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1901-08-22

House of Representatives.

Mr. Speaker

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

PETITIONS

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Mr. KNOX

presented two petitions from residents of Kew, Surrey Hills, Balwyn, and Canterbury, praying that -this House may pass into law clauses 54 and 55 of the Post and Telegraph Bill.

Mr. HUME

COOK presented similar petitions from adherents of the Scots' Church Heidelberg, from certain visitors to "Woodrow," Ivanhoe, from residents of Brunswick, from members of the Women's Temperance Union, of Brunswick, and from certain residents of Heidelberg, attending the Band of Hope.

Mr. IT.

E. McLEAN presented a similar petition from 1,800 residents of New South Wales.

Mr. F.

CLARKE (for

Mr. Phillips)

presented a similar petition from residents of Korrak Korrak

Mr. MAUGER

presented similar petitions from residents of Williamstown, attending the United Methodist Church, from residents of Williamstown attending the

Baptist Church, from residents of Williamstown attending the South Williamstown Presbyterian Church,

from residents of North Williamstown attending the Congregational Church, from residents of

Williamstown attending the Welsh Church, from residents of Williamstown attending the North

Williamstown Presbyterian Church.

Mr. TUDOR

presented similar petitions from residents of Richmond, and from members and adherents of the Wesleyan Methodist Church, Richmond.

Mr. TUDOR

(for

Mr. Higgins)

presented a similar petition from adherents of the Bible Christian Church, 'Carlton.

Mr. McCAY

presented a similar petition from the adherents of the Wesleyan Church, Egerton.

Mr. BAMFORD

presented a petition from residents in the State of Queensland against the passing into law of clauses 54 and 55 of the Post and Telegraph Bill.

Mr. MANIFOLD

presented a petition from residents of Camperdown connected with the Presbyterian Church of Victoria, in favour of the passing into law of clauses 54 and 55 of the Post and Telegraph Bill.

Sir JOHN

QUICK presented similar petitions from residents of Golden Square, Bendigo ; residents of Long Gully, Bendigo ; members and adherents of St. Andrews Presbyterian Church, Bendigo ; from residents of Strathfieldsaye ; from residents of Bendigo ; from adherents of the Primitive Methodist Churches of Bendigo and Eaglehawk ; from residents of California Gully, Bendigo; from residents of Sydney Flat, Bendigo ; from residents of Eaglehawk ; and from the clergy and members of St. Paul's Church, Bendigo.

Mr. CROUCH

presented a similar petition from residents of Queenscliff connected with the Wesleyan Methodist Church', and from members of the Gisborne Presbyterian Church.

Petitions received.

Mr KNOX

- In connexion with these petitions, I made a suggestion "last night which I should never have dreamt of making if I had then known what I found out this morning as to the enormous number of petitions in favour of the retention of the clauses 54 and 55 of the Post and Telegraph Bill.

ADMINISTRATION OF NEW GUINEA

Mr MAUGER

-I would like to ask the Prime Minister whether his attention has been drawn to an article in to-day's Age, entitled " New Guinea Affairs," according to which the Premier of Queensland seems to indicate, that ordinary courtesy has not been extended to the Queensland Government by the Federal Government. This seems to me to be a matter of some importance, and I would like to hear what the Prime Minister has to say regarding it.

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Minister for External Affairs

Mr BARTON

- I saw the paragraph this morning, and it struck me that I should be asked a question this afternoon, from whatever quarter the question might come. I was very much struck by this statement -

If in response to repeated requests the Federal Government did not give attention to New Guinea affairs, Mr. Philp said he would have no other course than to communicate with the Imperial Government on the subject.

The whole of the paragraph conveys such a misleading impression that I do not think it expresses correctly the views put forward by the Premier of the State of Queensland, and until I have his assurance that it is correct I shall not believe it. The paragraph goes on to say -

New Guinea was the most important possession the Federal Government had to do with, and Federal responsibility should not be left in the hands of State Governments. The Federal Government did not assume that attitude with regard to other matters which the States might well manage themselves. This refers really to the proposed repairs to the steamer called the Merrie England, which has been used by the Administrator of New Guinea, in carrying out his duties. Perhaps honorable members will pardon me for giving a full answer to this question, because they are, like myself, concerned in not leaving the Commonwealth Government or Parliament under any imputation such as that conveyed. On 31st July the Honorable Mr. Philp, Premier of Queensland, telegraphed to me as follows : - "It is usual custom for British New Guinea Government steamer Merrie England to receive annual overhaul and she is now in Brisbane for that purpose. This year extra special repairs costing about £1,000 are required and amount appears in Estimates of current financial year submitted to Governor-General by Government of Queensland."

I take it that this refers to the Estimates which are prepared by the Administrator of New Guinea, and which on this occasion have been forwarded by the Government of Queensland to the Governor-General. The telegram goes on to say - " Kindly wire if you approve of this expenditure."

My answer to that - and I give the date, as we have been accused of delay in this matter - was sent on the next day, the 1st August, the telegram having been received in the afternoon, and the answer having been then written at the table of this House.

Your telegram as to Merrie England received. Seeing that the proposed transfer of New Guinea administration to Commonwealth is not yet decided on, and that a definite agreement resulting from official communications with Imperial and Queensland Governments could alone justify me in expressing approval or disapproval of the proposed expenditure, I cannot assume that responsibility. I will consult colleagues further as soon as circumstances allow, on the main question, as to whether the Commonwealth should accept administration, and if so, when.

On the next day, the 2nd August, the Premier of Queensland telegraphed as follows : -

Merrie England

will be docked in about two weeks' time. Essential that special and ordinary repairs should be done simultaneously. Suggest authority be given for their execution by Queensland, pending ultimate decision on subject.

My answer to that was forwarded the next day, the 3rd August, and was as follows : -

Merrie England

repairs. - As I cannot assume responsibility in present condition of affairs, I hesitate to tender advice but

no harm could come by necessary authority being given by the three contributing States.

The three contributing States referred to are Queensland, New South Wales, and Victoria. I got a telegram from the Honorable Mr. See, Premier of New South Wales, on the 8th August, which, in my judgment, did not require a reply. Mr. See said -

This Government approves of contributing States being asked to give necessary authority for repairs to New Guinea steamer, Merrie England.

Now, that is to be contrasted with the next document, which is a letter from the Premier of Victoria, dated the 7th August, and which reads as follows : -

With reference to the subject of certain repairs which are required for the New Guinea steamer, Merrie England, concerning which the honorable the Premier of Queensland informs me that he sought to obtain the necessary authority from the Federal Government, but that you declined to resume responsibility in the case, and suggested that the contributing States should be asked to give the authority, I have to inform you that, in my judgment, this is clearly a matter for the Federal Government to deal with, and I have so advised the Premiers of Queensland and New South Wales.

