowledge that the Legislatures of the United Kingdom, the United States of America, the Dominion of Canada, the State of Queensland, and the Legislative Council of the State in which we are at present, are opened with prayer. All this from my point of view goes to prove that we have good ground for adopting the same course in our proceedings. In the national anthem, which we all sing from time to time, there is a distinct recognition of the Almighty, and perhaps some are not aware that originally the phrase "good-bye" was a prayer. It was a contraction of "God be wi' ye," and its equivalent in French is "adieu." We are, therefore, following a national custom in upholding the system which I now suggest. In another place, I see that a gentleman suggested that there should be a chaplain to read prayers. I am not in favour of that idea. I do not think it is at all necessary that there should be a particular person to offer up prayer to the Almighty. It is not necessarily a sign of over righteousness when a man prays ; the greatest sinners may pray, both on their own behalf and for others. I shall no longer trespass upon the time of the House, but simply move the motion standing in my name. I hope that I have not said anything to offend the susceptibilities of any senator present.

Postmaster-General

Senator DRAKE

. - I have no objection to this motion myself, and I am prepared to second it. Personally, I am entirely in

favour of opening our proceedings with prayer. I am not speaking now from a religious point of view - not that I desire it to be understood that I regard that point of view with anything but the greatest respect, but there may be others better qualified than myself to speak on that aspect of the subject. I have been accustomed, in the State from which I come, to see the proceedings of the Legislative Council opened with prayer, consisting of two collects and the Lord's Prayer. I am inclined to think that a few moments spent in that way make a break in the business of the day, and perhaps induce an attitude of mind on the part of members of the Legislature that is favourable to the despatch of the business which they have to perform. I think, therefore, that on that ground alone, if for no other reason, it is desirable that our proceedings shall be opened in that way. I am happy to support and to second the motion.

Senator FERGUSON

- I rose to second the motion, but Senator Drake having done so already, there is nothing for me to say. I quite agree with the motion. During the whole of my parliamentary experience in Queensland, I have been accustomed to see our proceedings opened with prayer. The House there has always been opened with prayer, and I do not think that the Senate will have any objection to adopting the same course.

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Senator Sir JOSIAH SYMON

- I should like to say that, whilst I am sure no one can do other than commend Senator Walker for the manner in which he has introduced the motion, and also commend the motion for acceptance, it would be well for the Senate to bear in mind that, though we are prepared to open our proceedings with prayer, we prohibit the same course from being adopted in the schools of the States.

Senator MCGREGOR

- For what I am about to say I take the whole responsibility ; I wish to dissociate the party to which I belong from all responsibility in reference to the views which I am about to express. I am not going to allow any one to pose as a saint in this Senate, or to allow the public to imagine that any particular individuals have a certain amount of sanctity about them which other senators do not possess. I may say that, with yourself, sir, I have received various letters from different parts of the State to which I belong, from religious institutions and from private individuals, all of whom, to their honour, have requested me to do all I possibly can to assist in bringing about the opening of the Federal Parliament with prayer. I appreciate their motives. I always give credit to people who are attempting to do what appears to them to be good. As far as religious observances are concerned, I honour those who carry them out in a legitimate way : but I want to put it to senators - "Is religion to be made a parade of?" Did He, who first gave Christianity to us, teach us to pray in high places? Were not His instructions to His followers not to be like the Pharisees, who uncover their heads at the corners of the streets, and make long prayers? Were not His instructions - "Ye, when you pray, go into your closets, that your Father, who seeth in secret, may reward you openly?" Is it following out that teaching to open an institution like this with prayer? Who is going to offer that prayer? Am I to sit here and listen to somebody committing what to my knowledge may be an act of blasphemy, and then think that the Christian religion is being, honoured? The gentlemen who framed the Commonwealth Constitution were probably good men, and to a greater extent wished to appear good men, and of course they were very anxious that the Almighty should be recognised in that Constitution. I say that every man - should honour the Almighty in his own heart, and not be anxious to publish his sanctity and reverence for everybody else to admire. Those gentlemen who framed the Constitution must have had something in their minds when they put into the Constitution the provision which in the original draft was clause 115, but which we know as section 116. I would like to call your attention to it, sir, and see if according to section 116, it is within the power of this Chamber to do anything of the kind proposed - to make a parade of religion. Section 116 says that - The Parliament of the Commonwealth shall not impose any new religion, nor any religious observances. What did the framers of the Constitution mean? Did they mean that the Parliament was not to impose religious observances in the streets or in the schools? Did they mean that Parliament was not to impose religious observances anywhere else but here? I would like to place these considerations before you, sir, in the first place, and before honorable senators. I have every respect for good people. I always admire them, and endeavour, as far as I possibly can, to follow their example. I believe in the religion that is in the heart, and not in the religion that is on the coat-sleeve. I believe in the religion that makes senators as well as other individuals behave as brothers toward each other and as Christians in all things and not in the

religion that requires to be paraded either in the Parliament House, the theatre, or at the street corners.  
Senator Major GOULD

- I am sure honorable members will give the senator who has just resumed his seat full credit for the view's he entertains, and although he appears 'to be in opposition the present proposal, still we do not fail recognise that he has stated his fullest belief in religion where properly observed. But let me point out to him that this is not an occasion on which we are merely to say that we are instructed that religion is to be observed only in the closet ; that a man is to confine his religious observances simply to his own chamber. That, no doubt, is the proper place for a man to observe many of these principles. At the same time, are we not told that it is well for men when they meet together to recognise the divine authority ? According to the argument put before the Senate just now, our churches should be closed ; there should be no observance of religion in the churches of our land.

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Senator McGregor

- Certainly there should.

Senator Major GOULD

- Because they would probably be making a parade of religion.

Senator McGregor

- Hear, hear.

Senator Stewart

- They meet for the distinct purpose of worship.

Senator McGregor

- Where two or three are gathered together in my name, there am I in the midst of them.

Senator Major GOULD

-I recognise that in church people are gathered for the purpose of worship; but, when in an assembly such as this men are engaged in religious observance, are they not gathered together in the name of the Almighty at that particular moment ?

Senator Dobson

- In the name of Christian democracy, surely.

Senator Major GOULD

- Certainly I do not suppose there is a saint amongst us, if things are looked at thoroughly. At any rate, this is simply a recognition of a divine power and a divine authority. It is simply pointing out to the people of the country that in the highest court of our realm we are given to recognise that there is a God above us, and we should at all times lead the people to believe that we are following out what we claim to be the principles of a Christian country. We know that Christianity is regarded as portion of the law of Great Britain, and I do not think that any objection should or could well be taken to a motion such as the present one, and I am quite sure that Senator Walker puts it on really higher authority than, the mere fact that Parliaments elsewhere are opened by prayer. He puts it on the higher authority that he believes it is a proper thing to recognise the power of the Almighty when we are going to attempt to legislate in the interests of the people of the country.

Senator McGregor

- He can do that in the morning before he comes here.

Senator Major GOULD

- He can, I admit, but he will be none the worse for doing it in conjunction with others. I certainly commend the motion strongly to honorable senators, and I am perfectly sure that they will practically be of one mind, and accept it as a proper principle to lay down in connexion with legislation by means of which we hope to promote the prosperity of the great community of which we are endeavouring to lay the frame-work.

Senator McGregor

- What does section 116 say?

Senator Sir FREDERICK SARGOOD

- I do not propose to discuss the motion, I simply desire to say that I entirely agree with it. Prayer is what I have been used to in this Chamber for 28 years, and I should be very sorry to see that, to my mind, desirable observance discontinued.

Senator Stewart

- It did not have much effect.

Senator Sir FREDERICK SARGOOD

- I wish to take exception to a remark by Senator McGregor. He maintains that it is not in the power of the Senate to pass such a standing order as is proposed, and, in support of that view, quotes section 116 of the Constitution Act. The section says : -

The Commonwealth shall not make any law.

A standing order is not a law. A law requires to be made by both Houses of Parliament and by the Crown.

Senator McGregor

- Read on.

Senator Sir FREDERICK SARGOOD

- It goes on to say - for establishing any religion or for imposing any religious observance.

I take it that those are the words on which the honorable senator depends, but I would again point out to him that a standing order is not a law, and therefore I think his argument falls to the ground.

Senator BEST

- I hope that the motion which has been so nicely submitted by Senator Walker will meet with unanimous acceptance. I most deeply deplore that Senator McGregor introduced the feature that honorable senators who support the motion are guilty to some extent of cant or pharisaical display.

A Senator. - Or hypocrisy.

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Senator BEST

- Or hypocrisy. I trust that every honorable senator has the utmost contempt for anything of the kind. At the same time I trust that we, as a representative body, may at least acknowledge the Almighty in our doings, that we may at least follow the precedent which has been well established in other communities. The Commonwealth Act itself is framed with a humble reliance upon Divine Providence. Moreover, the Parliament of another great Dominion or Commonwealth has by each of its Chambers adopted a resolution of the kind. And the other House of this Parliament has seen fit almost unanimously to do the same. Apart altogether from the religious aspect of the matter, which is an exceedingly important one, I think, as a public body, we are called upon to make this acknowledgment and to ask for guidance in our deliberations.

Senator PEARCE

- I shall support the motion, but I think it would be as well if honorable senators were to indicate to the Standing Orders Committee what form the prayer should take. I trust that- it will be confined to the Lord's Prayer.

Senator Dobson

- We must have a special suitable form.

Senator PEARCE

- I trust that it will be confined to the Lord's Prayer, and only on that ground do I support the proposal, because while agreeing with a lot that has been said by Senator McGregor, I believe that the principles and precepts contained in that prayer, even if uttered by atheists, are worthy of the concurrence of honorable senators, and would do no harm, but may possibly inculcate into their minds thoughts which will have a beneficial effect on the legislation they are passing.

Senator Dobson

- We can have the Lord's Prayer and a special prayer.

Senator PEARCE

- I object to manmade prayer. I object to any prayer being put into the mouths of honorable senators. I consider that we can all agree with the precepts laid down in the Lord's Prayer. Senator Walker used an expression which I take exception to. He said that one reason which prompted him to move this motion was that he thought it would act as a check to the want of reverence in the youth of Australia.

Senator McGregor

- - That is a slander.

Senator PEARCE

- I think it would have been far better if the honorable senator had moved the motion without making that reflection on the youth of Australia. I do not think it can be said that the young people of Australia are any

less reverent than the young people of any other portion of the British dominions. Possibly the abuse which has been made of religion is the cause of a good deal of the want of reverence in Australian youth. It is the uses to which religion has been put which have caused a good deal of this want of reverence, and I certainly disagree that this provision is needed in order to inculcate a feeling of reverence in the Australian youth. What is -needed, I think, is a better use of the religious forms and observances that they have in other places.

Senator -Lt. -Col. NEILD(New South Wales). - As one of the speakers at the great public meeting held in Sydney a few years ago to request that the Convention would be pleased to insert words in the Constitution Bill recognising the existence of the Almighty, I feel that I ought not to give an absolutely silent vote on this subject. I therefore simply rise to say that the motion, has my entire concurrence.

Senator BARRETT

- Before the motion is put, I should like to say a few words in order that I shall not give a silent vote. I can only say that I am in entire accord with the motion that has been proposed by Senator Walker. I think that before this House commences the duties of the day, it is a small thing that we should ask Divine guidance. I am one of those who, perhaps, like Senator Walker,, have been brought up in rather a strict school, and since I have come to the years of manhood, I have had no reason to change the views I hold upon this particular subject. I believe that " righteousness exalteth » nation," and, holding that view, I think it is right that when this Senate meets we should ask Divine 'guidance in the matter we have in -hand. I! cordially support the motion, and hope and' believe it will be agreed to unanimously.

Question resolved in the affirmative.

#### APPOINTMENT OF MEMBERS OF PARLIAMENT TO PUBLIC OFFICES

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Senator HIGGS

- I move -

That, ill the opinion of the Senate, no person, being a member of the Federal 1'iu-liame.nfc, or within twelve months of his .ceasing to be a member, should be appointed to any office, the acceptance or holding of which would render him incapable of being chosen, or of sitting as a member.

I trust I have not given too short a notice to honorable members in putting this motion down for to-day, because it contains the affirmation of a very great principle, and it will have, I think, a very important effect. I .do not think there is any more honorable position in this world than that of a legislator, u man who has it in his power to assist in making the laws which have such an influence on the daily lives of the people. . I think there -is very great dignity attached to the position of a Member of Parliament, although sometimes that dignity is, to a great extent, modified by the individual acts of the man who occupies the position. I do not propose, in moving this motion, to reflect in any way upon any member of the Federal Parliament, Or upon any member of any State Parliament, in the remarks which I am about to make. The Federal Government will have it in its power very shortly to make certain appointments. There will have to be a Chief Justice, and several other Judges. There will have to be appointments in connection with the Inter-State Commission, and there are several other appointments which will be within the scope of the powers of the Federal Ministry. But without in any way. reflecting upon any member of the Federal Ministry, I think we can safely pass a resolution of this kind, stating that in our opinion no member of the present Federal Parliament should be appointed to an office which would render him incapable of being a member. I can well believe that an unscrupulous Federal Ministry might appoint to a lucrative position some skilful and powerful opponent whom they wished to get out of the way, and I am sure members of this Senate must have had some experience of the fact that there have been appointments made from among Members of Parliament in certain States which have amounted to nothing short of very grave scandals. Why, Ministers have actually appointed themselves to certain positions. We have seen a Minister who was in office for only a few hours appoint himself to a very important position in the judiciary of a certain State, and I remember well in the New South Wales Assembly a very capable and effective critic of the Government being appointed to a1 position in the State service at a good salary, and for many years that gentleman was lost to the public life of the State excepting in that position.

Senator Glassey

- He was not bound to take it unless he liked.

Senator HIGGS



- No, he was not bound to take it unless he liked.

Senator Pulsford

- Name !

Senator HIGGS

- No, I do not want to give names. The gentleman who was appointed has passed away: He was not bound to take it, but we should place it beyond the power of any Ministry or any leader of a Ministry to put temptation in the way of a Member of Parliament. I think it would be a calamity if some of the gentlemen who now occupy positions in this Federal Parliament were to accept positions that might be offered to them by-and-by by the Federal Ministry.

Senator Dobson

- Would you exclude a Member of Parliament from taking a seat in the High Court ?

Senator HIGGS

- I would exclude every Member of Parliament from taking a position of the kind.

Senator Dobson

- It is hardly fair to them.

Senator HIGGS

- Any member of this Federal Parliament who is ambitious of occupying a seat on the bench should have told the electors - " Gentlemen, if you elect me to the Senate or the House of Representatives, it is my intention, if offered the position, to take a seat in the High Court."

Senator Playford

- The electors knew that possibly some of them would be candidates.

Senator HIGGS

- We all went before the electors and led them to believe that our great desire was to serve our country in the Senate.