So that we have the State of Victoria without having definitely asked the Commonwealth to assume the responsibility of the administration of New Guinea, suggesting that the Commonwealth should undertake the expenditure of £1,000 before taking over the administration of New Guinea affairs. Then we have the two largest colonies among the contributors to the administration of New Guinea, namely, New South Wales and Victoria, the one agreeing that the money should be found by the three contributing States, and the other suggesting that the Commonwealth should meet the expense. Under these circumstances, we are aware from other sources of correspondence that there would be no objection to the Commonwealth undertaking the responsibility. This I may say it is suggested we should assume from the 1st January last. This seems to me to be too large a demand upon the Commonwealth - knowing, as I say, from these and other sources, that it was the desire of the contributing States that the Commonwealth should accept the responsibility, and also knowing that it would be a duty to Parliament to submit the matter to them before any decision was given, and, therefore, I could not assume to spend money on New Guinea before Parliament had been consulted, I sent a minute to His Excellency the Governor-General for transmission to the Secretary of State for the Colonies as follows : -

Mr. Barton

has been in communication with the Government of Queensland and also with the Governments of New South Wales and Victoria, on the question of the future of British New Guinea. If Imperial Government desire that administrator should take directions from Commonwealth instead of Queensland, three States above-named appear likely to support that step. If you approve of the change, Ministers are prepared to bring before Parliament for proper authority. It would be necessary for the Commonwealth to guarantee about £22,000 per annum for the next five years. In view of difficulties imposed on early finances of the Commonwealth for the next five years, and perhaps, ten years, by sections 87, 89, and 93 of the Constitution, my Ministers suggest that during five years Imperial Government should find £7,000 per annum of proposed amount, being the sum formerly contributed by Imperial Government under lapsed agreement and covering maintenance of steamer

Merrie England.

The minute was sent by me to His Excellency on the 13th August, which was nine days ago, and I have not yet received an answer, I hold myself justified in making this long statement, because honorable members will have noticed that there is a constant current of complaint that the Federal Parliament does not promptly answer communications. With reference to our undertaking responsibilities, I would point out that it is very easy to shoulder responsibility on to the Federal Government - to allow this Government to undertake those matters which are expensive, whilst the States retain those that are profitable - but that is a course that cannot be adopted under such circumstances as ours, when the federal expenditure is so strictly limited by the clauses of the Constitution.

An Honorable Member. - Why should we ask the Imperial Government to contribute £7,000 ?

Mr BARTON

- The reason we asked that was that the Imperial Government used to find the amount, but had ceased to do so. Honorable members will readily recognise that if the Federal Government is to observe due economy it will be necessary for it to strive against any excess over that amount, which, under the original

agreement, was to be found by the three contributing States, namely, £15,000 a year. I think the other £7,000 a year is only a fair contribution, and involves none of the dangers of such contributions in other oases, because the request that will be made, if the House agrees with me, is that the administration of New Guinea shall carry with it a control which ought not to be in the hands of the Imperial Government but in the hands of the Commonwealth.

Mr F E McLEAN

- I wish to ask the Prime Minister - because I have not had time to look into the matter myself - whether there is not power given in the Constitution to regard the matter of the administration of New Guinea as a transferred service, and to debit the cost of administering it to the various contributing States, without entailing new expenditure upon the Commonwealth ? I presume that the right honorable gentleman has considered this matter and will be able to inform the House whether the cost could not be so debited ?

Mr BARTON

- So far as I have been able to go into the matter up to the present stage - and the honorable member will see that of course there might be a more settled opinion hereafter - I do not see that the administration of New Guinea could in any sense be regarded as a transferred department within the meaning of the Constitution. In that case the cost of administration would be new expenditure within the meaning of sections 89 and 93 of the Constitution, and would therefore have to be charged, per capita, to the whole of the people of the Commonwealth. In view of that responsibility - having communications from a gentleman who, although a very strong supporter of the Federal Government and a very able administrator, represents 450,000, whilst I have to see what is the best I can do for 4,000,000 - I have had to hesitate.

QUESTION

MANUFACTURING INDUSTRIES OF THE STATES

Mr KNOX

- I wish to ask the Minister for Trade and Customs if he is now in a position to submit to the House the return already promised in connexion with the statistics of manufacturing industries of the States? I am aware that the compilation of that document has involved a large amount of labour and that the Minister has done everything to hasten its completion, but in view of the fact that we expect so speedily to be dealing with the Tariff it is important that the information asked for should be in the hands of honorable members without delay.

Mr BARTON

- Every return which has been carried by resolution is being pushed forward as rapidly as the departmental strength will allow. I understand, however, that the Minister for Trade and Customs has now something in his possession relating to this subject.

PAPER

Minister for Trade and Customs

Mr KINGSTON

- I beg to lay upon the table a return to order of the House -
Statistics of manufacturing industries of the States.

Ordered to be printed.

POST AND TELEGRAPH BILL

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In Committee

(consideration resumed from August 21,
vide

page 4008):

Clause 55 -

The Postmaster-General if he has reasonable ground to suppose any person to be engaged either in the Commonwealth or elsewhere in receiving money or any valuable thing -
as consideration for an assurance or agreement, expressed or implied, to pay or give, or as consideration for- securing that some other person shall pay or give any money or valuable thing on any event or contingency of or relating to any horse race or other race or any fight, game, sport or exercise ; or ((l)) for promoting or carrying out a scheme connected with any such assurance, agreement, or security, or a

lottery or scheme of chance not sanctioned by law or any unlawful game ; or under pretence of foretelling future events ; or (* in connexion with a fraudulent, obscene, indecent or immoral business or undertaking ; may by order under his hand published in the Gazette direct that any postal article received at a post-office addressed to such person either by his own or fictitious or assumed name or to an address without a name, shall not be registered or transmitted or delivered to such person. The order shall specify such name or address and shall upon publication be of full force and effect until cancelled by the Postmaster-General.

Minister (without portfolio)

Sir PHILIP FYSH

- It will be within the recollection of honorable members that when I addressed myself to this Bill on the occasion of the second reading, I limited my observations to its principles, presuming, of course, that upon any moot points there would be ample opportunity for debate in committee. I think we have now arrived at a stage when one of these points of the Bill, which has been specially marked out not only by honorable members in their previous observations, but by the petitions which we have received from all over the Commonwealth, arises. The attention bestowed upon this matter evidences the importance which is attached to the particular clause which now comes up for consideration. I hope that I shall be able to limit my remarks upon clauses 55 and 56 - for they really ought to be read together - to a very reasonable length. Still, I trust that honorable members will give me credit for a desire to fathom the depths of these clauses - if there be any fathoming necessary - and will acknowledge that, if I am brief, it is not because I have anything to conceal. I wish that there shall be the utmost fairness in the debate in connexion with these clauses. I have most especial reasons for wishing this. I am associated with these clauses in two forms, and, before I have closed my observations, I may desire to refer to these forms.

Sir William McMillan

- The Minister had better amalgamate them.

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Sir PHILIP FYSH

- I will, if the honorable member pleases. I desire that these clauses shall be looked upon not only from the Commonwealth point of view, but from the point of view of the State of Tasmania, and possibly from a stand-point which may be personal to myself. They contain special provision for dealing with four different kinds of offences, some of which are new so far as our law is concerned. These portions are to be found in paragraphs a, b, g, and d of clause 55, with respect, to which the Postmaster-General seeks to have conferred upon him a special power - some will say an extraordinary power. So far as the power is concerned, I admit that where it was exercised on a notable occasion in the old country it gave rise to considerable discussion, and very nearly ended in the defeat of a Minister of the Crown. Although there was no statutory power, this power was exercised by Sir James Graham, but it was exercised for a different purpose. It has also been exercised elsewhere. It is a power which is proposed to be given to the Postmaster-General in cases where there may be any suspicion that correspondence passing through the medium of the Post-office relates to the promotion or carrying out of a scheme connected with any assurance, agreement, or security, or lottery or scheme of chance not sanctioned by law, or connected with the foretelling of future events, or with a fraudulent, obscene, indecent* or immoral business or undertaking to publish in the Gazette that such postal articles shall not be registered, transmitted, or delivered to the person to whom they are addressed. Clause 56 provides how these postal articles are to be dealt with, and adds a further proviso that no money orders shall be issued in favour of, or paid to, any person with respect to whom any such order is made. In support of these clauses, it is my duty to call the attention of the committee to what are the Acts under which the Postmasters-General, not only of Australia, but of other places, are acting. I shall commence by saying that in the United States, as a result of the State Legislatures finding that they had not power to stop such letters, federal legislation was passed empowering the Postmaster-General to stop them. So far as Australia is concerned, I find in Western Australia, Victoria, and Queensland, legislation of almost a similar character to that which is proposed in these clauses, authorizing the Postmaster-General to refuse to deliver within his own boundaries, or to transmit beyond his own boundaries, letters addressed to any individual if he has reason to believe that that individual is acting in contravention of the purposes of such legislation. As to New South Wales, the same purpose is secured. The words empowering the Postmaster-General not to

deliver letters are . nOt followed up by a similar provision in regard to their transmission, but the effect is the same. He is empowered to withhold the sending of letters posted to addresses outside that State. We have, therefore, so far as the Commonwealth is concerned, four out of the six States which have so legislated, and we have in Tasmania another State which, only in a partial direction, has so legislated. I shall state the whole case for Tasmania, I hope, before I close. Just now I am only dealing with that legislation throughout the Commonwealth which effects this particular purpose. To a partial extent we have the same power in Tasmania. We have power to stop the delivery of letters if the Postmaster-General believes they are posted in contravention of the State legislation for the better suppression of gaming and betting. It has been my duty as Postmaster-General in Sir Edward Braddon's Government to stop letters of that character, and to return them to the senders, .with the' official information that they were in breach of the Gaming Act. Therefore, in a. degree in Tasmania, and to an extensive degree in the remaining States - that degree being to the absolute suppression of such letters - there has been uniformity in the past. It hus been a uniformity of purpose, however, which has not been carried out. I am not sure to what extent the setting in operation of these Acts of Parliament induced the individual concerned to go to Tasmania in order to carry out his particular purpose. The fact remains, however, that we have had passed in Western Australia, Victoria, New South Wales, and Queensland measures for the absolute prohibition of lotteries and sweeps and anything like totalizators. I believe I am properly informed in saying that no action has ever been taken under any one of these Acts of Parliament. So far as " Tattersall " is concerned, they have practically remained simply as a signboard to certain individuals, warning them that they must not set up operations here. There has been no action taken under any of them so far as the great object against which they were aimed is concerned ; but they have been used in another direction, and, I think, no one will gainsay their utility. Their utility has been proved in Tasmania as well as in the other States, in that they have given the Postmaster-General a power which under special circumstances he has found it desirable to exercise for the protection of confiding, weak, and silly people. When a noted tipster, to whom I have already alluded, advertised himself as a medium for conveying information to the people of Victoria and elsewhere with respect to some coming horse-racing event, that man being known to the police, the fact was reported to the Postmaster-General, and this law was brought into operation to enable the Postmaster-General to advertise the fact that letters addressed to that individual would not be delivered, but would be returned to the sender. That is not the only case in which the provision has been exercised. It was reported, to me, as Postmaster-General of Tasmania, by the secretary of the department, that letters were being addressed to a certain individual, although they had every reason to believe that no distribution of stakes had ever taken place, and that it was time to interfere. The law was put into operation, and the unwary, credulous, and silly people who had been sending their pounds to this man were warned by having their money returned, with an intimation that he was carrying on an unlawful' lottery. And so with respect to fortune-telling, soothsaying, and astrology ; the Postmasters-General of the different States have full power, and have exercised it. The power has never yet been exercised, however, so far as the purpose, possibly, of these clauses is concerned - namely, the suppression of what is known as " Tattersall." The clauses are not specially aimed at " Tattersall."

Mr JOSEPH COOK

- But the provisions to which the honorable gentleman refers were aimed at him.

Sir PHILIP FYSH

- The honorable member says they were ; but they have not been utilized in that direction.

Mr JOSEPH COOK

- Yes, they have.

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Sir PHILIP FYSH

- I want now, in perfect fairness, to explain, if I know, what is the purpose of these clauses, so that honorable members shall not take a leap in the dark. I express to them the belief that, if they vote for these clauses, their provisions will be utilized sooner or later - unless they are upset by the High Court of Judicature as being in contravention of State rights - for the suppression of " Tattersall's " sweeps. I want it to be distinctly understood. I am not going to say positively that it will be so, but we are empowering the Postmaster-General to exercise arbitrarily, at his own sweet will, the intention that he has - and whether

the present Postmaster-General has, or has not, such an intention, a later Postmaster-General may have - to put in motion the machinery which will absolutely suppress " Tattersalls." It will stand in the way of the tens of thousands of people who have been in the habit of sending their pounds or their shillings to this particular individual.