Senator Playford

- Or in any other sphere where we might be useful 1

Senator HIGGS

- We did not qualify our statement in that way. We were all very careful to inform the electors that it was our desire to serve the country, in endeavouring to so shape its laws that they would be for the peace, order, and good government of the community. If any member, of the Senate or of the House of Representatives had such a poor opinion of the position that he made the mental reservation that, if he got a chance, he would abandon it, and get away into a comfortable and lucrative position, I think we should do all in our power to put a stop to that kind of thing. I think we can do it by passing a resolution of this kind. I hold strongly the view, more especially with regard to the Judges, that no member of the legal profession who enters into the hurlyburly of politics should become a Judge.

Senator Dobson

- Why, it is the stepping stone from the . Attorney-Generalship to the Bench.

Senator HIGGS

- It should not be.

Senator Dobson

- It has been so for ages.

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Senator HIGGS

- Members of the legal profession - and there are several distinguished ornaments of that profession in this Chamber - will know that there is such a thing as unconscious bias, and that the man who has any aggressive qualities at all who takes part in politics must in his career make enemies.

Senator Charleston

- Not persona] enemies.

Senator HIGGS

- Perhaps in a manner of which he is unconscious they are personal enemies. I can well believe that a politician who afterwards accepted a position on the Bench would be, when a case came before him in which his political opponent of former years was a party, unconsciously biased against him.

Senator Playford

- The fear that it might be thought he was biased against his former political opponent might induce him to err in the other direction.

Senator HIGGS

- Senator Playford has explained in what manner this bias might occur. Such a Judge may be afraid that if he gives a correct decision it will be thought he is biased against his former political opponent, and he will, therefore, give it the other way. The man who enters the legal profession with the desire that at some time he may reach the Bench, does not make so many enemies as the barrister who takes a prominent part in political life. We have, I am sure, seen so many cases of political appointments to the judiciary that, however old the practice may be, the Federal Parliament should, early in its history, condemn the system.

Senator Playford

- The system has worked well in England, where we have one of the finest lot of Judges in the world.

Senator HIGGS

- What is the meaning of the contention that Parliament should be the stepping-stone to the bench?

Senator Stewart

- It means political patronage.

Senator HIGGS

- Have we not seen in some of the State Parliaments that in order to get rid of an opponent, or to placate a political party, or to reward some prominent supporter, appointments have been made which ought not to have been made.

Senator Sir FREDERICK SARGOOD

- Perfectly true.

Senator HIGGS

- I am glad to find that the views which I hold are not quite unsupported. I am sure that in Queensland, without mentioning any names, we could cite instances where political patronage has been exercised to the very great disadvantage of capable, earnest, conscientious members of the profession, who were too sensitive to take part in the struggle necessary to get into Parliament, and who declined to allow their characters to be criticised and blackened as the characters of some persons are in this connexion.

Senator Playford

- - They are not worth much for the rough and tumble of this world if they mind that.

Senator HIGGS

- I know that in Queensland there are cases in which members of the legal profession, who have succeeded in becoming Members of Parliament, have been appointed, on account of their support to certain political parties, over the heads of members of the profession who had been at the bar for years, and who were entitled to the posts if any one was entitled to them. The proposition which I am making is embodied in the Victorian Constitution Act, which provides that -

If any person shall, while he is a member of the said Council or Assembly, or within six months after ceasing to be such member, accept any office of profit under the Crown. . . . he shall be liable to a penalty.

Senator Playford

- What is the penalty ?

Senator HIGGS

- The penalty is £50.

Senator Playford

- That would not be much to pay for a good judgeship.

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Senator HIGGS

- I think the penalty is. £50 a day : it does not matter, however, what it is. The fact remains that the framers of the Constitution for Victoria saw the great moral disadvantage that there is in allowing politicians to accept these positions, and therefore they inserted this clause. The Federal Convention at Adelaide dealt with this very question. I propose to read the opinions of four or five of the gentlemen who took part in the debate there, in order to show that, although some of the members thought it would be a mistake to embody the proposal in the Constitution, every one who spoke condemned the practice of

appointing Members of Parliament to these positions. The Right Honorable Sir George Turner, who is now the Federal Treasurer, said in discussing the question - I quote from page 740 of the Adelaide Reports -

What I desire to do is to make a provision so that if any person who is a member accepts office, he shall be liable to a penalty, and if any person accepts office within six months after ceasing to be a member, he shall be liable to some penalty. The object is to prevent the Ministry of the day from bestowing- its patronage upon Members of Parliament

Turning to page 741 of the same Reports, it will be found that Senator Sir William Zeal said -

If it is meant to apply to general cases, as it does in Victoria, it should be made to apply to ' gentlemen inspiring to seats on the Bench. If it ' isa source of danger to appoint Members of Parliament to positions of profit under the Crown, is it not a hundredfold more dangerous to appoint a Member of Parliament, he being an active partisan, to the office of Chief Justice ? The exemption should be carried out in its entirety and the clause made to absolutely prevent all Members of Parliament from accepting offices of profit.

Then at page 742 it will be found that Senator Dobson said -

I also suggest, having listened to Sir George Turner's reasons, that this required term of six months should be made twelve. If any Federal Ministers want to reward one of their supporters by giving him a lucrative post, the term should be twelve months, because, after the session is over, or all the motions of want of confidence are dealt with, six months would not be long enough.

The Minister for Trade and Customs said -

I suggested that it will be sufficient if we give the Federal Parliament power to deal with' it.

Mr.Barton If it is a question of policy it ought to be kept for the Parliament itself.

Mr.Deakin Certainly : and giving the Parliament the power would lie ample to meet the case.

Mr Fraser

- That is all very well, but we want to protect Parliament against improper proceedings. I remember a case, such as Mr. Deakin refers to, in which Parliament passed an amending Act, making the appointment legal. Therefore, I think the object is now to protect the Parliament against wrong-doing like that.

That is at page 743. Then the Prime Minister said, page 744 -

This is a matter of policy, and where we find it distinctly one of policy it ought to be left to the Parliament of the Commonwealth to legislate upon it, otherwise it will be so hampered that it will be difficult to say to what extent its members or electors are free men.

Senator Sir William Zeal said, page 744

The object of the amendment is to protect Parliament against itself. I can testify to the fact that it has conduced to purity of administration, and, during troublous times, it has been a great boon. ,If its insertion is necessary in the case of minor appointments, it is, I repeat, doubly necessary in the case of major appointments, for it is quite possible that. Parliament, at the instance of a strong powerful Government, might be induced to acquiesce in the appointment of a gentleman to one of the chief offices of the Crown as a reward for political services rendered to the Government. Why should we shirk the question ? Why not deal with it now and protect Parliament against itself ?

Senator Playford

- The honorable senator, forgot to quote the remark of the Treasurer, that the Agent-General and Judges of the Supreme Court will be excepted. The honorable . member should quote fairly. He 'left out an important qualifying statement which ought to have, been included. The honorable senator has quoted the Treasurer as if his remarks applied "to the Judges, Agents eneral, and every one else.

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Senator HIGGS

- I will look that up later on. Senator Sir Josiah Symon said, page 746 -

I entirely agree with the propriety of the legislation in this colony, which puts a restriction on the power of the Executive to hold out offices as a temptation to members of the Legislature. Nothing could be more desirable than to have a provision like that : but the question is whether we ought to leave it to the Federal Parliament to deal with, or introduce it into this Constitution, and introduce it in a. particular portion of the Act where it is not really applicable.

There was not a single member of the Federal Convention who addressed himself to this question, but

affirmed that it was desirable to prevent Members of Parliament, from accepting such positions. The only difference, as I have said, was in their views as to whether the prohibition clause should occupy a place in the Constitution Act, or whether the matter should be left to the Federal Parliament. We have been given power by the framers of the Constitution to deal with the subject. Therefore, no senator can regard my proposal as a reflection on . any Member of Parliament. The framers of the Constitution would have placed a provision in that measure, but they thought we ourselves might safely be left to decide the question. They had no doubt about the wisdom of not appointing Members of Parliament to these positions ; but they thought it only right that Parliament itself should express an opinion on the subject. We should at this early stage, before the present Ministry make appointments, say that we are of opinion that no member of this Parliament shall be offered a position under the Crown, whether it is as a member of the High Court, or as an officer in the lowest grades of the civil service. I shall not speak at greater length ; but jio doubt I shall have the support of some of the very eloquent senators who, on the occasion I have mentioned, discussed this subject.

Postmaster-General

Senator DRAKE

. - I am not able to support this motion.

Senator Glassey

- I should think not.

Senator DRAKE

- It would be very unfair to pass it, because it seems to me to attach a disqualification to members of both branches of the Legislature. Those gentlemen have been selected by the votes of the people in their States "for the very high positions of members of the Federal Parliament; and why should we go out of our way to condemn them as being unfit for their positions ? It seems to me that the mere fact that they have the approbation of the people of those States is rather an argument for considering that they were worthy of their positions than a reason for. attaching this stigma to them. It is not only the members of this branch of the Legislature who are placed under this disqualification by the honorable member's motion ; he also proposes to disqualify the members of the other branch - an action which properly, would be very strongly resented. I am inclined to attach very great weight to the opinions that were expressed at the Federal Convention, but I do not think we are bound by expressions of opinion by the members of that Contention. What was suggested in the speeches which have been quoted by Senator Higgs was that this Parliament, as a Parliament should deal with the matter. But Senator Higgs is not proposing that Parliament, as a Parliament should deal with the matter. He only asks that the Senate shall, express, its opinion ; and the expression of opinion that he recommends is to the effect that members who have been elected to tins branch of the Legislature or the other are unfit to fulfil high offices outside Parliament. We should not be doing justice to the States we represent, to the Commonwealth, or to Parliament if we were to agree to such a resolution as this.' We should do everything we can to uphold the 'dignity and credit of the Legislature ; but, by passing a resolution of this kind, we shall be practically condemning members of the Legislature as being persons who are not fit to hold office outside Parliament. I do not think it is necessary to enlarge on the subject. I simply express my very strong disapproval of the motion, and, if it goes to a division, I shall vote against it.

Senator Major GOULD

- I would like to add a few words to what has already been said. I recognise, as every honorable member recognises, that there is a strong feeling amongst a large section of the community on the question of Members of Parliament obtaining appointments from Governments of the day. I am also aware that in certain cases abuses have arisen in consequence of that practice. But ' it appears to me that we should be concerned, not only for the interests of individual members, but as to what is best in the interests of the community as a whole. To my mind it appears to be a distinct disadvantage to a community to place a bar against the admission of, perhaps, the very best men in the community to the legislative halls.

Senator Higgs

- Let them resign from Parliament.

Senator Major GOULD

-In the first place we recognise that the Legislature does or ought to embrace the best minds obtainable for the purpose of making laws for the people of the country. I will take the case, in the first instance, of

members of the legal profession. Members of this profession are found in large numbers in all deliberative assemblies, and we find some of the most eminent legal men there. Why are they there? Because the people have- elected. them, believing they can do the work in the interests of the country at large. Say, for argument sake, that a man qualified for the position of Judge is not allowed to enter Parliament if he hopes to obtain a judgeship 1 Is that desirable in the interests of the community 1

Senator Higgs

- Yes, it is.

Senator Major GOULD

- Is it desirable, in the interests of the community, to keep some of the best minds in the States out of Parliament? That is really what this motion would lead to.

A Senator. - The best legal minds.

Senator Major GOULD

- Well, say that the motion would keep the best legal minds out of Parliament. I know there are some honorable members, I will not say honorable members here, but there are some people who think it is undesirable to see legal men in the Legislature at all.

Senator DRAKE

- This motion is not' confined to legal appointments.

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Senator Major GOULD

- No, but] am alluding to legal men at the present time. At the same time, we find people recognising the fact that the best men they can get to represent them are men belonging to the legal profession ; and it would be a distinct disadvantage to the State and the Commonwealth to say that when a man is sent to the Legislature because of his eminent qualifications, he shall not be .available to the Government for an appointment to the Bench.

A Senator. - If the people think he is "the best man for the Legislature, why does he not stop in the Legislature 1

Senator Major GOULD

- The best men in the Legislature may be the best men in other positions as well. I distinctly dissent from the statement that we should exclude men from the opportunity of taking positions which it would be of benefit to the community at large for them to take. In a neighbouring State a provision has been made, or an expression of opinion has been given, to the effect that no man who is in the Legislature there shall receive briefs on behalf of the Crown.

Senator Glassey

- Is that in New South Wales 1

Senator Major GOULD

- That provision has had the effect of keeping out of Parliament some extremely good men, because these men are usually briefed by the Crown. The good men who do go into Parliament are invariably briefed against the Crown, the Crown selection being restricted most materially.

A Senator. - The Prime Minister, when Attorney-General in New South Wales, received a brief.

Senator Major GOULD

- He held a brief for the Crown. As Attorney-General it was his duty to do so.

A Senator. - But the Prime Minister accepted a brief against the Crown while he was Attorney-General.

Senator Major GOULD

- That is a different matter altogether, which would not be touched by the resolution. We know very well that in that particular case the penalty was paid, although it was distinctly stated - and it is only fair to say this as a matter of justice - by the gentleman implicated, that he had not done any work against the Crown while he was Attorney-General. I think he held the brief beforehand, and the mistake he made was in not returning it as soon as he accepted the position of Attorney-General. But all that is beside the question. It is to the benefit of the community that there should be an opportunity to choose the best men for judicial positions, and the same may be said in regard to other positions. Suppose that a man is eminently qualified to accept a position on the Inter-State Commission to be appointed shortly. Is it in the interests of the community to say that, because a man. occupies a seat in either branch of the Legislature, he, therefore, may not be permitted to take the position, although the public recognise him as head and

shoulders over every other man available for the appointment 1 And the same question may be asked with regard to minor appointments.

A Senator. - The public have no say in the appointment of the Inter-State Commission.

Senator Major GOULD

- If the Government make an appointment of which the public disapprove strongly. Is it not open to the public to express their disapproval through the representatives of the people, and put the Government out, if necessary 1 To my mind, the proper plan is not to put a man under a disability or ban, but to say to the Government - " We will watch the appointments you make, and the moment we consider an appointment is made in your own interests, and from corrupt motives, and not in the interests of the public, we, the people of Australia, will take the matter in hand and deal with it at once." We ought to have effective control over the Government appointments, and, at the same time, give the utmost liberty of choice. We will assume, for the sake of argument, that the Government appoint a strong oppositionist to an important position. If that, strong oppositionist is the very best man that can be obtained for the appointment, the Government would act rightly in appointing him.

A Senator. - He may not be the best man, but the most convenient.

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Senator Major GOULD

- There would be an opportunity to deal with such a case. I distinctly dissent from the principle that because a man, by the voice of the people of the country, obtains a seat in the Legislature, he should be debarred from appointment to a position, although he may be eminently fitted for it. I do not oppose the motion as one on which there is nothing to be said on the other side, because I recognise there is a great deal to be said. It expresses an opinion honestly held by a large section of the community ; but, at the same time, my opinion is that the balance of advantages is in favour of dealing with the matter not in this particular way, but by leaving it entirely open,' while letting the Government understand that any appointments they make will be looked into most closely and criticised severely if any corrupt motives are found. That, I say, is the way' in which the interests of the public could be most carefully safeguarded and protected.