Mr JOSEPH COOK

- Does the honorable member think that will be a good thing 1

Sir PHILIP FYSH

- I shall come to that point presently. I have some little suspicion when an honorable member on the other side, notwithstanding that he is an estimable friend, puts a question of that kind to me, that he does it for the purpose of damaging my case or my party, but it will not in any way affect the reply which I shall give. I hope honorable members of this Parliament will, if they do not know me now, know me, as time rolls on, as a man who- has nothing to conceal ; as a man who tries to discharge to the best of his ability the duty before him, even though that duty may be an unpleasant one. We have had these various provisions, not in operation, but in suspense. The various States, because they were separate States, have viewed with leniency the passage of these letters, which otherwise would have been stopped from one State to the other. Four separate States have had full power to refuse delivery within their own boundaries, yet they failed to exercise that power when it came to stopping letters of this kind posted to an address within a neighbouring and friendly State. They may have been influenced by the international conventions at Budapest or Berne, or wherever the conventions may have been held ; they may have been influenced by these international arrangements, and especially by the articles of the last Berne postal convention, which practically enacted that letters posted in one kingdom should pass to another. Now we have come to a different state of things. We are no longer six separate States dealing in six separate methods with postal matters. We are a Commonwealth, and, therefore, letters posted within the Commonwealth for delivery within the Commonwealth are certainly within the ken of our own Acts of Parliament, I am not sure whether we are not going outside our powers in saying under the clause that we will not transmit. That will be a matter for the lawyers to decide. I am disposed to think, however, that letters posted within the Commonwealth to an address outside the Commonwealth must, under the International Convention Postal Laws be transmitted to those' places.

Sir William McMillan

- Are the Government manufacturing in their legislation work for the Supreme Court1!

Sir PHILIP FYSH

- The honorable member may think so, but I do not. It may be considered advisable to make provision that while we retain the power to withhold the delivery of letters addressed to places within the Commonwealth, and their transmission from State to State, we shall not take the power to withhold the transmission of letters to addresses outside the Commonwealth. That will be a matter for the committee to decide. The power of course may be taken, and I sincerely hope that at the next postal convention, which I think will be held in Rome next year, special attention will be given to the purpose of these clauses. It will be the duty of whoever represents the Commonwealth there to call attention to our purpose to stop such correspondence. I hope that when the Postal Union meets in Rome next year the Commonwealth will be ably represented, and that especial attention will be given to the question whether Postmasters-General should not be permitted to exercise the power of refusing to transmit beyond the borders of their own country letters such as those which are dealt with in the clause. I hold that at the present time the Postmaster-General has not the power to do that.

Mr HENRY Willis

- The Minister admits that ?

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Sir PHILIP FYSH

- I do. I have not read the American Act, but I believe that the honorable and learned member for Bendigo has given attention to this matter, and I hope that we shall presently hear from him how that country gets over the difficulty. It is certain, however, that the countries which enter the Postal Union are bound by the regulations and articles agreed upon in conference, and therefore it seems to me that we shall be compelled to try to secure at an early date such an alteration of the conditions as will enable us to interfere in regard to the transmission of letters addressed to places beyond our own borders. The

honorable member for Kooyong has called attention to the large number of petitions which have been presented to both Houses of the Legislature, both for and against this and the following clause. I believe that over 120,000 people in New South Wales signed a petition against these clauses, and I think that over 110,000 people in Victoria did the same. Similar petitions came from other places within the Commonwealth. But, on the other hand, a great number of petitions have been presented in favour of the clauses, and, though the signatures to those petitions may be fewer than the signatures to the petitions against the clauses, the petitions have come from persons whose influence is felt throughout the community. Much as we may respect those who from conscientious grounds object to the retention of the clauses, we must also respect the opinions of those who desire to protect the purity of our young people from the temptations to gambling with which they are assailed. The Government, however, have decided to go beyond the evidence of public opinion afforded by these petitions, and to accept the views which are embodied in the legislation which has been passed by the people's representatives in a majority of the States. We find that in four of the States there is an absolute prohibition, and in one of the States a limited prohibition, of the practice which the clauses are intended to prevent, and Ministers have therefore felt it incumbent upon them to bring the legislation of the Commonwealth into line with that of the majority of the States, and to try to prevent the transmission through the Post-office of moneys devoted to the furtherance of sweeps. If we did not do that, we should have to say that the States have not acted wisely, but have acted hysterically, and without recognising the signs of the times.

Sir Langdon Bonython

- Does the Minister favour the adoption of these clauses ?

Sir PHILIP FYSH

- I am coming to that.

Mr McCay

- Are they vital to the Bill?

Sir PHILIP FYSH

- The Prime Minister has already said that they are vital to the Bill.

Mr V L SOLOMON

- He said that he would drop the Bill if he could not carry them.

Sir PHILIP FYSH

- There are so many provisions in the Bill which are of vital importance, that I do not think we can drop the Bill, because, if it were not passed, we should have to fall back for a period upon the varying legislation, of the States. But, if I interpret aright the expression of the Prime Minister with regard to these clauses, he considers that they are vital to the Bill.

Mr Reid

- Then we are to have no Post and Telegraph Bill, unless there is a majority of the committee in favour of the retention of these clauses.

Sir PHILIP FYSH

- I take the announcement of the Prime Minister, in regard to the vitality of these clauses, to mean that the Government will throw all the weight of its influence into the endeavour to have them carried. I do not go so far as to say that we shall throw up the Bill if they are not carried ; but I am not the Minister who is responsible for the position of the Government in such a matter.

Mr.Reid. - Are the Government prepared to accept defeat upon a vital principle? The Prime Minister must believe that he will carry the clauses or he would not have made the statement.

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Sir PHILIP FYSH

- I do not think he had any hesitation on the subject. I would now refer honorable members to section 99 of the Constitution Act. I refer to that provision with bated breath, because I am far from able to interpret its meaning, but I think that we can read in it the intention that our legislation should not make any distinction between Tasmania and the remaining States of the Commonwealth, even in a matter of this kind. The provision to which I refer says that Parliament must give no preference in matters relating to trade, commerce, or revenue to any one State or part thereof. It seems to me that if we passed legislation which would enable letters containing money orders which could not be transmitted to other States to be transmitted to Tasmania, and thus gave that State, a preference in regard to her revenue, the intention of

the Constitution would be thwarted. I have lived in Tasmania for 41 years, and I believe that no equal can be found to that country for climate or the companionships that one may make there, or anything else. The people there have shown their confidence in me by allowing me to remain in public life for 35 years without defeat. All those things are sufficient to make a man who loves his adopted home strive all he can to maintain her fair prestige, and to return the good-will which has been shown towards him. Under these circumstances, honorable members will understand that I have not undertaken the duty of representing the Postmaster-General in regard to the conduct of this Bill through committee without great embarrassment. During my 35 years of political life - many of the past 28 years which have been spent as a Minister - circumstances have placed me in strange corners, and this is such an occasion. But, having stated to the committee the case of the Commonwealth in regard to this proposed legislation, I shall have great pleasure now in putting forward the case of Tasmania. In the year 1896, in association with the right honorable member for Tasmania, I passed through the Tasmanian Legislature an Act to regulate and suppress public gambling. We had found in Tasmania just the same evils as are in existence all through Australia now, but we have not now in Tasmania the exposed evils which are to be seen in every street in the cities in New South Wales, South Australia, and Victoria. This Act of 1896 suppressed gambling in our little 'tote' shops, it caused to be dragged down every public advertisement which would give offence to the most susceptible conscience. It prevented the newspapers from advertising lotteries all through the country districts, and it stopped public gambling to such an extent that if I were to take honorable members to Elwick race-course tomorrow they would think they were on the lawn in some gentleman's park, and could enjoy themselves without the noise and turmoil that has to be submitted to at Randwick or Caulfield or Flemington. I contend that a great deal of good has been done by the operation of the Bill I have mentioned, and I join those who have spoken on the subject before, in expressing the wish that it might be possible to find throughout Australia the refined conditions, and culture in association with racing that are exhibited in Tasmania.

Mr JOSEPH COOK

- Then it is possible to suppress betting by legislation 1

Sir PHILIP FYSH

- I think that in Tasmania a great deal has been done by legislation, but I am not speaking now in the hope that the bright example of Tasmania may be taken to heart by the other States. They have gone too far and the public mind is so prejudiced, that I am not hoping that any example that might be brought forward would induce a change of opinion. Still, it is my duty to express the opinion freely that the Suppression of Gaming Act of 1896 has been highly beneficial in Tasmania, and might well be copied throughout Australia, even though in association with that Act we have utilized the totalizator. As far as Tasmania is concerned, I have said enough, except that I wish honorable members to know exactly what they are doing in passing these clauses. I know there is a good round majority in favour of the clauses as they stand, but I wish nevertheless that all those who vote in favour of them may see the full responsibility which they are taking upon themselves. I do not allude to the question whether we are constitutionally entitled to interfere - if it be an interference - with the gambling laws of Tasmania, because that is a matter which must be referred to some legal authority for interpretation. Mr. Lewis, the Premier of Tasmania, has already given notice that it is his intention to seek for a legal interpretation of the law as to State rights. I need not, however, dwell on that point, and I shall presume that until some court of proper jurisdiction has decided whether we have this right or not - and in passing I may say that Ministers have no doubt but that they have the right to pass legislation of this kind - the matter must remain in suspense. The other responsibility of the Commonwealth Parliament will be this - Tasmania, has only lately arisen from the position of one of the weaker financial States of the Commonwealth.

An Honorable Member. - Whose fault - ' was that 1 '

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Sir PHILIP FYSH

- The fault of nature. Nature has been prolific, but her wealth has only lately been discovered. It has only been within the last eight years that we have realized the latent wealth that has been stored in Tasmania for ages; but the metalliferous exports of that State now amount to £1,700,000 a year. Partly owing to this and partly through the excessive taxation by means of customs duties they have been realizing a surplus during the last eight years, ranging from £100,000 to £130,000 per annum. I find, however, that

the Treasurer, in anticipation of the falling-off which may occur under a uniform Tariff, thinks that for the year 1902 he will not only lose his surplus of £130,000 but that there may be a deficiency of that sum in the Customs and Excise revenue. That, however, is one of the responsibilities which Tasmania has taken, upon herself in joining the Commonwealth, and our responsibility now consists in taking away from Tasmania another portion of her revenue. Since the year 1892 the Postal and Telegraph department in that State has been paying its way and the revenue has been showing a gradually increasing surplus of from £2,000 up to £15,000, partly of course as the result of the " Tattersall " sweep business. Under the clauses in this Bill there is very little doubt that Tasmania will be a large loser of revenue,- and I think it my duty to call the attention of honorable members to the effect of their action in this. matter - to the very great financial responsibility which they incur in voting for this measure. Before I close my remarks, which have extended to greater length than I had intended, I would like to explain my own personal position. I suppose we all like to be regarded as consistent, but if we are true to ourselves we are satisfied, and it does not matter what any one says. I am not going to attach any very great amount of importance to what any one may think of me so long as I am satisfied with myself, but I have heard observations which I have regretted - observations which have not been couched in the language of courtesy, but which have been, in fact, offensive. I desire to say in personal justification that when I join a Government, I join it not for the purpose of finding out wherein we can differ, but wherein we can agree. When I join a Government, I do it with regard to some great principle upon which I believe I may be at one with my colleagues, and not for the purpose of finding out some minor matters with regard to which I may create discord. Therefore, although I might personally like to speak for Tasmania and .to vote for Tasmania, I am true to my colours and loyal to my colleagues. And I hope that I shall be so in, the future, as I claim ever to have been in the past, even though I may have to make; some sacrifices. I am therefore supporting; the Bill in its entirety.

Sir EDWARD BRADDON

- The honorable the Minister has not. answered the question I put to him with, regard to the provisions of the Tasmanians Postal Act, under which he stopped and opened letters.

Sir Philip Fysh

- Under the Tasmania Act for the better regulation and suppression of gambling, passed in 1896,. certain regulations were issued to the effect, that no man who was not duly licensed, and who had not made a deposit of £10,000,, should be entitled to receive through the Post-office letters relating to lotteries. The: arrangement was that all the moneys in the) shape of contributions should go to the conductors of the sweeps and lotteries by letters sent through the post. Then regulations were gazetted in March, 1897, which, empowered the Postmaster-General to stop letters which were addressed to persons, who were not duly licensed under the Act, and under this authority I stopped the letters of a man who was not licensed, and returned them to the writers with an endorsement, "Illegal or unlicensed lottery." These were regulations framed by the Cabinet of which the right, honorable gentleman was the Premier and I was Postmaster-General.

Sir EDWARD BRADDON

- That is a. perfectly satisfactory and accurate reply, but what I took exception to was that the Minister, in comparing the postal Acts of the different States, conveyed the impression that the Tasmanian Act contained a. provision similar to that which it is now proposed to incorporate in this Bill.

Sir Philip Fysh

- I explained the difference.

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Sir EDWARD BRADDON

- I did not gather that from the Minister's explanation. When referring to this matter before, I said I would be constrained to speak, as it were, in my own defence, not because of my having anything to reply to of which I am in the slightest degree ashamed - not that any act of mine requires to be explained away, not that I have permitted any

I act which I would not re-enact to-morrow if the occasion arose - but I have to defend myself, and to defend the State of Tasmania and its legislation against misrepresentations, many of them very gross and far fetched, and against very much misapprehension as to what "Tattersalls" is, and as to what the action of the Tasmanian Government has been in regard to it. I may say at once that I am in no way responsible for " Tattersalls " being found in Tasmania, and if honorable members will bear with me I will give the

history of the manner in which " Tattersall " came to be installed there under an Act of Parliament licensing his operations. It was while I was in England, as Agent-General, that "Tattersall " was brought into Tasmania to conduct a lottery called the V.D.L. Lottery. An Act of Parliament was ' introduced by the Government, of which Sir Philip Fysh was Premier, to permit of that lottery. ' Tattersall " was installed, and there I found him when I returned from England, and there were no means of dealing with him by law except by a very roundabout and barren process conducted under an Act of the time of George II. I took the whole question as to the proceedings of "Tattersall" and gambling generally into consideration, and faced it as a man of the world and as a man of common sense should face them ; that is to say, I tried as far as possible to abolish any of those forms of gambling which are dangerous to a community, which are seductive and lead men and boys - boys more often than men - to disaster and ruin. But I can see no harm in such a moderate form of gambling as is conducted through "Tattersall." It is impossible to say that in this form there . is any great attraction in gambling, or that there is any great excitement which might lead men and boys to speculate beyond their means. There cannot be associated with this form of gambling dangers which arise from other forms. It has been said that it is possible or probable that money will be filched from the till or elsewhere to invest in tickets in "Tattersalls" sweeps, but inasmuch as these tickets have to be purchased with ready money it is impossible to conceive that there would be any such complete motive for theft arising from this inducement to gamble as would make a man who would not steal for anything or everything steal for the purpose of investing in these tickets. It is different in the case of gambling through the tote shops or with the bookmakers, where it is carried on upon credit.