Senator Sir FREDERICK SARGOOD

- There is a great deal to be said in favour of the principle proposed in this motion. Those who have paid any attention to practical politics in the various States during the past 30 years, must recollect not a few cases in which, had there been such a law in existence as is now proposed, some political scandals would have been avoided. In Victoria a law of this kind has been in existence since the foundation of the Constitution, and, so far as I am aware, it has worked satisfactorily. If it be the desire that a certain member of either House should be selected for a certain position as being the most capable man, it is not a difficult matter for him to resign his seat, and, as provided in Victoria, wait for six months before the appointment is made. But I venture to think - even if I entirely agreed with the principle - that this motion is inopportune, because our position now" is very different from what it will be when once the Commonwealth ship is fairly launched and fully manned. There are a number of important positions that must be filled, and filled promptly, if the Commonwealth machinery is to be carried on satisfactorily, and therefore for Parliament to pass a law of this nature during the next twelve months would, to my mind, be very inadvisable. During that time we shall need to select the most suitable men, whether they be inside or outside of Parliament, for a number of important positions. I think it is very undesirable that the Commonwealth should in any way restrict the choice of men in the present circumstances. I would also point out that this, after all, is merely a resolution of one branch of the Legislature. It is merely an expression of opinion on the part of this House. But if this House, or a large section of it, thinks that it is desirable that such a course should be adopted, the proper plan to follow is to introduce a Bill, to pass it through this House, and send it on to another place to be dealt with. Simply to pass a resolution is like beating the wind, It can have no effect. It appears to me that it would be very much better for those who think that this is desirable legislation to introduce a Bill and let this House deal, with it and send it on to the other Chamber. Personally, I should oppose such a Bill at the present time, as 1 shall oppose this motion, for the reason that during the next six or eight months we must select the best men we can get to thoroughly man our State ship.

Senator DE LARGIE

- There seems to be an erroneous idea that this motion is directed at the lawyers, with the object of preventing them from gaining any benefit from their profession or practice. I think that it is rather aimed at preventing undue practices in connexion with the appointment of lawyers to high positions. They can continue their work as lawyers even if this motion is carried. I do not think this is a motion that any one can object to, seeing that we have carried, this morning, a resolution asking the Almighty to keep us out of temptation. This motion has the same purpose in view. We wish to keep the able lawyer who comes into Parliament from the temptation that we are going to ask the Almighty every day that we meet here, to keep us all from. This is only fit and proper. The dignity of the Chamber has been very much talked of since Parliament opened. If we carry a motion of this kind we shall raise the\* dignity of the Chamber much higher than by reciting a lot of prayers. We shall show some earnestness- at least. If we have a very able man in the Federal Parliament,, instead of offering him inducements to leave it, we should do everything we can to retain him. This, motion is a step in the right direction. We desire to retain the great abilities of these men in Parliament, and to allow lawyers outside who wish to make the legal profession their study, to fill whatever billets may be vacant. Therefore, I am altogether in. favour of the motion, and will support it.

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Senator STEWART

- I desire to support this motion, and I consider that it is a very necessary one, and should be adopted by this Chamber in the interests of political morality. I find that every senator who has addressed himself to the subject approves of the spirit of the resolution. We all agree that there is a feeling outside that politicians are placed in a position of: undue preference with regard to certain public appointments, and therefore it is necessary to do something to limit the excess of opportunities which they possess. But when we come down -with a concrete proposal, some senators are against it. Now, if there is an evil, should not honorable senators proceed at once to apply the remedy?

A Senator. - But the honorable senator is trying to apply the remedy too soon.

Senator STEWART

- I do not think that we can begin too soon to apply a remedy in a matter of 'this kind. Some senators have concluded that this motion is aimed specially at the legal profession, but it is not intended to deal with that profession any more than with other professions. The legal profession will necessarily be involved, and perhaps more than any other profession. For some reason or other - I have not been able to ' fathom it yet - we find far more lawyers coming into Parliament than members of any other profession. It pays an engineer far better not to enter upon the field of politics. A medical man rarely goes into politics, and if he does, no patient will consult him about the state of his health, because all recognise that no man can serve two masters. A man cannot be an active political student and an explorer in the region of medical science. If I want advice upon any question I go to a specialist-to the man who devotes his entire time and energy to that special subject. If I want the advice of a physician I do not go to a quasi-politican, but to a man who devotes himself entirely to the study of his profession. If I wanted the advice of a lawyer I should not go to the political lawyer, because I know that those gentlemen, however great may be the opportunities which present themselves, are rarely good lawyers. I think that what I have said must appeal to every honorable senator. We are all men of the world. We know what is what as well as our neighbours do. I have- no doubt that the honorable senator who introduced this motion did so with a view to preventing certain members of the legal profession in Parliament from being exalted to judgeships of the Commonwealth.

A Senator. - He does not want to lose them.

Senator STEWART

- He introduced this motion with a view to preventing that. The Postmaster-General said that in doing so an attempt was being made to. place a stigma on Members of Parliament. What is attempted to be done in this motion is to place Members of Parliament outside the region of suspicion. We will not allow any Member of Parliament to be a Government contractor. If a Member of Parliament supplies goods to the Government he is committing an offence - he loses his seat, and is subjected to a penalty. If an honorable senator resigns his position to-day and becomes a large Government contractor to-morrow, the public immediately conclude that political influence has been brought to bear, and that corruption is at the root of it.

Senator Gould

- This resolution would not interfere with that.

Senator STEWART

- I am quite aware of that. I am merely citing the case as an illustration. We do not permit that sort of thing with Members of Parliament. But when we come down to the specially privileged individuals who wear horse-hair wigs and cloaks, and who 'form one of the closest unions under God's sky, there are exemptions in regard to them. They can hold any number of offices under the Crown: A man may be 'an Attorney-General for the Government and he may take a brief against the Government.

Senator GLASSEY

- That is wrong.

Senator STEWART

- Did not Mr. Isaacs, when Attorney-General of "Victoria, take a brief against the people of Victoria in London ?

Senator Fraser

- Not against the Crown\*

Senator Glassey

- A case of that kind ought to be treated as treason.

Senator STEWART

- In any case 'we have lawyers occupying different positions under the Crown and drawing payment for each position. We know very well that lawyers are a brand of individuals who do not do anything for nothing.

Senator Sir Frederick Sargood

- They are not singular in that.

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Senator STEWART

- They are very much plural. We know that if this motion is passed the result may be to prevent some very honorable and distinguished individuals from securing certain positions under the Crown. Not only is it assumed that these gentlemen are honorable and distinguished, but it is also assumed that they are very competent. I think honorable senators will have gathered from what I have said that I do not believe in the competence of the political lawyer. One honorable senator interjected that in Great Britain the Judges are all drawn from the ranks of the politicians. I know that perfectly well ; but that is only one of a thousand abuses which exist in Great Britain. How is it possible for a man to become an expert lawyer if he devotes all his time to politics - and we know what politics are, especially in the higher ranks? How can a man succeed in his profession when he devotes all his time to intrigue and to subterfuge ?

Senator Playford

- Why is the honorable senator here ? Why did he not keep out of it?

Senator McGregor

- To watch those who are here.

Senator STEWART

- I am here as a sort of political scavenger if the honorable senator wishes to know. I am here with my broom and my bucket, and I am going to try and sweep away a great deal of the filth I find existing in our political institutions. This is one of the things I desire to assist in sweeping away.

Senator FRASER

- Be true to the calling.

Senator STEWART

- I shall certainly be true to my calling, and I shall be true to something which is much dearer to me than my calling, and that is my principles. I desire to see the very best men available appointed as Judges. I do not believe the political lawyer is the best man available. How is it possible for him to be ?

Senator Major Gould

- It is remarkable how many eminent men on the bench have been in politics.

Senator STEWART

- Every man is eminent when he is placed on a position of eminence.

Senator Harney



- No !

Senator STEWART

- Set a man on a hill, and immediately he becomes eminent - the cynosure of every beholder ; but there may be very little greatness in the man himself. Suppose you want a Chief Justice, and there is a very active lawyer-politician in this Chamber. He is in opposition to the Government ; he is a splendid politician and an able debater - a sharp thorn in their side. What do the Government say? "We shall remove this chap ; we shall shift him to some more serene atmosphere ; we shall extract this thorn - we shall place him on the bench." That has been done, not only once, but a dozen times, and will be done again unless some motion of this character is passed. The Government might also have a supporter whom they desired to reward, and he would be placed on the bench as his reward, while a great number of well-trained and capable lawyers outside, who never came into the arena of politics, would be entirely passed over. We find that the position of Attorney-General in many cases - in most cases, indeed - is given to a man, not for his eminence in law, but for his eminence in politics. Why, sir, a third-rate lawyer, a man who the members of the bar will tell you is a very poor lawyer, may come into Parliament and be an excellent politician.

Senator Dobson

- Did the honorable senator ever know a poor lawyer ?

Senator STEWART

- I believe there are some poor lawyers. I believe that some men who know a great deal of law are poor simply because they are deficient in some of the qualities which command success at the bar. A third-rate lawyer, if he is a good politician, is usually elevated to the position of Attorney-General, and we know that from that position to the Bench is only a step. We had a flagrant instance of that sort of thing in Queensland, and that perhaps makes me all the more decided as to giving my support to this motion. In Queensland we had a gentleman who not only appointed himself to the position of Chief Justice, 'but also so arranged matters that he got £1,000 a year added to his salary. All this was done because of his political power.

Senator Dobson

-Was he a third-rate lawyer ?

Senator STEWART

- I suppose the honorable and learned senator thinks he has dealt a poser to me in asking that question. I do not say that I - am competent to state whether he is a third-rate lawyer or not, but if the honorable and learned senator cares to go to Brisbane and consult some of the leading men at the bar, he can get their opinion as to that gentleman's capacity as a lawyer.

Senator DAWSON

- He was a first-class tactician.

Senator STEWART

- The whole question of the capacity of our Judges, it appears to me, can be discussed in this connexion. There is another thing that we are bound to ask ourselves - is the successful advocate likely to be the most capable Judge?

Senator Fraser. - Not always.

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Senator STEWART

- Not always, or even often in my opinion. The very qualities that go to make up a good advocate appeal to me to be wanting in the Judge. The good advocate is a man who throws himself heart and soul into one side of the question. He exercises his powers to the very fullest degree in favour of his client ; he does not see the other side at all, or if he sees it, sees it only to tear it to pieces. But the calm judicial-minded man who probably very rarely appears in the courts, but who does, perhaps, a large chamber practice, it appears to me would be a much better and more suitable man to sit on the Bench. I do not intend to say anything more in regard to the legal profession, except that I find that all the lawyers in the Convention - save, [ believe, Senator O'Connor - were quite in favour of a provision somewhat similar to this being carried. I do not know what opinion they hold to-day.

Senator Playford

- They all excepted the Judges and the Agent-General.

Senator Dobson

- If we had a Bill tomorrow we would except the Judges and the Inter-State Commissioners.

Senator STEWART

- I would not except the Judges. Why except them more than any other persons 1

Senator Dobson

- For very good reasons.

Senator STEWART

- Of course I quite understand the honorable and learned senator's reasons. There is no need that I should go into them. Some one has asked why should we be prohibited from appointing a Member of Parliament to a position on the Inter-State Commission. It is just for the very same reason that we should not appoint lawyers from the Senate to judgeships - because the whole thing has a look of political corruption about it. A strong opponent of the Government might be got rid of in this way, or a faithful adherent might be rewarded, and I say that it is absolutely necessary that we should hold ourselves above any suspicion of that character. I know that in one State at any rate a prominent politician has been angling for a position on the Inter-State Commission for some time, and it seems likely that he will get it. His capacity for the position has never been taken into consideration at all. The considerations that have weighed, and are weighing, with the people who will have the recommending of this particular individual are these: - "If so-and-so is appointed to the Inter-State Commission, I get his billet." That is one man's consideration. Another man's consideration is that "if so-and-so gets so-and-so's billet, I will get his billet, because there will be a general move up all round," and the public interest is never considered at all. There are a great many other reasons why this motion should be passed thoroughly. I do not intend to occupy the time of the Senate at any greater length. I trust that we shall, so to speak, place ourselves beyond suspicion. Whatever action we take, we should take it in such a way that there will not be the suspicion haunting the public mind that men are appointed to high positions simply for political reasons.

Senator HARNEY

- I only intend to make a few remarks. I came into the Senate when this debate was proceeding, and I must say that I was exceedingly astonished at the nature of the motion. For some moments I could not understand it. The interpretation of it as it stands, is that any person who occupies a position in this Senate, shall during the period of his membership, and for a year afterwards, be incapacitated from taking any of the high offices of State except Ministerial positions.

Senator DAWSON

- That is in order to leave an interval.

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Senator HARNEY

- It was stated by the last speaker that the motion was aimed at no one in particular, but as he proceeded he displayed the cloven hoof, and showed that the real object of the motion was to prevent lawyers who were in Parliament from being appointed to judgeships. It seems to me that the principle underlying the motion is such as we are accustomed to describe as the dog-in-manger principle. Perhaps some of these gentlemen are incapable, and therefore unlikely to receive any of these high offices, and therefore they are anxious that others shall not have an opportunity to get that for which they themselves are unfit. It seems to me that this motion casts a most unjustifiable and unnecessary stigma upon Ministers of the Crown. It implies that they would take advantage of their position to give a judgeship or some other prominent appointment to a gentleman who was unfit for it, simply because of his association with them and the friendship that it engendered, or in order to get rid of a troublesome opponent. I think the Government have so far done nothing to justify us in passing a resolution which undoubtedly in the public mind would carry an unfavorable impression -to them. The motion would undoubtedly convey to the readers of this debate the belief that the Senate has no respect whatsoever for the honest judgment of our Ministers. I would like to say one word in answer to my friend as regards lawyers. I have been brought up in the old country, where I think our bench favorably compares with the bench in any part of the world, and I have scarcely ever seen a lawyer elevated to the bench who did not go through a training in Parliament. My friend asks - how does it fit a man for the bench that . he should enter the political arena? My answer is this: What more fitting preparation can you give to those who have the explanation of the laws than to give them some training in the making of the laws? It is the duty of the Judge to interpret ; it

is the duty of the Legislature to construct. And we find in all analogous proceeding that the man who has gone through all the education of forming the machine or drawing the document is more conversant with all the details that will enable him to thoroughly explain and interpret.

Senator DAWSON

- It is the duty of a lawyer to bamboozle.