Mr Tudor

- There is no credit given in the tote shops here.

Sir EDWARD BRADDON

- I have never done any business in tote shops, but I am aware that in some instances at any rate - as is the case with bookmakers - gambling is done upon credit. The individual who unsuccessfully gambles in this way may be lured on to recover himself until he has lost so much that it becomes a question of the payment of a debt of honour by an act of dishonour - by filching the money with which to liquidate his liability. In order that gambling might be as far as possible extirpated from Tasmania, this Bill for its suppression was introduced. It is not a Bill that was introduced for the special object of licensing " Tattersalls " or any other sweep. It was submitted with a general object, and with an honest intention to do away with the more pernicious, attractive, and dangerous forms of gambling which were known to exist in the community. We knew that its operation would result in a certain increase of postal business, but does that affect the morality or otherwise of " Tattersalls " ? Does that alter the position in the slightest degree, unless it be in favour of the view which I take that " Tattersall," besides doing good to its own promoters, does good to the whole Government - to the Postal services throughout the States of the Commonwealth - by contributing largely to their revenue ? I do not see that that of itself is a valid argument against " Tattersalls " or any other institution whatever.- It has been said that " Tattersalls " is a monopoly. That is one of the many absurd misrepresentations which have been broadcasted throughout the community. But there is no monopoly. If honorable members will consult the Tasmanian Act, which legalizes the operation of certain sweeps under stringent conditions, they will find that there is no mention of any particular person, and that anybody, by fulfilling all the conditions required - which include the lodging of a deposit of £10,000, which is liable to forfeiture for a breach of the regulations - can obtain from the Government, of the day a licence to carry on his sweep just as well as can George Adams.

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Mr Mauger

- Who but a monopolist could find £10,000 1

Sir EDWARD BRADDON

- I dare say that if people in possession of that amount thought that they could carry out those conditions, without rendering themselves liable to the forfeiture of the £10,000, there would be a good many come along. Another gross misrepresentation of the character of " Tattersall's " is that people would be attracted to the offices in which " Tattersall " transacted his business, and that as a result an amount of betting would be conducted which would tend to the demoralization of the people. Nothing was ever more preposterous in this world. "Tattersall's," as conducted in Tasmania, has nothing whatever to do with the backing of horses. It is used exclusively for the sale of tickets upon sweeps. In order to prevent the place

in which " Tattersall's " business is carried on from becoming crowded by those of the gambling fraternity, who might lure each other on to indulge in dangerous speculation, the Act itself - not the regulations - provides that no tickets shall be sold by " Tattersall " except through the medium of the Post-office.

Mr G B EDWARDS

- Tasmania would have no postal revenue otherwise.

Sir EDWARD BRADDON

- Cannot the honorable member see that there was a good motive underlying that provision, although revenue would result from it?

Mr G B EDWARDS

- No.

Sir EDWARD BRADDON

- Then I am very sorry for the honorable member's density, or for his slowness in appreciating what has been appreciated by the great bulk of the people of Tasmania since this Bill was placed upon the statute-book.

Mr Piesse

- How has that been proved?

Sir EDWARD BRADDON

- It has been proved in a negative fashion by the fact that it did away with the objection that "Tattersall's" place of business would be crowded by people who might be induced to engage in dangerous speculation.

Mr McCay

- If betting has nothing to do with horse racing, why should it be feared that people would congregate at " Tattersall's"?

Sir EDWARD BRADDON

- I am merely pointing out certain misrepresentations which were made as to the character of " Tattersall's " business. I know that " Tattersall " never did engage in the business of backing horses. In the Act to which I have been referring, it is prescribed as a safeguard to the public morality that no tickets shall be sold by "Tattersall " except through the medium of the post. The regulations enforced are also of a most stringent character. These require that the lotteries shall be conducted under the supervision of an officer appointed from the Treasury, that the accounts shall be supervised by the Auditor-General, and that the people conducting the sweeps - that is to say, " Tattersall's " agents - shall have nothing whatever to do with handling the marbles or with dealing with the boxes from which those marbles are taken. As a member of this Chamber, I have a right to show to what extent I was guided by an intention and belief which, this House may deem to be honorable, upright, and just. The Minister in charge of this Bill, who, doubtless, to some extent feels himself in a false position, was entirely with me in the introduction of that measure, which I think he has called a model of legislation.

Mr Reid

- The Bill that contained these provisions ?

Sir EDWARD BRADDON

- I am. speaking of the Bill which contains the provisions regarding the Post-office, and the passing of regulations under the Act.

Sir Philip Fysh

- If the right honorable member is alluding to any remark of mine in connexion with this Bill, I do not think he is right in saying that I ever used the term " model Bill," whatever I may think of it.. The right honorable member is slightly stretching his imagination.

Sir EDWARD BRADDON

- I will take the ipsissima, verba of the honorable member himself. He said -

So far as the sweeps are concerned, they have been conducted in a manner reflecting credit upon the men conducting them, and upon the legislation under which they are conducted.

Will the honorable member accept his own words ?

Sir Philip Fysh

- Is that an extract from a speech of mine ?

Sir EDWARD BRADDON

- Yes..

Sir Philip Fysh

- Very good.

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Sir EDWARD BRADDON

- It would be very good indeed if it were not so awfully transient, and if - having made an important and perfectly accurate statement of this sort - the Minister did not find it convenient to forget it, and apparently think that he ought to have said something quite different. We have been swamped with petitions bearing upon these clauses from various bodies, all of whom are entitled to credit for their motives. I admit that those who have signed petitions for the retention of these clauses are actuated by the best possible motives. What I contend is that their motives are based upon a misunderstanding of the ' subject upon which they speak. I would point out one thing, to which I hope some respect will be paid, namely, that upon a petition presented from Tasmania there will be found the signature of Sir James Agnew, an ex-Premier, who I may say without exaggeration is the most highly-respected member of the Tasmanian community.

Mr G B EDWARDS

- How old is he ?