Senator HARNEY

- That is not the duty of the lawyer. It may be the practice of the lawyer to bamboozle his hearers, not because of the dishonesty of the lawyer, but because of the entangled mentality of some of his hearers. My honorable friend has said that the advocate is the person least capable of becoming a good judge, but I would point out that the faculty which makes a good advocate is the capacity of being able to see all the features of a case in the most telling light. Good advocates possess largely the analytical power which makes the mind receptive of all impressions. When a man of that character sits on the bench, - without a bias in favour of one side or the other, his mind is more prone to accept the features which are put more forcibly, and those usually are the correct features. Accordingly it has been found, although there are some notable exceptions, that the lawyer who has proved himself eminent at the bar has proved himself equally eminent on the bench. It is not because a thing is capable of being abused that therefore it has not its use. There is no doubt that the power to appoint a Judge from amongst the members of a Legislature is capable of abuse, but that would be a very poor reason indeed to induce us to rob our bench of every man who had proved himself to be a shining light in the Legislature. It seems to me that the effect of this motion would be that every man who felt from his capacities, his education, and his experience, that he was fitted to occupy some of the prominent positions in the State, would never enter Parliament, because this motion would say to him - " By entering Parliament you incapacitate yourself from reaching any of those positions."

Senator DAWSON

- Why not elect the judges on a popular vote ?

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Senator HARNEY

- Is it the desire of any of those honorable senators, who are never tired of telling us - and I quite agree with them - that Parliament should be open to the best talent of the country, that a motion should be carried which unquestionably would have the effect of restraining the ablest men from entering the arena because it would incapacitate them from accepting any of those high positions which ought to be the laudable ambition of every man of capacity? My honorable friend has said that the fact that there are many lawyers who, when they get on the bench, prove themselves to be eminent is in itself no evidence that these are good men, because any one put in an exalted position thereby becomes eminent. Even a fool may be exalted to an eminent position, but his eminence may serve only to exalt his folly. What Tennyson terms -

The fierce light that beats upon a throne is analogous to the limelight of public opinion which shine? upon the Judge, and marks out his defects instead . of hiding them. The fact that lawyers elevated from the Legislature to the bench in England and the colonies have proved eminent Judges is due to their intellect, to the inherent brightness of their character, which, notwithstanding the fierce light thrown upon it, stands out and attracts the gaze of every one. These are the only remarks I have to offer. I do not know if this motion is intended seriously, but to me it is an unwarrantable attack upon the integrity and the justice of our Ministers. Its effect in the eyes of the public would be to cast a slur on the whole Government. It would deprive our bench of its greatest lights, and, on the other hand, it would keep out of Parliament men whose budding eminence made them think that in time they -would be entitled and qualified to attain some of those high positions from which they would be debarred by this resolution.

Senator PEARCE

- I support the motion proposed by Senator Higgs, which, I think, if passed, would have the effect of purifying future appointments to the public service and to the High Court of Australia. I would remind honorable senators that we have had experience in the different States of the danger of allowing a Government to appoint political lawyers to the judicial bench. In my own State, I can remember that, quite recently, an appointment was made by an Administration that was very nearly dying, and could not face the electors with any confidence. When the appointment was announced, a round robin was signed by

the legal profession protesting against it. I would remind Senator Harney that it emanated from the legal, profession, and that it protested against the appointment on the ground that it was a political one. One of the signatories to that round robin was Senator Harney.

Senator HARNEY

- The honorable senator has stated that I signed a certain round robin. Not only did I not sign it, but on the occasion in question I wrote several letters to the newspapers, saying that the mere fact that the gentleman was a Minister of the Crown should not debar him from getting the position if he was otherwise fit for it. I was the one man who did not sign it.

Senator PEARCE

- I was under the impression that Senator Harney did sign the round robin, but I accept his explanation. It must be remembered that in this case the lawyers protested against the appointment, not because the gentleman was not a good lawyer, but because he was a member of the Ministry. It was a political appointment.

Senator Harney

- One swallow does not make a summer.

Senator PEARCE

- It does not, but under this system it is possible for abuses to creep in, and we ought to guard against them. If we pass the motion, how will the choice of Parliament be limited ? We shall still be able to choose from some hundreds of members of the legal profession: the choice will not be limited to any extent, and so far as the Inter-State Commission is concerned, I think we shall have a still wider choice outside the two Houses than we would have, if the resolution were defeated.

Senator Sir WILLIAM ZEAL

- This question was fully debated during the sittings of the Convention at Adelaide, and I took some part in it. It was proposed that members should be disallowed to take these positions, and after considerable discussion the Convention thought it wise that the matter should stand as it is placed now. I think that after mature consideration it will be found best to allow matters to remain as they are. It throws a stigma on a Member of Parliament to say that he shall not be allowed to take an office if he is otherwise eligible. Other things being equal, I think he should be allowed to participate in any benefits that may arise from the fact that there are appointments to be filled just as any ordinary member of the public is eligible. I therefore support the existing system.

Senator STANIFORTH SMITH

- I agree with one of the former speakers that it would have been better had this matter been brought forward in the shape of a Bill.

Senator Glassey

- What is the difference ?

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Senator STANIFORTH SMITH

- In my opinion it would have been much better to bring this matter forward in a Bill. It involves such an important principle, however, that I am determined to support the motion. At the same time I agree with some of the previous speakers that we should not unnecessarily place disqualifications on those people who have accepted positions in Parliament. I think that we should endeavour to throw open to all the opportunity of going, into Parliament, without unduly circumscribing their right to other positions. While the Government selects these judgeships - and I do not see how the right can be delegated to any other authority - it is a very pernicious principle that they should be allowed to appoint their opponents or their supporters to such positions. While I do not think that all the best lawyers are in Parliament it is a very significant fact that nearly all the Judges are selected from Members of Parliament. We had a very flagrant case in Western Australia recently, when a moribund Ministry decided to elevate its Attorney-General to the bench. To show the opposition that was raised to this appointment I need only use Senator Harney's words, that he was the only member of the legal profession who did not sign the round robin against it.

Senator McGregor

- But all the others were fools. Senator Harney was the only wise man.

Senator STANIFORTH SMITH

- There is very great danger when a Ministry are struggling for existence; when they find a strong opponent in the leader of the Opposition, perhaps, and consider that the only way in which they can be saved and their salaries secured is to get rid of him - to get rid of him by elevating him to the bench. These remarks apply equally to supporters of the Ministry. It is thought that those who have supported a Ministry through thick and thin should to a certain extent be given appointments, and that the spoils should go to the victors. That danger is recognised in the public service ; under the old system there have been some of the greatest disputes in Parliament on account of preferences alleged to have been given.

#### POSTPONEMENT OF BUSINESS

The orders of the day being called,

Senator Lt Col NEILD

-Col. NEILD.- I take it, sir, that I shall be in order in moving that the orders of the day be postponed until the motions on the paper have been dealt with.

The PRESIDENT

- That is in order if the Government consent.

Senator Lt Col NEILD

.- Then I move -

That the orders of the day be postponed until the motion under consideration and notice of motion No. 3 are disposed of.

Postmaster-General

Senator DRAKE

. - I have no objection to that, but I express a hope at the same time that the Senate will consent to proceed with the Government business at an early hour this afternoon.

Honorable Senators. - Hear, hear.

Senator DRAKE

- On that condition - because there is important public business that should be attended to to-day, and I think it would be the wish of the Senate that we should proceed with it - I do not wish to interrupt the debate at this stage.

Senator Lt Col NEILD

- May I explain, sir, in reply to Senator Drake, that, so far as the order of the day standing in my name is concerned, I do not desire to proceed with it in its present form. I desire to substitute a notice of motion for the order of the day, so that I do not intend to go on with the motion.

Question resolved in the affirmative.

#### APPOINTMENT OF MEMBERS OF PARLIAMENT TO POSITIONS OF PROFIT

Senator STANFORTH SMITH was speaking of the civil service. The principle of promoting members of the civil service not by merit, but by service, clearly shows the very great importance paid by legislators to the need of putting away every possible form of favoritism. I think that we must admit that the system of promoting only by length of service is rather a wooden one, but at the same time it obviates a difficulty that may arise in Ministers favoring friends. I consider that many eminent lawyers - men eminent in equity law and in criminal law - have been overlooked while their inferiors in intellectual calibre and suitability for the position of Judges have been promoted over their heads from among either parliamentary supporters or parliamentary opponents of a Ministry. We should not allow the possibility of any favoritism in connexion with Members of Parliament. We should endeavour to elevate the position of members to a high place, and show the people we govern that we are not going to take to ourselves advantages which we refuse to others. By doing this we should not do any injury to the bench, because there are many eminent lawyers outside of Parliament, and we should be setting to ourselves and to all the people of Australia a very good example.

Debate (on motion by Senator Charleston) adjourned.

#### THE SENATE ELECTIONS

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Senator Lt Col NEILD

- I move -

That a return be laid upon the table by Ministers giving full particulars of the election of senators for New South Wales, and showing the number of votes cast for every candidate, and: particulars of informal

voting papers and informal votes, with the final result of the election as. officially declared by the returning officer.

This motion is practically on all fours with one that was recently carried in respect to the elections for the Senate in Tasmania. That there will be no difficulty in the production of the return I can easily satisfy the Postmaster-General by producing the official return of the State signed by the returning officer for New South Wales. There is only one exception. This return gives the number of informal votes at 38,674. That is not the number of the informal votes, but the number of the informal voting papers, and as each paper should represent six votes, plumping being prohibited, the total number of informal votes in New South Wales nearly approaches a quarter of a million. When the 38,674 voting papers are multiplied by the number of the votes it shows what an extraordinary number of informal votes there were.

Postmaster-General

Senator DRAKE

. - I take the same attitude in regard to this motion as I did in regard to the motion which was moved a few days ago on a similar subject. I shall see that we get all the information. I presume that the information which the honorable senator has in his hand is authentic.

Senator Lt Col NEILD

-Col. . Neild. - It is the official return.

Senator DRAKE

- I understood the honorable senator to say that some alteration will have to be made in it:

Senator Lt Col Neild

-Merely that this return gives the number of informal voting papers but not the informal votes. It is signed by the returning officer, the Principal Under-Secretary.

Senator DRAKE

- We shall endeavour to get all the information which is desired, and have it printed. I hope that it will not be too voluminous.

Senator MCGREGOR

- To a motion of this kind I have very little objection ; but I object to honorable senators going into the country and making statements with respect to other people, and then coming here and publishing their own greatness. What has been the object in moving for this return ? Has it been for the purpose of showing that the honorable senator would have been at the bottom or at the top of the poll, if the intelligence of either the Parliament of New South Wales or its people had been exercised to a greater extent ? I do not think that the honorable senator who is prepared when another honorable senator wants to make an explanation to get up and object himself, should expect us for one moment to allow him to do just as he likes.

Senator Major Gould

- Is this in order ?

The PRESIDENT

- I understand that the honorable senator is arguing as to the reasons why this return should be called for.

Senator MCGREGOR

- Yes, sir. If honorable senators will leave the conduct of the business to you they will find things go on very well. I do not think any one has ever found me endeavouring to dispute your ruling, or to transgress the standing orders in any way.

The PRESIDENT

- I should think the honorable senator had better confine himself to the motion.

Senator MCGREGOR

- I will, sir. As far as the motion is concerned, I only want to say that I have no objection to it, but I would like to know the object and the meaning of it. I would also inform Senator Neild, good naturedly, that he has acted towards me in a manner that will cause me in future always to retard any motion made by him as long as I think proper, but, seeing that the business of the Senate at this time is of such a character that it would be injudicious to do so, I will allow this motion to pass.

Question resolved in the affirmative.

ADMISSION OF LEGAL PRACTITIONERS IN EACH STATE

Order of the day read, and discharged.

## SUPPLY BILL

Suspension of Standing Orders.

Debate resumed (from 13 June, vide page 1045), on motion by Senator Drake -

That the standing orders be suspended to enable the Bill to pass through all its remaining stages without delay.

Postmaster-General

Senator DRAKE

. - I beg to move -

That the order of the day be discharged.

My reason for making this motion is that. I think the difficulty that has arisen in connexion with the Supply Bill can be now satisfactorily settled. I desire to inform the Senate that as soon as I drew the attention of my colleagues to the difficulty that had arisen, it was seen that the Bill was not in correct form, and I am sure there is no desire on the part of any section of the Senate to gain any party advantage.

Honorable Senators. - Hear, hear.

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Senator DRAKE

- We are young as a Legislature, and I think we all earnestly desire that our proceedings shall be correct from the start, and I am gratified that this occasion has arisen for settling a question of some difficulty, which perhaps might have given greater trouble at a later stage. What I propose now is that this order of the day be discharged, and on the second order of the day being read, I will formally move that the Bill be read a second time, when another member of the Senate will move as an amendment -

That the Bill be returned to the House of Representatives with a message respectfully requesting that it be so amended as to show the items of expenditure comprised in the amount purported to be granted to His Majesty.

Motion agreed to ; order of the day discharged.

Secondreading.

Motion (by Senator Drake) proposed -

That the Bill be now read a second time.

Senator FRASER

- I move -

That all the words after "be" be omitted, with a view of inserting the following words : - " Returned to the House of Representatives with the following message - 'Mr. Speaker. The Senate returns to the House of Representatives the Bill intituled an Act to apply out of the Consolidated Revenue Fund the sum of £491,882 to the service of the period ending the 30th day of June, 1901, with the respectful request that the House of Representatives will so amend the Bill that it may show the items of expenditure comprised in the sums which the Bill purports to grant to His Majesty.' "

I do not think there will be any objection to that amendment.

Senator Sir JOSIAH SYMON

- Would it not be well to introduce the words, " Items of Expenditure, as stated in clause 2 to have been voted by the House of Representatives "?

Senator Drake

- No. It says the items of the expenditure comprising the amount.

Senator Sir JOSIAH SYMON

- The amount in the Bill differs from the amount voted.

Senator Drake

- There was only a difference of £118, and it was corrected.

Senator Sir JOSIAH SYMON

- Then the amount in the Supply Bill corresponds with the amount voted?

Senator Drake

- Yes.

Amendment agreed to.

ADJOURNMENT

Motion (by Senator Drake) proposed -

That the Senate do now adjourn.

Senator WALKER

- I trust that the representative of the Government will let us go on until 4 o'clock.

Senator DRAKE

- I thought honorable senators wanted to adjourn. Then I withdraw the motion.

Motion, by leave, withdrawn.

POST AND TELEGRAPH BILL

In Committee(consideration resumed from 13th June, vide page 1071) -

On clause 2 -

The State Acts specified in the 1st Schedule to this Act are repealed to the extent in the said Schedule indicated. But the regulations fees rates and dues in force under any of the State Acts hereby repealed in any State shall as regards that State continue in force as if made or fixed under this Act until revoked by the Governor-General.

Postmaster-General

Senator DRAKE

. - When progress was reported last night I was discussing the method to be adopted for fixing rates of postage. I would repeat the observation I made then, that in speaking of this Bill I should like to be regarded not exactly as an advocate for any of its provisions. I have arrived at a decision in every case after balancing the advantages and disadvantages. The advocate as a rule who desires to achieve success presents only the advantages of his own case and says nothing of the disadvantages. I do not want to do that. I believe that in some cases I could state the arguments against some of the provisions in the Bill almost more strongly than they have been stated by any senator yet, and still I think that the advantages of the course that is suggested in the Bill outweigh the disadvantages. There is a feeling in the' minds of a number of honorable senators that the power of fixing rates should reside in the Parliament ; that Parliament should fix the rates, and that having been fixed they should remain in force for some time.

Senator Sir Frederick Sargood

- Hear, hear.

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Senator DRAKE

- The honorable Senator Sir Frederick Sargood says " Hear, hear," so that I have fixed him on this point. I think I could give arguments in favour of this view almost stronger than any of those that have yet been adduced, but still I feel that the method proposed by the Bill is preferable. If these rates are fixed by Act of Parliament, as they have been in some of the States, they cannot be altered except by Act of Parliament. The disadvantage of that is that an alteration of a rate may be desirable from many points of view and yet it cannot be made. One of its advantages from the point of view of the Postmaster-General is that when he is asked to alter a rate - and the request is nearly always for a reduction - he can reply that he is very sorry, but it can only be done by Act of Parliament. Supposing the rates are put in the schedule as they are in the Postal Acts of several of the States they cannot be altered except by Act of Parliament.

Senator Charleston

- They cannot be raised ?

Senator DRAKE

- They cannot be altered. I am supposing that the rates are fixed as they have been in the Postal Acts of Victoria and Queensland. I am not certain about some of the other States. In that . event they cannot be filtered except by Parliament. Just on the eve of federation a Postal Bill was brought forward in Victoria to' reduce the rates of postage within the State from 2d. to 1d. It was brought forward for the express purpose of enabling the lower rate to be adopted immediately after federation, and it came into force on the 1st April. That was a case where the rate was fixed by Act of Parliament, and a Bill had to be brought in to reduce it. Supposing that plan is adopted here, then within six months from this time, or say within twelve months, there will be a deputation waiting on the Postmaster-General, and asking him to reduce the rates of postage on some particular kind of publication or postal matter.

Senator Sir Frederick Sargood

- No doubt.



Senator DRAKE

- I am going to give the honorable senator who interjects even a stronger argument than he has given in favour of his proposal. We shall be told that this particular publication is something issued by philanthropists ; that they propose a work of great social or moral reform of the people ; and that the only thing standing in their way is that the department is charging, perhaps, 1d. on their particular publication, and that they want the rate reduced to one halfpenny. If a strong case is made out, the Postmaster-General will say-" It is exceedingly desirable that the rate should be reduced ; practically it would not affect the revenue at all, because it only involves a few pounds; but there is no power for me to do it. The thing can only be done by Act of Parliament; and seeing the amount of business before Parliament, I cannot ask it," he will probably say, " to consider a Bill simply for the purpose of making this slight alteration." Thus, if you adopt the principle of fixing rates by Acts of Parliament, you will relieve the Postmaster-General of a great deal of trouble, because he will be able to say " No " to a deputation. He will be able to state that the rates are fixed until Parliament alters them. That is a strong argument in favour of the view taken up by Senator Sir Frederick Sargood. The reason why I think we should not attempt to adopt this course at the present time is this. We are precluded by the Constitution Act from giving by law any preference to any one State over another. Can we by law fix different rates of postage in the different States ? What we have done here in this second clause is that we provide, as we clearly have a right to do, that - . . . the regulations fees rates and dues in force under any of the State Acts hereby repealed in any State shall as regards that State continue in force as if made or fixed under this Act until revoked by the Governor-General.

We are simply refraining from making by law any alteration in the existing rates. Thus, if we are going to adopt the principle, which I think we should at this time, of leaving the rates in force in the various States unaltered until we are sure of our financial position, I think we must adopt this plan of not fixing the rates by schedule in the Bill

Senator Fraser

- Must we not keep them in force for five years 1

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Senator DRAKE

- I would not like to commit myself to an absolute expression of opinion on the point, because it is expressly declared that during the bookkeeping period the revenue from any State is to be credited to that State, and the expenditure of that State is to be debited to it. The Constitution Act does not say that we shall not make such changes as may affect the revenue and expenditure. I do not think we would violate the Constitution if by law we provided for a reduction of rates which would mean a loss of revenue ; but I have very strong doubts whether it would be wise to do anything that would unfairly interfere with the revenue of the States at the present time. If honorable senators agree with me on the point that, if we are to fix the rates by schedule in this Bill, we ought to fix them so as to be uniform, I want to say that it is undesirable that we should equalize rates at the present time. In order to do that I must travel a little outside the scope of this Bill. It will be clearly admitted that if we reduce the rate of postage it will mean a considerable loss of revenue to some of the States. At the present time it is impossible for any one to know what will be the amount of revenue that will be collected during the first year of the existence of the Commonwealth. While I have the very utmost confidence in my right honorable and learned colleague who is considering and framing the Customs Bill, I think no human intelligence can possibly forecast with any accuracy what will be the result of the Customs collections during the first year. There are many factors that have to be taken into consideration ; diminished imports perhaps in some directions, or a change it, may be, in the direction of the industrial activities of the people. Various other matters may interfere to falsify the calculations made by the most far-seeing Minister.

Senator Pulsford

- That is why the honorable gentleman should have kept his hands off the Post-office.

Senator DRAKE

- We have not put our hands upon the Post-office as far as revenue and expenditure are concerned.

Senator Lt Col Neild

- But the honorable and learned senator is proposing to do so.

Senator DRAKE

- Exactly the reverse. The Bill says that for the present we shall not touch that matter. I propose to leave all the rates of postage absolutely untouched so as not to affect the postal revenue.

Senator Pulsford

- The honorable and learned senator takes power to revoke the duties at a day's notice.

Senator DRAKE

- I take power to do it in preference to doing it under this Bill. If we have to fix rates by schedule in the Bill, then we may have to do it by equalizing these rates ; which would mean a reduction in the case of some of the States that would seriously affect the revenue of those States.

Senator FRASER

- We could never raise the rates.

Senator DRAKE

- No, we cannot raise them They must be reduced, and, as the penny rate has been adopted in Victoria, there would be only one course if we were equalizing, and that would be to make a reduction in all the States to one penny. That would seriously affect the revenue of certain States. Instead of having the charges fixed in the Bill, we should let it be done at some time in the future, when the Governor-General, with the advice of the Postmaster-General, would be able to see by the receipts and expenditure that it was a reduction that could be safely made. It depends to a great extent upon the revenue that is derived from Customs. In the section of the Constitution Act known as the Braddon clause-

Senator Fraser

- The Braddon blot.

Senator DRAKE

- I call it the Braddon clause. Under that section it is necessary that three-fourths of the total amount of Customs collected from each State shall be-, returned to it.

Senator Fraser

- More than that may be returned.

Senator DRAKE

- Yes, but the Act says that three-fourths must be returned, and there is a general desire that there; shall be an adjustment in such a way that the financial equilibrium of the various States will not be disturbed. It will be impossible to say how any Tariff will work out for the next twelve months.

Senator Lt Col Neild

- Is it not the intention to impose postage rates on newspapers in States where they have hitherto been carried free ?

Senator DRAKE

- The point I am taking at the present time is that if we have to fix the rates of postage by schedule to this Bill we shall have to adopt charges which will secure uniformity in each of the States. We are practically-

Senator Charleston

- Is there anything to prevent the Government from raising the rates 1

Senator DRAKE

- Nothing would prevent me raising the rates except the knowledge that if I proposed to do so I would be opposed by nearly every Member of Parliament. There is no legal bar. If we are going to put the rates in a schedule to the Bill there is no legal reason why we should not double or treble them ; but taking into account ' the general feeling of the people I am sure that if we are to equalize rates we must level them down.

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Senator Lt Col Neild

- Then the honorable and learned senator implies that he will have to abolish the rates for newspapers in those States where charges are made, in order to bring them into line with the States where newspapers are carried free 1

Senator DRAKE

- I am not speaking of newspapers. There is a strong feeling on the part of the community that there should be some charge on newspapers. I am speaking particularly of letters. While we are discussing this matter from the financial point of view, I would like the Senate to understand that the revenue derived from the carriage of letters and post-cards is so enormously greater than the revenue derived from

newspapers or anything else that we can direct our attention almost exclusively to that part of the subject. Seeing that we cannot determine with approximate exactness the amount of revenue which will be returned to the various States under the Braddon clause of the Constitution Act, I think it is inadvisable, and that it would be to a certain extent unjust, to alter the rates of postage in such a way as might add to the financial embarrassment of the States. There will probably be one or two States that will receive back in Customs revenue an amount which will not be equal to the amount they have been receiving in the past. The result of that may be that they will have to look to some other sources for making up the deficiency.

Senator Glassey

- Queensland will be one of them.

Senator DRAKE

- Is it fair that at such a time, against the wishes of the people of that State, we should reduce the postal charges in such a way that the State would suffer considerable financial embarrassment? That is the point to which I wish the Senate to direct their attention, because if they agree with me that it is not a fair and just thing to reduce these rates at once, then I think the only course open to us is the course provided for in this Bill, or perhaps some modification of it. We should not put the rates in the schedule and leave them so that they cannot be altered except by Act of Parliament. The proposal made by the Government in the Bill is that the rates shall be fixed by the Governor-General in Council, and that they should then be advertised in the Gazette and laid on the table for fourteen days.

Senator Staniforth Smith

- Will they come into operation before that ?

Senator DRAKE

- I am very desirous of meeting the Senate in the direction of any amendment. . If the Senate generally thinks that this is a power which should not be in the hands of the Postmaster-General, and that Parliament should exercise some control over it, I would suggest an amendment of the clause. I am not advocating an amendment, I am only suggesting that it would be preferable to fixing the rates in a schedule of the Bill to provide that the rates when made shall lay upon the table of the House for a certain time ; and that if they are not disapproved of within the time limit fixed they shall then come into operation. After they have been advertised and laid upon the table for a certain time Parliament, if it disapproves of any particular rate, may express its disapprobation.

Senator Lt Col NEILD

-Col. Neild. - Then the proposed rates would not come into force until Parliament had an opportunity of seeing them.

Senator DRAKE

- Exactly so.. That would give an opportunity to Parliament to veto any particular rate if it chose to do so. I want it to be distinctly understood that the Postal department does not desire to be invested with any great power. Its only desire is to have an Act to work under which will enable it to carry on its work with the greatest possible efficiency. Perhaps some provision of that sort might meet some of the objections which have been made ; at all events, that is an alteration which may be made in clause 19.

Senator Pulsford

- 'Would' the Minister be agreeable to postpone clauses 2 and 19 until next week, and let us get on with the other clauses 1

Senator DRAKE

- Senator Sir Frederick Sargood has an amendment to move to clause 2. Perhaps he will be willing to postpone it ; but I would much prefer first to hear the views of honorable senators. I quite agree with the principle of postponing clauses which it is proposed to alter, but I do not like the idea of postponing a clause when it is simply shying off a difficulty. The object of meeting to discuss a Bill is to hear one another's views. And before anything is done with this clause 1 should very much like to hear the views of honorable senators on this very important matter.

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Senator Sir FREDERICK SARGOOD

- The Postmaster-General advocates the passing of this measure because, in his opinion, it will be to the interest of the public that the power of making what he calls slight changes should be vested in the

Postmaster-General rather than in Parliament. Whatever changes may be made must necessarily take the direction of either increasing or decreasing the charges on the people. If there is one thing laid down more strongly than another it is that the Parliament alone can levy taxes ; and therefore I look upon the suggestion of handing over to any Minister - even to the present Minister, though I should be very strongly tempted, if he could give a guarantee that he would always be in power, to give him a great deal of power.

Senator PLAYFORD

- What does Victoria do with its railways?

Senator Lt Col Neild

- The railways are not in the hands of politicians ; they are in the hands of business managers.

Senator Sir FREDERICK SARGOOD

- I think that Senator Playford will recognise that there is a great deal of difference between that and a Minister who is liable to be influenced. The Postmaster-General points out that the Minister is sure to be waited on in a few months with strong arguments in favour of making concessions in favour of some kind of postal matter. Probably that may be so. He acknowledges that it will be to a very small extent. If it be to a very small extent, it is not a very serious matter to those parties to wait for a few months until Parliament shall meet.

Senator DRAKE

- They always think it is very important.

Senator Sir FREDERICK SARGOOD

- On the other hand, there is this danger that the influence which may be brought to bear on a Minister will not be of a slight character, but may be of a very far-reaching character, and in the direction of distinctly benefiting a certain class, it may be, of his own constituents. We have frequently known such things to happen in connexion with the post-office - at least in Victoria. I do not know what may have happened in Queensland. Probably they may be clearly above suspicion in such matters ; but I do not know any department that is more liable, to be used, and has been more used, for favoring a certain class and certain electors than the postal department. I feel that we ought to protect the public, and guard the Minister from undue influence in that direction. Whatever changes are made, I think, should be made by Parliament, or at all events with the entire consent of Parliament. The object of clause 2 is to keep alive in the meantime the existing regulations, fees, rates, and dues. With that I entirely concur. I do not see anything else for it in the meantime. This is a machinery Bill entirely; but I do not think that in a machinery Bill there should be imported into clause 2 or clause 19 a power to alter the incidence of taxation. I desire to keep the Bill entirely what it professes to be - a machinery Bill. On looking into my amendment more closely, I see that it will not fully meet the case.

Senator Fraser

- What is it ?

Senator Sir FREDERICKSARGOOD.The amendment I proposed to move, and which I thought would have been circulated this morning, was to omit the word " Governor-General " with a view to insert the word "Parliament"; but I see that that will not sufficiently meet the case.

Senator Sir William Zeal

- It will be worse than the other.

Senator Sir FREDERICK SARGOOD.It will not meet the case for this reason - that the word " regulations " is in clause 2, and it clearly should be within the scope of the Minister to alter the regulations. But, with all due deference to the Minister, it should not be in his power or in the power of the Governor in Council to alter the fees, rates, or dues. That, I think, should be restricted entirely to the action of Parliament, and should be brought up, as has always been done in Victoria - I do not know what has been done in the other States. - in a separate Bill dealing with those rates in a schedule. It- is not a common thing to alter the postal rates. It is a thing which happens only occasionally, and it is not- a very serious matter to have to wait for a few months until the changes are made, and made in the way I indicate.

Senator Drake

- We have never altered ours in Queensland.

Senator Sir FREDERICK SARGOOD

- We have ; only last session we did.

Senator Drake

- On the eve of federation.

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Senator Sir FREDERICK SARGOOD

- On previous occasions. We altered the postage rate, I am sorry to say, from 1d. to 2d. It has always been done here by Act of Parliament. I look upon it as a matter of taxation which should only be dealt with by Parliament and not by any individual Minister. These are the reasons which I would advance why this clause and clause 19 should not pass, and although the amendment I suggest would not fully meet the case, any amendment made will have to be done in that direction, with the exception that the regulations must be left for the present to the Minister to alter.