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Sir EDWARD BRADDON

- He is some years older than the honorable member. But has age anything to do with it? This is not a weight-for-age race, or anything of that sort. This gentleman is old enough at any rate to know his own mind, and old enough also to have had such experience of the world's affairs as to lead him to take a proper view of any question affecting the public morals or the public welfare. He constitutes practically the fourth of Tasmania's Premiers who are opposing this clause. The Minister in charge of this Bill, Sir Philip Fysh is one, -I am another. Sir James Agnew is a third, and the present Premier of Tasmania constitutes the fourth. These are men who at any rate in their day have had the conduct of public affairs in the State of Tasmania, and who presumably have attained to that position as the result of some merit which has justified their elevation. As regards three of them, at all events, it cannot be said that their present attitude is actuated by Cabinet considerations. Of course, the present Premier sees the wrong that would be done to Tasmania by an interference with its rights, and the wrong that will be done to it financially by depriving it of sorely needed revenue. We have heard that these sweeps constitute a breach of the Constitution on the part of Tasmania, Surely never in this world was there such an absurd topsyturvydom of ideas as is to be found in that statement. Whose rights are invaded ? Certainly the rights of Tasmania. We have in the Constitution sections 108 and 118. The former provides that -
Every law in force in a colony which has become or becomes a State, and relates to any matter within the powers of the Parliament of the Commonwealth, shall, subject to this Constitution, continue in force in that State.

Section 118 sets out -

Full faith and credit shall be given throughout the Commonwealth to the laws, the public Acts and records, and the judicial proceedings of every State.

If it be argued that this is contradictory to section 108, or inconsistent with it, then the later section - 118 - in accordance with the uniform practice, should be deemed as having practically repealed or superseded by implication the earlier one: It will be within the memory of honorable members that I have pointed out that one of the chief safeguards of these lotteries being carried out in Tasmania is the provision that they shall be carried on only through the medium of the post. That, as a salutary condition, has been introduced advisedly in the Tasmanian statute. Here we are seeking, through the Commonwealth Parliament, to obtain an enactment which shall declare that which the Tasmanian law absolutely requires, to be of no effect whatever. The Tasmanian law says that tickets shall be sold on application through the post and only so, but the Commonwealth Government would have it provided that no applications of the kind shall go through the post. If that is not an invasion of Tasmania's statutory rights, I am at a loss to know what could, by any possibility, be so construed. Apparently, Ministers have counted heads and have found that they are in a majority, but I hope even now that their calculations as to that majority may be disappointed. I hope that this branch of the Federal Legislature will not pile upon the wrongs already

imposed on the little State of Tasmania yet one other, against which its Government and its people have strongly protested. I hope we shall see in this matter no straining of the just powers of the Postmaster-General, no straining of the power of the Government of the Commonwealth, no violence done to the ordinary law as to the carriage of letters as it prevails in England. I hope we shall have none of these things, even though they purport to have thousands and thousands in favour of them, when only hundreds and hundreds, perhaps, are petitioning against them. We have no warrant whatever for any interference of this sort in the English law. The English law gives no power beyond that of permitting packets to be searched when it is reasonably suspected that they contain contraband articles. The Minister in. charge of the Bill has pointed out the ruin which occurred to one Minister of State - for it meant ruin to his political career - by his contravention of the unwritten law that postal communications intrusted to the State shall, be held inviolate, and their secrecy not interfered with. Will it be remembered that, after all, the Post and Telegraph department is nothing but a common carrier - the servant of the public - for the carriage of letters and telegrams ? Do not let us give to it authority that would be unwise in any case, that would be wrong in any case. Do not let us follow these most dangerous models, and inflict upon a State, that might receive generous consideration at the hands of the Commonwealth Parliament, a wrong which it should not be called upon to bear.

Sir JOHN QUICK

- I think honorable members will admit that the case for Tasmania has been placed before them in a very able and complete manner, partly by the Minister in charge of the Bill - who performed the duties assigned to him in a very fair and impartial way - and still more so by the right honorable member for Tasmania who has just resumed his seat. I desire to take this opportunity of congratulating that right honorable member on the very clear and exhaustive manner in which he stated the case for Tasmania. I am sure the people of that State will have no reason to regret the action of the two honorable members who have to-day placed that case before the committee. I think that the representatives and the people of Tasmania may not only expect generous consideration at the hands of this House, but that they will receive that generous consideration. In a case of this momentous character, if there are any reasonable doubts about the propriety of proposed legislation which would affect the small State of Tasmania, with its limited representation, this Federal Parliament will give that State the benefit of the doubt, and will pause before launching upon any legislation which might prejudicially affect her, and as to the constitutionality of which there are any substantial doubts. The honorable member, Sir Edward Braddon, has, to the very best of his ability, and as ably as any representative could possibly discharge the task, placed before the committee what he considers the constitutional right of Tasmania. He has also placed before us what he believes to be the moral and political aspects of the case. Dealing first with the constitutional aspect, which I venture to submit is one of very grave importance, I would point out to the right honorable member that, whilst drawing attention to certain sections, he has omitted to consider that relevant section - 109 - of the Constitution Act, which provides that where the law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail. I presume the right honorable member will admit that the Federal Parliament has been assigned full and complete control over Postal and Telegraph departments. These departments, and the powers involved in them, have been transferred freely and voluntarily by the States to the Federal Union. There is no qualification whatever in that transfer. There could be hardly any doubt, even assuming that we had no constitutional precedent or authority to guide us in a question of this kind, that the transfer of the power over Postal and Telegraph departments necessarily conveys within that transfer the power to decide what shall be carried as mail matter as well as what shall not be carried as such. If it was intended to confer upon the Federal Parliament a limited or a restricted power, then such limitation or restriction would have appeared on the face of the federal instrument. But there is no such limitation and there is no such restriction. Nothing of the kind was even contemplated. The grant of power over postal matters conferred upon the Parliament of the Commonwealth is as clear and as unqualified as a similar grant of power under the Constitution of the United States of America.

Mr Deakin

- If anything, it is wider.

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Sir JOHN QUICK

- It is wider because of the non-inclusion in the Constitution of Australia of certain sections which to some extent tend, although in a minor degree, to limit the power of Congress over some subjects. This question has been fought out and has been practically decided under the federal constitution in the United States. I should like to remind the right honorable member for Tasmania who has just spoken, that many years ago the Federal Congress of the United States, in the Reserve Statute No. 3894, passed a law to this effect - No letter or circular concerning lotteries shall be carried in the mail of the United States, and any person who knowingly deposits anything in the mail, forbidden by this law, shall be liable to a penalty of 100 dollars.

This was embodied in the Federal Act of 1876, and confirmed by the Federal Act of 1877. A short time after the passing of that Act a man named Jackson was prosecuted in the courts on the charge of having deposited in the federal mail postal matter contrary to the Federal Act. He was convicted and sentenced to a penalty. He applied to the Federal Supreme Court for a writ of habeas corpus to be brought up, in order that the constitutionality of that federal law should be decided. The case is reported in 95 United States Reports, page 132. Honorable members who care to follow this subject further will see the arguments exhaustively described there, and the judgment - a most elaborate judgment - given by Mr. Justice Field, which wound up with this passage -

The court has no doubt whatever as to the constitutionality of this law.