Senator Sir JOSIAH SYMON

- I think that Senator Sir Frederick Sargood is under a misapprehension when he talks of the postal rates being a method of taxation. It is not taxation, and the expression, "incidence of taxation," is scarcely applicable to charges levied for services rendered. One might as well describe as taxation the railway rates throughout the States, or any water rates or other charges which a State Government having charge of a big department may make for the service they render or supply.

Senator Fraser

- It is a commercial department.

Senator Sir JOSIAH SYMON

- It is a commercial department, and conducted on commercial lines, and the rate charged, whether it is a penny, a twopenny, or any other postage, is simply what the State receives for the work it does in transmitting the postal matter of the citizens of Australia. But I would suggest to my honorable friend, so as to get to a much more important point than is simply involved in the distinction between taxation and non-taxation, to carry over the consideration of the matter to clause 19, because otherwise if we strike out "Governor-General" we shall have landed in the difficulty which he points out of disabling the Governor-General from revoking the regulations which are matters of administration.

Senator Sir Frederick Sargood

- May I explain that I took this course at the instance of the Minister, who suggested that it should be brought up on this clause. I was going to take it on clause 19.

Senator Sir JOSIAH SYMON

- I was going to say that it would probably meet the case if, instead of the honorable senator moving the amendment to strike out the words "Governor-General," he added the words "until revoked by the Governor-General in manner prescribed."

Senator Sir Frederick Sargood

- That will do.

Senator Sir JOSIAH SYMON

- The next clause interprets "prescribed." It means prescribed by this Act or the regulations, and then when we come to clause 19 we can limit or extend or do what we please with the powers conferred on the Governor-General in Council with regard to regulations, or rates, or anything else.

Senator Drake

- I shall accept that amendment.

Senator Sir Frederick Sargood

- I think we had better postpone the clause.

Senator Sir Josiah Symon

- It is not worth while.

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Senator PULSFORD

- I desire to ask the Postmaster-General to consent to the postponement of clauses 2 and 19, until next week. These clauses involve matters of very great importance - probably they are about the most important in the Bill; and I think it would be well for us to have a little more time for the consideration of them.

Senator DRAKE(Postmaster-General). - Before agreeing to postpone this clause I should like to hear from the honorable senator more fully his views on the subject. He asks for a postponement, only on the

ground that it will give more time for consideration - of course it will. If we postponed it for a fortnight it would give more time still, and if we postponed it for three weeks it would give more time than that. But it seems to me that now is the proper time for us to hear one another's views ; to take a debate on it, at all events. There is no advantage in postponing the clause at the present time in order to have the discussion next week. It is not as though Senator Pulsford were not here. If he were not here, and some one was asking for a postponement on his behalf, in order that he might discuss it when he was present I could understand ; but seeing that he is here, surely he will favour us with his views. In regard to the amendment suggested by Senator Josiah 'Symon, I have no objection whatever to that &gt; it carries out my own ideas. We have not yet decided as to the manner in which the Governor-General shall approve of rates or regulations. That will be dealt with in clause 19, and it is quite right, I think, that the words which the honorable and learned senator has suggested should be added to that clause. I have got a clause drafted which I will read, because it will give an idea of what is in my mind in regard to a possible alteration of the clause fixing the rates. It should read something in this way -

The Governor-General may make alterations prescribing rates of postage and fees to be charged and collected upon postal articles. Such regulations shall be laid before both Houses of Parliament within fourteen days after the making thereof , if Parliament be then sitting, or, if not, within fourteen days after the next meeting of Parliament ; and if either of the said Houses does not, within fourteen days after such regulations have been so laid before it, resolve that any such regulation or any part thereof ought not to come into force, then such, regulations, when published in the Gazette, have the force of law.

They will not come into force until they have been laid on the table of both Houses for fourteen days, and even then they will not come into force if either House pass a resolution against the adoption of the rate. That seems to me a fair and reasonable arrangement.

Senator Sir Frederick Sargood

- That is very much better.

Senator DRAKE

- There is no desire on the part of the Postal department to make any alteration of rates -which would not be approved of by the people of the Commonwealth as represented in the Parliament.

Senator Best

- It precludes the Minister from making regulations during the recess.

Senator DRAKE

- The regulations can be framed, but they will not come into force until they have been laid before both Houses for fourteen days.

Senator Sir FREDERICKSARGOOD (Victoria). - I think that the suggestion of the Postmaster-General meets the circumstances of the case. It seems to me that this clause as drawn is entirely in the direction of uniformity. Honorable members are aware of the different Tariffs which exist in the different States. . Take New South Wales and Victoria. In Victoria we charge 1d. or 1/2d.. for the carriage of a newspaper through the post, whereas in New South Wales it is carried free. If a cast-iron rule is laid down that these rates are to be altered by Parliament, we should have to wait until the consensus of opinion brings public feeling around in every State to one particular groove. If it is left to the consideration of the Government they will know naturally what is best for the States as a whole, having the experience of the departments, and this will give the Minister the opportunity of making that reform in the direction which is desired. I think the proposal of the Government is infinitely better than the course proposed by Senator Sir Frederick Sargood, and that the suggestion of the Minister contains such matter as should commend itself to the earnest consideration of the committee.

Senator CHARLESTON

- In reading the clause I did not gather that it was to make the rates, dues, and fees uniform until the Postmaster-General thinks it wise to do so. It is practically to continue the systems that are not agreed, and it is only until he thinks the finances of the various States will permit it, and they know where they are standing financially that he will attempt to alter those systems. I fail to see how Senator Sir William Zeal can gather the idea that it was intended, at least until that period arrived, that this clause should bring the various systems into a uniform condition. I quite see that the addition suggested by Senators Sir Frederick Sargood and Sir Josiah Symon, and the Postmaster-General's amendment further on that no regulations shall be brought into force until we have an opportunity of discussing them will meet the whole' matter.

There is only one thing which struck me when the Postmaster-General was telling the committee what he intends to do with this clause. He stated that unless it was approved by the other House. I think a regulation ought to be approved by both Houses.

Senator Drake

- So it is ; the words are - if not disapproved of by either.

Senator PULSFORD(New South Wales). - The Government having made the mistake of prematurely taking over the whole of the postal and telegraphic systems of Australia, are doing their best to repair their fault, by inserting in the Bill a clause that the rates, charges, and dues of the various States shall not be interfered with, and even that the very regulations existing shall remain as they are until some future period.

Senator Keating

- They would have had to do that whenever they took over the departments. If they had waited 20 years they would still have had to have a clause like that until they got uniformity.

Senator PULSFORD

- I do not think so. If they had waited until the financial conditions permitted it a Bill could have been brought in taking over the post-offices of the States, and fixing uniform rates of postage, and arranging every detail that is necessary at one time. According to this clause the regulations, fees, rates, and dues in a State can be altered at any time. As we have six States we may have six separate proclamations issued by the Governor-General altering the regulations, fees, rates, and dues in each one of the States.

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Senator Drake

- So as to make the rate different in the different States.

Senator PULSFORD

- The Minister may bring them down towards -what his idea is of the ultimate uniform system - in one State first and in another State afterwards.

Senator Drake

- I am doubtful whether that could be done.

Senator Glassey

- "Would that not interfere with State rights t

Senator PULSFORD

- The clause certainly .gives that power.

Senator Keating

- It would be legislation giving undue preference.

Senator Drake

- I would not like to propose a penny rate in one State and a twopenny rate in another.

Senator PULSFORD

- It would be giving no undue preference. Supposing in Queensland, where a rate exists higher than in any other State, the Postmaster-General reduced that rate there would be no preference give. I think I am correct in saying that under this clause the Postmaster-General has power to alter the various rates and dues of every one of the six States.

Senator Drake

- Do you think it could be done under the Constitution ?

Senator PULSFORD

- The proposal that these changes should be made at any moment on the ipse dixit of Dictator Senator Drake is not altogether desirable from a public point of view. Of course, senators will understand that I use the term dictator in no unfriendly spirit, because, as Senator Sir Frederick Sargood said, if we are to have a dictator, I do not know whom I would rather choose than Senator Drake himself. But I am speaking only from a public point of view, and I do not think that this clause, as it now stands, giving this power of dictatorship, is desirable. I asked a little time ago that Senator Drake should postpone this clause, and when we come to it, clause 19 also, so that having thought over the matter we might come to some conclusion, and more suitably deal with the case.

Senator Sir William Zeal

- Why not pass the clause and have it recommitted ?

Senator MCGREGOR

- I think Senator Pulsford is making a slight mistake in using the term "Dictator Senator Drake," because Senator Drake has pointed out that he has no wish to occupy such a position. In fact he explained to the Senate the position that he could be placed in that would give him the least trouble. What the Postmaster-General was endeavouring to point out was that it was the financial condition of each State that rendered it necessary that existing conditions should remain as they are for some little time longer. This has very little to do with the period at which the Commonwealth took over the postal affairs of the community. It does not matter when the Commonwealth took those affairs over, the very same difficulties would arise, as arise now ; and even Senator Pulsford suggested it. In his few remarks he said something might be done when the financial affairs of the Commonwealth and States permitted it. We know that the financial affairs of no country will ever admit of anything unless we put those financial affairs in a condition to permit of it. And I have not the least doubt that the idea that exists in the mind of the Postmaster-General is, that when we put the finances of the Commonwealth into such a position that the Government, through the Postmaster-General, can bring about a uniform rate of postage it will be done. Until that time arrives the best thing is to leave the reins governing the Postal department as loose as we can. We will always be able to bring the Postmaster-General up if he does wrong, especially if the suggestion is adopted that any regulation or schedule of regulation that is laid on the table can be objected to. If that is done we have a hold of the reins whether we keep them tight or not. For that reason I think the best thing we can do is, to accept the amendment. What is the use of postponing the clause ? We understand all we want to understand now, and it has been clearly explained to us. I am sure Senator Pulsford has been for the last 20 years thinking over some things, and he is just as hazy about them as when he started.

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Senator O'KEEFE

- I am entirely in accord with what Senator McGregor has said about the desirability of leaving this clause as it stands, especially coming as I do from one of those States which, as the Postmaster-General has indicated, might suffer some disadvantage through the disarrangement of its revenues. What he said struck me with more force, perhaps, than it struck other senators. I cannot see that there is going to be any great danger to the people of the Commonwealth in leaving this matter in the hands of the Postmaster-General, and I hope that the clause will be passed as printed.

Senator Sir JOHN DOWNER

- The question is whether we will discuss the regulation clause on this clause or in a more appropriate place. I think it is better to accept the amendment proposed and then to continue the discussion on clause 19. Then we will have a better opportunity of considering the extent to which we are willing to delegate our functions to regulations. This is a serious matter to consider, because it has been too much the fashion of Ministers in different States to bring in Bills containing few principles, but giving an immense amount of power to make regulations. As far as this Senate is concerned I mean to raise my voice against that practice, except in cases where I think matters could be much more conveniently dealt with by that method than by the more constitutional method of dealing with them ourselves. Meanwhile, without speaking further on this matter at present, I agree with the amendment moved by Senator Sir Josiah Symon, and hope it will be passed.

The CHAIRMAN

-No amendment has been moved.

Senator Sir JOHN DOWNER

- Then the honorable senator suggested one.

The CHAIRMAN

- If this clause is amended it cannot be postponed.

Senator Sir JOHN DOWNER

- We do not want a postponement. If the Minister would amend it in the way suggested, we would then have a guarantee that the existing rates would be maintained for the benefit of the States until some law was passed to the contrary

Senator Sir FREDERICKSARGOOD (Victoria).- The suggestion is that I should not proceed with my amendment, but allow the amendment of Senator Sir Josiah Symon to be submitted. I willingly accede to



that request, having listened to the Postmaster-General's proposal to introduce later on a definition. I would suggest that it should be understood that, if necessary this clause should be recommitted. Amendment (by Senator Sir Josiah Symon) that the words "in manner prescribed" be added to the clause, agreed to.

Clause as amended agreed to.

Clause 3,- Interpretation of terms.

Senator MCGREGOR(South Australia).Before this clause is adopted, I would call the attention of the .Postmaster-General to a portion of it. There is another clause in the Bill which makes provision that the Postmaster-General shall have power to make terms with local governing bodies. In the interpretation clause there is no indication of what the term " local governing body" means. There maybe local governing bodies created by the Commonwealth itself. There may be local governing bodies created by the States, and the State Governments with respect to the Commonwealth are local governing bodies. I would like the Postmaster-General to agree to an amendment on clause 3, in the shape of an addition, the local governing bodies shall mean State Governments or any local governing body within the States. If that amendment were added to the interpretation clause it would make clear what a local governing body meant. I think we must recognise in some instances that the Postmaster-General will find it necessary to enter into agreements with the State Governments and local governing bodies in each of the States, and that unless there is some interpretation of what " local governing body " means difficulties may arise.

Senator DRAKE(Queensland - Postmaster-General). - I appreciate the force of the remarks of Senator McGregor, but this is a matter I should like him to leave over until I have an opportunity of seeing the Parliamentary draftsman. I should not like to venture to call one of the great States a local governing body. I do not think the amendment is necessary.

Senator Sir Josiah Symon

- You would create a revolution.

Senator DRAKE

- It would be more than my life was worth. It will be sufficient,, when we come to clause 15, if we amend it so as to say - " the Postmaster-General may arrange or contract with any such local governing body or person " ; but I do not think any interpretation of a " local governing body " is necessary. It is a well known expression in all the States.

Senator Sir JOSIAH Symon

- It is merely descriptive. It is not a term of art.

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Senator DRAKE

- I think in nearly every State where there is a system of local government the expression is well known, and it is hardly necessary to deal with the matter under this clause.

Senator Sir FREDERICKSARGOOD (Victoria). - There is another matter to be dealt with before that, and that is .the term " Postmaster-General." I would suggest for the consideration of the Minister that those words be struck out, and the word " Minister " be inserted. Probably the draftsman had not before him the Acts Interpretation Bill, where the term Minister is defined to mean " the Minister for the time being administering the Act."

Senator Drake

- We have not got the Acts Interpretation Bill before us.

Senator Sir FREDERICK SARGOOD

- It has been passed by another place. If these words are struck out and the Postmaster-General agrees to the word Minister " being inserted, then we "shall have for our guidance the interpretation of " Minister " in an Act of Parliament.

Senator DRAKE(Queensland - Postmaster-General). - I have not got the Acts Interpretation Bill yet. It is not through another place.

Senator Sir Frederick Sargood

- I think it passed yesterday.

Senator DRAKE

- It has not come to this Chamber. That gives an interpretation of the word Minister, because in a great

number of Acts of Parliament, especially those that relate to matters which are sometimes in one department and sometimes in another, the word " Minister" is advisedly used. It would be very inconvenient in an Act of Parliament to speak of the Chief Secretary, and then find afterwards that the Act was being administered by the Minister for Mines or the Minister for Lands. We know that in all the States they have an easy method of transferring these departments :from one Minister to another. Therefore the practice adopted in these Acts is to speak of the Minister, but it is very different with the affairs of the Postal department. They are always administered by the Postmaster-General.

Senator Sir Frederick Sargood

- He may be away.

Senator DRAKE

- If he is away there is a Minister acting for him. The title that is always used by the Minister charged with these functions is the Postmaster-General. That is the title used in Great Britain and in all English-speaking communities, and I think it is not desirable that we should initiate such a revolutionary change as this in the Commonwealth.

Senator Sir Frederick Sargood

- It has been in operation in Victoria for 25. years.

Senator DRAKE

- In .the Postal Act 1

Senator Sir Frederick Sargood

- I would not like to say.

Senator DRAKE

- As far as I am acquainted with postal matters the Minister in charge of the Postal department in Victoria is called the Postmaster-General, as in the other States. That has been the practice from time immemorial and almost since the initiation of the Postal department in Great Britain. I do not think it is advisable therefore that this change should be made.

Senator Sir Frederick Sargood

- There is another way of meeting the difficulty if the honorable gentleman particularly wishes to retain the term "Postmaster-General." We might insert, after the words "Postmaster-General means the Minister of State for the Commonwealth," the words " for the time being." I only want to start matters on proper lines.

Senator DRAKE

- I cannot see where there is any conflict. The Acts Interpretation Bill defines the term "Minister," and we have our definition of the term " Postmaster-General." How can there be any complication ?

Senator Sir JOSIAHSYMON (South Australia). - What I understood Senator Sir Frederick Sargood to suggest was that this definition be left out altogether. That would be sufficient if the Acts Interpretation Bill becomes an Act in the form in which it now stands, because it defines " Minister " to mean " the Minister in charge of the department." Therefore the use of the word " Minister " would answer all purposes. Supposing this Bill becomes law and throughout it you use the word "Minister," then it will signify the "Minister of State in charge of the Postal department."

Senator Drake

- - -I do not want to do that.

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Senator Sir JOSIAH SYMON

- What I understand the Minister desires is that the term " Postmaster-General " shall be used throughout the Bill as conveying a meaning associated with a particular department, but there is really a more important matter to be considered. I rather agree that the term " Postmaster-General " should be preserved throughout the Bill. It has a special significance, and this is a . measure, of course, that greatly affects the interests and affairs of all the inhabitants of the Commonwealth, who 'would be more likely to understand the term " Postmaster-General " than the word " Minister."

I was going to suggest whether it might not be desirable to make some alteration in the definition, so that the Postmaster-General need not necessarily be a Minister. In South Australia our Postmaster-General is not a Minister at all.

Senator Major Gould

- Oh, we must have a Minister.

Senator Sir JOSIAH SYMON

- I am not so wedded to the political aspect of the post-office as my honorable and learned friend seems to be. I rather like the railway system, where you get a great executive working department as far as possible removed from political and Ministerial influence. I think in time we may come to follow the example of South Australia by detaching the head of the post-office from politics altogether. It may be so. If it were so, then the definition might be used which would cover "the Minister or officer charged with the administration of this Act for the time being." Perhaps it is looking a long way ahead to foresee any severance between the post-office and the Ministry of the day ; but it may come, and from my point of view it will be advantageous if it does.

Senator KEATING

- - I am thoroughly in accord with the suggestion made by Senator Sir Frederick Sargood that we should substitute for the term "Postmaster-General," the term "Minister." In fact, I may say that the honorable senator has really anticipated me in that very matter. I notice that in the definition of the term "Postmaster-General," the words that usually occur in a definition of this character, "for the time being" - and by which that term would be made equally applicable to any one who was acting during the temporary absence of the Postmaster-General - do not occur. I think the opinions to which Senator Sir Frederick Sargood gave expression are well founded. We have not yet seen the Acts Interpretation Bill but we will shortly have it before us. I notice that in that Bill "Minister" is defined as meaning the Minister for the time being charged with the responsibility of administering the Act. It will conduce to uniformity in our legislation if the term "Minister" is adhered to. In this particular Bill it would enable readers to differentiate between the Postmaster-General and the Deputy Postmaster-General who will still remain in each State. I cannot quite agree with the proposal made by Senator Symon - if he will pardon me for referring to him in that way, instead of as "Senator Sir Josiah, Symon." If the gentlemen who hold these titles, have no objection to being addressed merely as "senator," I would prefer to allude to them in that way.

Senator Sir Josiah Symon

- That is the proper way.

Senator KEATING

- It is more convenient. I cannot quite agree with Senator Symon's view that, by omitting this particular term "Postmaster-General," we shall lose it as a designation for the Minister. If we substitute "Minister" Senator Drake will still be known to all of us as the Postmaster-General. He will still be questioned as the Postmaster-General, and be referred to by the people of the Commonwealth by that name. It is not by reason of the use of the term in this Bill that he derives his title. We have not had the Bill before us until now, and yet he is known throughout the length and breadth of the country as the Postmaster-General. I do not think that his retention of that title will depend on its inclusion in this Bill.

Senator DRAKE

- What would be the advantage of the change ?

Senator KEATING

- It would conduce to uniformity and harmony in the verbiage of our statutes.

Senator Stewart

- Why not refer to him as the Attorney-General ?

Senator KEATING

- Call him the- "Minister." The Acts Interpretation Bill says the word "Minister" shall mean - The Minister for the time being administering the Act or enactment in which or in respect of which the expression is used.

Why put that into our Acts Interpretation Bill if we are not going to use it ?

Senator Sir Josiah Symon

- If we use the word "Minister" it might not be the Postmaster-General who had charge of the administration of the Act. It might be the Attorney-General.

Senator KEATING

- Then "Minister" would mean "the Minister for the time being in charge of the Act."

Senator Sir Josiah Symon

- And that might be the Attorney-General. By using the term Postmaster-General you convey to the

public the idea that he is the Minister in charge.

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Senator KEATING

- That strengthens, my position. If the Postmaster-General is absent from his department for a month,, and the Attorney-General is acting in his. absence, the term "Minister" in this Bill "will apply equally to him as it will to the Postmaster-General - " the Minister for the time being." It would apply equally well to any one occupying the position. It seems to me that we are stultifying ourselves if we have an Act which defines the word " Minister," and in another Act we ignore that definition. Senator Drake will not lose his title by the adoption of the amendment suggested.

Senator Sir Josiah Symon

- No one suggests that he would.

Senator KEATING

- I thought, by the remark made by the honorable and learned senator, that it was considered he would.

Senator Sir JOSIAH SYMON

- Not at all.

Senator KEATING

- Senator Sir Josiah Symon is not closely wedded to the principle of having the post-office connected with the Ministry. I think we should follow the policy indicated by the inclusion of the term Minister in the Acts Interpretation Bill and the term "Minister" instead of Postmaster-General in this measure, if we do not, then when the Acts Interpretation Bill comes before us we might as well delete the term.

Senator FRASER

- I really am of opinion that we are splitting straws, We are losing time. Do let us go ahead. If we are to make these changes, if we are to dot an " i " or cross a " t " and change these words, we will have to change the whole blessed Bill. These words appear so often that to remove them would entail a lot of work. Every one understands that the Postmaster-General is the man' who looks after the post-office.

Senator Harney

- And it does not require an Acts Interpretation Act to 'tell us that.

Senator FRASER

- No. The public do not require an Acts Interpretation Act for that purpose. I am speaking as a layman - as a business man. I am loathe to lose time over such trumpery work. Over two or three lines we shall lose the whole afternoon.

Senator STEWART

- There appears to be an omission in the definition of " Electric Authority " in this clause. It reads - "Electric authority" means any State Government railway authority local authority tramway authority or person generating using or supplying electricity.

That does not appear to include " private railway authority." I would suggest that that term be included.

Senator Drake

- We have "railway authority " provided for, and that covers it.

Senator KEATING(Tasmania).- Before the clause is put, I would like to point out that there are other matters which may need definition. This is an important clause, and I shall be personally very pleased if the Minister can see his way clear to have the consideration of it postponed. As we all know there is, perhaps, nothing in connexion with the statutes which gives rise to more questions and points, and gives more possibility of litigation than terms which are used in a statute in the absence of precise definitions. There are terms here such as - " postal authority," " definite limits," and " General Post-office," for which there is no precise definition. If the consideration of the clause were postponed, we could bring forward amendments embodying in a concrete form the opinions that had been expressed.

Senator Best

- There will be an opportunity at subsequent stages.

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Senator KEATING

- Senator Fraser seems to be burning with the desire for the despatch of public business, but I may point out that the Acts Interpretation Bill is entitled -

A Bill for the interpretation of Acts of Parliament and for shortening their language.

And it was for the sake of simplicity in the Bill itself, and for the sake of uniformity in our legislation, that I suggested this amendment. ' ' The Minister, " according to the Acts Interpretation Bill, of which I have now a copy, means -

The Minister for the time being administering the Act of Parliament in which, or in respect of which, the expression is used.

Here we have an opportunity of using the Acts Interpretation Bill, or of saying that it is worth no more than the paper it is printed on. I move -

That the words "Postmaster-General" means the Minister of State for the Commonwealth charged with the administration of this Act " be omitted.

Senator DRAKE(Queensland - Postmaster-General). - I cannot see how this proposed amendment affects in the least the Acts Interpretation Bill which is coming down. In that Bill there is a definition of the term "Minister," and wherever that occurs in an Act of Parliament we are to turn to the Acts Interpretation Act to find the definition. Surely that is not affected by the fact that before us we have a Bill in which another term is used. Is there anything in it beyond the fact that the use of the term Minister, instead of Postmaster-General, would increase the tendency to have the department administered by first one Minister and then another. Such a tendency, I think, is highly undesirable. The Postal department is one that should have a continuous policy. Nothing could be more destructive to its administration than to have one Minister in charge of it one month and another Minister another month. Deputations come to a Minister and make requests for this thing and that, and perhaps they are not successful. Another Minister is left in charge. They know that he is there, and the occasion is at once seized upon to go to him - he does not know what has happened before - and to get him to grant them something that the Minister administering the department has refused all along.

Senator Charleston

- Then you want the Postmaster-General to be permanent.

Senator DRAKE

- Of course we know that at times Governments topple over, and others take their place, but even when there is a change, to the honour of our system of Government in the British dominions, a continuity of policy is generally preserved. It should be insisted on that the Postmaster-General is the Minister to administer the Postal department, and he should be there, except in some unavoidable emergency.

Senator Sir Josiah Symon

- And every Minister who in charge of the Postal department will be known as the . Postmaster-General whereas otherwise he might be the Attorney-General.

Senator DRAKE

- There will not be a tendency to shift the administration from one Minister to another if we adhere to the language used in this clause.

Senator CHARLESTON(South Australia). - If the Postmaster-General found it necessary to take a holiday, and went away for a month, and his department was handed over to the Attorney-General, then that Attorney-General would have to be Postmaster-General as well as Attorney-General. He would be styled Postmaster-General on the one hand, and sworn in as such, while in the discharge of his own duties he would be known as the Attorney-General. In accordance with the definition clause read by Senator Sir Frederick Sargood, should the Postmaster-General take a holiday, and have his duties transferred to another, the Minister who acts in his place would be "the Minister for the time being." It seems to me that the only difference it will make, according to Senator Drake, is that whoever is acting for him must be called the Postmaster-General while he is so acting,

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Senator HARNEY

-I cannot see any difficulty. I quite agree with every word uttered by the Postmaster-General. There is an Acts Interpretation Bill which says that " Minister " shall mean -

The Minister for the time being administering the Act or enactment in which or in respect of which the expression is used.

There is therefore not the least doubt that if " Minister " were substituted for Postmaster-General throughout this Bill no difficulty would occur. The Postmaster-General chooses to - say that the Minister in this case shall be called the Postmaster-General. There is nothing illogical in that, but there is a great

practical advantage. It is advisable, in my opinion, because it will differentiate between the person who is really at all times the Postmaster-General and the person who is administering postal affairs for the time being.. As has been said, every lay person who takes up the Postal Act knows what is meant by " the Postmaster-General," while he would not know what is meant by " Minister," and would have to turn to the Acts Interpretation Act, of which he is entirely ignorant. Therefore, I think " Postmaster-General " is\* the right term. " Minister " would do as\* well, but "Postmaster-General" is a specific term and ought to be used' in this case.

Senator STEWART(New South Wales). - I intend to support Senator- Keating's amendment. I agree\* with Mm that there: ought to be some uniformity in connexion, with the details of our legislation. With regard to the objection of the' Postmaster-General that if the Bill were altered there would! be a greater disposition to bandy offices, about, that does not apply to other officers.. At present we have a Minister for Mines. We do not call him the Miner-General. Yet there does not appear to be any particular desire to hand that office from one Minister to another unnecessarily. If we are going to have this word "general " tacked on to the titles of our Ministers, why not call the Minister for Mines the Miner-General,. the Minister for Agriculture the Farmer-General, the Minister for Education the Pedagogue-General, and so on through the entire gamut ? I think that Senator Keating is quite right. Our friends in another place are compiling for us a legal dictionary. Surely we are not going to set ourselves above those honorable, distinguished, and learned gentlemen. Let us have some uniformity. I know perfectly well that the title of Postmaster-General is hoary with age, and that is the only thing, so far as I can see, which is to be said to its credit. Minister for Posts and Telegraphs would be just as expressive as, and much more descriptive than, Postmaster-General. We know perfectly well that he is not a postmaster in the ordinary sense of the word. He is responsible for the reception, transmission, and delivery of mails ; but he does not stand there receiving letters or postage.

Senator Glassey

- Or licking stamps.

Senator STEWART

- Or licking stamps. The Minister in charge of the railways we call the Minister for Railways, the Minister in charge of the Mining department the Minister for Mines, the Minister in charge of the Education department the Minister for Education ; so, why not call the gentleman in charge of the posts and telegraphs the Minister for Posts and Telegraphs?

SenatorWalker. - The present title is short and applicable.

Senator Harney

- And descriptive.

Senator STEWART

- How many reasons are we to get for the use of this term?

SenatorFraser. - As it has been in use for so many years, why change it?

Senator Harney

- Every one understands it.

Senator STEWART

- The scythe was in use for centuries, but it is now supplanted by the reaper and binder and a number of other things. An honorable senator says we ought to continue to use this term because it has been in use so long. But the expression "Minister for Posts and Telegraphs" would much more accurately describe the office. We all know what Postmaster-General means. It is a fine, round-sounding phrase - a good mouthful.

Senator Harney

- Perhaps we ought to change common sense because it is old.

Senator STEWART

- Common sense may be very old, but it is also very rare, and we ought to prize it when we do strike it. I shall support Senator Keating if he persists in his amendment.

Amendment negatived ; clause agreed to.

Clause 4 -

The department shall have control of the postal and telegraphic services of the Commonwealth.

Senator Sir FREDERICK SARGOOD

- In discussing this clause I cannot help referring to clauses 5 and 6, because they seem to hang one to another. Clause 4 says the department shall have control ; clause 5 practically says that the Postmaster - General shall have control, while clause 6 says that a principal secretary shall have chief control. I have always been under the impression that the Minister was the one who had sole control of a department, and that everything done in the department was really done in his name. It appears to me that clauses 4, 5, and 6 are absolutely unnecessary. As a matter of law the whole power of the department is vested in the Postmaster-General, and to my mind it is absolutely incorrect to say that the department has control. Clause 5 says that the administration of the Act shall be in the Postmaster-General.

Senator Harney

- He may be charged with the administration, and not given control of it.

Senator Sir FREDERICK SARGOOD

- When the honorable and learned senator comes to be sworn in as a Minister he will find that very different duties are imposed upon him.

Senator Sir Josiah Symon

-We do not want clauses 4 and 5 at all.

Senator Sir FREDERICK SARGOOD

-Or clause 6 either.

Senator Sir Josiah Symon

-We want to modify it.

Senator Sir FREDERICK SARGOOD

- It is necessary to say that there shall be a private secretary. The secretary acts in the name of the Minister and never in his own name.

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Senator DRAKE

- The department is vested in the Postmaster-General by the Commonwealth Constitution Act. All the Acts vesting the post-offices of the various States in the Postmaster-Generals will be repealed by this measure. The Postmaster-General now exercises authority by virtue of the Commonwealth Constitution Act only. Seeing that we are passing a Post and Telegraph Bill, which is not correctly described as a mere machinery Bill, because it deals with everything in connexion with the post and telegraph services, it is desirable that it should be clearly stated therein what is the position of the department in regard to the Minister administering it, and these three clauses simply bring this about. The local Acts having all gone, it creates first of all a department that has control over the posts and telegraph offices throughout the Commonwealth ; then it says that the Postmaster-General is the head of that department j and next it says that there shall be an officer to be called a principal secretary, who, under the Postmaster-General, shall have control. Surely that is clear.

Senator Sir Frederick Sargood

- It has already been provided that the Postmaster-General means the Minister charged with the administration of this Act.

Senator DRAKE

- That is only in an interpretation clause, not an exacting clause. Now we come to the enacting clause which puts the department under the control of the Minister, and then provides for a permanent head, who under the Minister will exercise the function of a chief executive officer.

Senator Sir JOSIAH SYMON

- May I point out that there does seem to be a sort of superfluity of language in the Bill. While it is very desirable that we should adopt it as much as possible in the form in which it comes before us, still I think this sort of eccentric redundancy ought to be pointed out and eliminated.

Senator Drake

- I think they are almost the shortest clauses I have ever seen.

Senator Harney

- What is the redundancy ?

Senator Sir JOSIAH SYMON

- To begin with, the Bill says -

Postmaster-General means the Minister of State for the Commonwealth charged with the administration

of this Act.

Then it goes on to say that -

Department means the Department of the Postmaster-General.

I should think myself that if we defined the department as the Department of the Postmaster-General, he must have control of it. I do not know why it is necessary then to go on to say in clause 5, that the control of his own department should be vested in him. It does seem to me to be a little ridiculous. What is the necessity of defining the department at all in clause 4 ?

The department shall have control of the postal and telegraphic services of the Commonwealth. It does not matter whether you call it a department or anything else, the Postmaster-General has to administer the Act. There is no need to call it a department j it is the post and telegraphic services. Clause 6 says : - There shall be a principal secretary to the Postmaster-General,

Why do we want to add these words ?

Who under the Postmaster-General shall have the chief control of the department throughout the Commonwealth.

He is the servant of the Minister, and it is his duty not to act in his own name or to exercise any chief control at all, but to exercise such control as the Minister delegates to him, and as the Act in various clauses delegates to him. I am not pointing this out with a view to take any exception to a desire on the part of the draftsman to exercise his vocabulary to any extent, but with a view to insure shortness and the greatest amount of enactment in the fewest possible words. I quite agree that clauses 4 and 5 may well come out, and clause 6 be modified by omitting" all the words after the word Postmaster-General.

Senator DRAKE(Queensland, Postmaster-General). - I was congratulating myself on the brevity of this clause. I thought it was almost a triumph of parliamentary draftsmanship to have put so much into such a small space. It seems to me that these clauses are models of brevity and conciseness.

The department shall have control of the postal and telegraphic services of the Commonwealth.

The only objection, I understand, which can possibly be lodged against that is that the department would necessarily have control of it.

Senator Sir Frederick Sargood

- The Minister, not the department.

Senator DRAKE

- I am speaking of clause 4.

Senator Sir Frederick Sargood

- The department cannot have control.

Senator DRAKE

- The department has the control. The department means the " department of the Postmaster-General."

Senator Sir Frederick Sargood. - The department consists of the whole of the clerks, and they all cannot have control.

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Senator DRAKE

- Individual clerks cannot, but as a whole they can. Clause 6, I think, is a desirable provision. With regard to clause 6, I would like to point out to Senator Sir Josiah Symon that he is incorrect in supposing that there are any duties cast on the principal secretary by the Bill. He is simply mentioned there, and I think it is satisfactory that his position should be defined in this clause, that he has the chief control under the Postmaster-General. It has two effects ; it makes it perfectly clear, first, that he is the principal executive officer of the Postmaster-General, and also that he is acting always under the Postmaster-General.

Senator Fraser

- If there is any doubt on that, certainly.

Senator DRAKE

- There may not be any doubt; but, as Senator Sir Josiah Symon told us just now, in his own State - a State I admire immensely - they had until quite recently a Postmaster-General as a non-political head of the department with very successful results, I believe. But I think it is desirable that in this Act we should make it perfectly clear that the principal executive officer will be at all times working under the Postmaster-General.

Senator HARNEY



- I must say, with great deference, that I do not at all follow the honorable and learned senator for South Australia.

Senator Sir Josiah Symon

- I am not going to move any amendment.

Senator HARNEY

- I will be very glad to be shown if I am incorrect in my view. This is a Bill which for the first time puts an end to a number of existing postal services, and vests them all in a new department. Clause 4 says this new department shall have control of the postal and telegraphic services. There is nothing wrong in that ; it is necessary the clause must say that. Clause 5 says that at the head of the department having that control shall be the Postmaster-General. There is nothing wrong in that. And clause 6 says that there shall be a principal secretary, and that he shall have complete power viae the Postmaster-General. Is there anything wrong in that? Take the analogous case of companies, which we have every day. We say that a company shall have the control, but it is also necessary to say that there shall be some dominant individual in that company, and that in the absence of that dominant individual some other person shall have the full control. Where the confusion has arisen has been in reading the interpretation clause before the operative clauses. When we read these three operative clauses, and take them in sequence, we see that they carry out this simple process of giving control to the new department, creating a head to that department, and appointing a vice-head. They do it in short, clear, and, to me, exceedingly intelligible language. We really should go to the interpretation clause after we have finished the Bill, and all we say in the interpretation clause is that the department and the control created by clauses 4 and 5 shall for conciseness be known in future as the Postmaster-General, and that is the clear explanation as I understand of the interpretation of Acts of Parliament.

Clause agreed to.

Clause 6 -

There shall be a principal secretary to the Postmaster-General, who under the Postmaster-General shall have the chief control of the department throughout the Commonwealth.

Senator Sir FREDERICK SARGOOD

- I think that all the words after the word " Postmaster-General " should be omitted. A principal secretary to the Postmaster-General is all that is wanted. He can only act in the name of the Postmaster-General, who is the head of the department, and administers it. There is not the slightest necessity to go and say that this officer shall have chief control under the Postmaster-General.

Senator Drake

- What is the objection to it?

Senator Sir FREDERICK SARGOOD

- It is simply redundancy.

Clause agreed to.

Clause 7 -

There shall be in each State a Deputy Postmaster-General who shall be the principal officer of the department therein.

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Senator STEWART

- I wish the clause to be amended so as to read -

There shall in each State be one or more deputy Postmasters-General, who shall be the principal officer of the department therein.

My object is to provide for some system of decentralization which it may be found necessary to adopt. I have no doubt that it will be found necessary to adopt such a system. New South Wales has a very large territory, Queensland has a still larger territory, and in Western Australia we have an immense territory, which when population increases and spreads itself more evenly over its surface it will be impossible to manage effectively from one centre.

Senator Harney

- There can be a dozen centres under this clause. There should be a head.

Senator STEWART

- I want more. My object is to provide for the necessities of the State from which I come. The population is

very evenly distributed over Queensland. The south is settled, the centre is settled, and the north is settled with a probability of much greater settlement in the near future. In the past it has been found extremely inconvenient that all the strings of administration should be held in one hand in Brisbane, and in the future with the Postmaster-General living in the federal capital, wherever it may be, this state of things will be accentuated. In the past we could get our postal business dealt with and finished in Brisbane, but in the future it will have to filter through Brisbane to the place of Commonwealth administration. If the Postmaster-General provided for three deputy Postmasters-General in Queensland, one with an office in Brisbane, the second with an office in Rockhampton, and the third with an office in Townsville, each being directly responsible to the Minister for the conduct of the business in his own division, the management would be much better, and the thing would work much more smoothly. By adopting this amendment senators will not commit themselves to anything. If the Postmaster-General does not see any need to have more than one deputy in each State he need not appoint more than one ; but if in the interests of better government he finds it necessary to appoint two or three, or more, in each State, I think this Bill ought to give him the power. I therefore move -  
That the word " a" be omitted, with a view to inserting the words " one or more."

Senator DRAKE

- There are a number of members of the Senate, and a great many people outside, who are greatly disposed to object to the appointment of Deputy Postmasters-General altogether. There are a number of people who hold the opinion that the post-office could be better administered if there were simply a central department, and a number of inspectors going round so as to treat the Commonwealth as one solidified country. But I am disposed to consider that, seeing that the form under which we live is a union of the States, it is desirable that we should continue the practice which has been adopted hitherto of having a permanent head in each State in the form of a Deputy Postmaster-General. The States, I know,, are very desirous that they should not, in any way, lose their identity ; and I think,, therefore, that it is desirable there should be a deputy in each State. But in this proposition I think we are going to the other extreme.

Senator Stewart

- One or more.

Senator DRAKE

- That is to say there may be, under certain circumstances, - more than one. In the case Senator Stewart referred to, he desires that there shall be three. I sympathize with the view taken by the honorable senator. I know that the State of Queensland occupies a peculiar position in that it has been divided for certain purposes. Therefore it is differently situated, from some of the other States, but I do not see how we can introduce the principle of having more than one Deputy Postmaster-General in one State without having a demand for the same extension in others. We might then, in course of time, have Deputy Postmasters-General all over the place.. I think that in keeping one Deputy Postmaster-General in each State as the head, we are making a fair concession to the demand for State rights,, and that we should err if we went any further

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Senator GLASSEY

- I certainly do not share the opinions expressed, by the Postmaster-General, and I strongly object to the proposal of Senator Stewart. I took exception to this clause yesterday on the second reading. I cannot for the life of me understand why a Deputy Postmaster-General is required at all. We have in the first place a Postmaster-General,, and in the second place a gentleman who is described as the principal secretary, who will be armed with full authority by the Postmaster-General to act for him. I think if we had a secretary in each of the States acting as head of each department that would be correct. Moreover, there is another thing we must bear in mind. We are all expected to practise economy as far as we can, and if gentlemen are appointed under the title of Deputy Postmasters-General, their status will be considered better, and in accordance with that view they will expect a higher salary.. I think that is obvious, and we cannot get away from it. A Deputy Postmaster-General will say, "I am the Deputy Postmaster-General and am now performing important duties for the small salary which I am receiving, and in accordance with the status I am given by Act of Parliament, I am entitled to more salary." I strongly object to the clause altogether. I do not know that I shall go to the trouble of dividing the Senate on it, but I do not see the

force of having such a provision in the Bill, and I certainly do believe it will lead to a great deal of jealousy and rivalry where none should exist, and that we will have a demand by these gentlemen for a higher salary. Therefore I am sorry that the Postmaster-General adheres to his wish to retain this clause, and if I did not want to take up the time of the Senate, I would move its omission.

Senator Sir JOHN DOWNER

- This is a mere question of terms after all. We have to remember that though the States retain their own entities, still, we have handed over certain important departments absolutely to the Commonwealth, but it was on the understanding that the officers controlling those departments now would continue to control them in the future. Although of necessity there must be a certain loss of dignity in a head being established over those who are heads themselves, still we want to use the polite terms in doing that, and to put them to as little indignity as possible. It is desirable that we should retain a term that imparts some dignity. South Australia would be very indignant if the head of its Postal department there, Sir Charles Todd, was in future to be called a secretary. He has always been called Postmaster-General. Now under this Bill he will be called Deputy Postmaster-General, and I assume that similar considerations will apply in other places. But for the sake of the dignity of the States I think it highly important, that although they have handed over the central Government to the Commonwealth, the position of their head officers should be recognised. I strongly support the clause.

Senator STANFORTH SMITH

- I agree with those senators who think that this clause should be left in its present form. There seems to be in the Senate three groups of opinion. One is that the Deputy Postmasters-General should be done away with altogether, and that a policy of centralization should be adopted. Another is that this clause should remain as it is, and

Senator Stewart proposes that Deputy Postmasters General should be dotted all over the States. Now, I think it is specially our duty as senators to see that the rights and privileges of the States are maintained. That is one of the chief duties of this Senate. The object of having equal representation from each State is that the rights and privileges of the States may be maintained, and I think we should see that we have this great department decentralized as much as possible. In my opinion, there should be a Deputy Postmaster-General in each State. I am sorry to see that the principal Secretary takes precedence of the deputy postmaster-generals in each State.

Senator Sir FREDERICK SARGOOD

- He must, because he is the mouthpiece of the Minister.

Senator STANFORTH SMITH

- I think it is a very reasonable clause, and we ought to adopt it. It will come very badly from us to take away rights and privileges from our States which they are undoubtedly entitled to, and which we in this Senate are here to maintain. I trust that this clause will remain as it is, and that this huge department will be decentralized as much as possible. If that is not done I believe, from a working point of view, we will find we have injured the department. I think that confusion is bound to arise in a huge department with ramifications, extending throughout Australia, if every one has to apply to one head at the seat of Government. That will cause a great deal of delay and trouble.

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Senator HARNEY

- I want to say a word on this clause, and I think the remarks I am going to make will be a guide to us in going through the Bill. We have to remember that this is a union and not a unification of States, and the essential difference between them is this. In a unification you centralize as much as possible. In a union you preserve the entity of each of the parts. Nothing could be more detrimental to the preservation of that entity than to destroy the status of the heads of the departments in various States. I suggest, with all deference, that senators should keep in view that distinction. The Bill is drawn for the purpose of creating a central authority that will not destroy the operation or status of the local authority. The grievance that Senator Stewart ventilates does not at all arise out of the terms of the clause, which says that there shall be a deputy in each State. It does not say that a State like Queensland cannot have two or three departments, but it says that as regards Queensland there shall be one head of the department as at present.

Amendment negatived ; clause agreed to.

Progress reported.

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15:57:00

Senate adjourned at 3.57 p.m.