That precedent may be fairly accepted as a guide to us in considering the question whether we can legally proceed to carry a law of this kind. That, however, was not the only law relating to lotteries passed by the Federal Congress. Later on, we find that several Bills of an amending character were brought in in order to deal with what was known as a growing evil, in the shape of the Louisiana State lottery. That lottery had been legalized partly by the State of Louisiana ; partly it was legalized by an Act of State legislature, and, afterwards, it was legalized in a still more remarkable manner by being embodied in the State Constitution itself. It became such a great curse and a nuisance that public opinion throughout the whole of the United States was roused to a tremendous extent, and it led in a measure to the passage of anti-lottery laws throughout America. It led to a further agitation for an extension and amendment of the federal law in order to cope with this terrible curse. Accordingly, the federal law was enlarged for the purpose of giving the federal postmaster power to direct the local postmasters throughout the United States to stop the delivery and the transmission of mail matter relating to lotteries and gambling schemes of the kind referred to.

Mr G B EDWARDS

- Was that law passed in contravention of the Berne Convention?

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Sir JOHN QUICK

- That was not considered by the Federal Congress. I will come to that point directly. I am dealing now with the constitutional aspect of the subject. Congress on the 10th September, 1890, passed an amending law to meet an evasion of the previous federal law which had been brought about in this manner : The previous federal law had provided for the stoppage of mail matter addressed to the manager of the lottery. The manager of the lottery got over that law in a rather remarkable and astute manner. I am drawing attention to this point because there is an imperfection in this clause which will have to be remedied if it is to be rendered workable-. The manager advertised that all lottery matter, letters, and circulars, should be addressed, not to himself personally, at New Orleans, but to the manager of the National Bank at New Orleans. That was done. Letters began to pour in on the manager of the bank in hundreds and thousands, and the law was practically evaded. The federal authorities proceeded then to stop letters, circulars, and newspapers so addressed. What happened then 1 The manager of the National Bank applied to the Supreme Court for an injunction to restrain the federal postmaster from proceeding to stop his letters, on the ground that the federal law did not authorize it to be done. The injunction was granted, and so the federal law, by reason of that imperfection, was rendered practically abortive. Congress then proceeded once more to tackle the question. As I have said, in September 1890.it passed an amending Bill, providing that letters and circulars relating to lottery matters, whether directed to the managers, or the principals, or the agents, or the representatives of such lottery schemes, should be stopped, and should be dealt with by the federal postal authorities. That law is now in force in the United States. It has never been challenged. The result was that the State lottery of Louisiana, which had been a

terrible scourge to the community for a quarter of a century, was finally and successfully suppressed. Out of the 44 States of America in 1890, no less than 42 had passed local laws for the suppression of lotteries and schemes of that character. I think I have shown the constitutionality of this proposed law. I would now like to draw attention to the second branch of this matter which should be considered, namely, whether this Parliament ought to interfere in the manner proposed, and whether it is desirable and right and proper to interfere. I certainly do not think that this Parliament ought to interfere in a matter of great importance involving the interests of a State unless there are very strong reasons indeed to justify such intervention, but I submit that there are very strong reasons indeed why the proposed law should be passed. We may look first not only at the state of public opinion throughout Australia, but also at the public feeling in those great kindred communities across the sea, the United States of America, where the people are so profoundly impressed with the terrible evils associated with lotteries and schemes of that character that they have been constrained to pass restrictive legislation. We ought to regard that as a very strong argument in favour of our acting similarly. First, speaking of the state of public opinion in Australia, I would direct attention to the circumstance that, although in the Bill before us the marginal note suggests that this clause is taken from the law of Queensland in 1891, it was passed almost word for word by the Parliament of Victoria in 1883, when I had the honour of being a member of the Legislative Assembly. The provision was brought in by Mr. Kerferd the Attorney-General of the Victorian Administration, on account of the terrible growth of sweeps and consultations in the City of Melbourne. The evil had attained such terrific magnitude that the newspapers unanimously joined in the demand for its suppression, and great credit was justly due to the leading newspapers of Victoria for the stand they took, because it involved them in a loss of revenue to a very large extent. The Victorian Parliament almost unanimously passed the clause which is now introduced in this Bill.

Mr Higgins

- Has there been any less gambling in consequence 1

Sir JOHN QUICK

- I think, as a matter of fact, that these sweeps and consultations which were rampant in the city were driven out of Melbourne to a large extent, and then found a resting place in other States where there was no law against them. The law that was passed in 1883 in Victoria was re-enacted in 1890, and so satisfactory was the operation of this legislation found that at the conference of Deputy Postmasters-General held in 1891, at which the whole of the Australian States were represented, it was agreed that it was desirable that legislation for the suppression of lotteries should be made uniform throughout the whole of the States. I present that as a very striking testimony in support of the proposed legislation. A few months after this conference, Queensland engrafted on to her statutes the Victorian clause for the suppression of sweeps and consultations, but unfortunately only granted a permissive power to the Postmaster-General, which was not exercised for some time. In 1893 New South Wales passed a similar law, and in the same year Western Australia passed an Act of like effect. So that then we had four out of the six colonies brought into line with an almost uniform law - uniform with the exception of the words "prohibit transmission," which it was found necessary afterwards to insert in the Victorian law in order to enable the Postmaster-General to prevent the transmission as well as the delivery of lottery matter. The New South Wales Act is similar except that there is no power to prevent transmission, but substantially the four States were brought into line. Although no similar clause was enacted in South Australia, there is nevertheless a very strong anti-lottery and anti-gambling law in that State, which has been enforced since 1875.

Mr V L SOLOMON

- And a legalized totalizator to counterbalance it.

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Sir JOHN QUICK

- I do not wish to discuss the reasons why South Australia did not pass a clause similar to that in force in other States. Probably the spirit of gambling was not so strongly developed there as in the other States. When the lottery promoters were driven out of Victoria they found refuge in New South Wales, where they carried on their business successfully for a considerable time, until the New South Wales Government brought the law into operation against them. Then they were driven out of New South Wales and took refuge in Queensland, until the law was brought into operation rigidly to the extent of driving them out of

that State. I believe they afterwards tried to find a resting place in Western Australia without success, but in 1896 negotiations were opened up with the Government of Tasmania in order to enable them to obtain a footing in that State. We have had a very interesting historical explanation as to the circumstances under which the law was passed in Tasmania which has enabled these sweeps and lotteries to carry on a flourishing business. Reference has been made to the financial aspect of this matter, and to the loss which it is believed Tasmania will suffer if this law is passed. But I would like to point out to the honorable members for Tasmania that the revenue they are deriving from "Tattersalls" sweeps is not obtained from a normal source, and that neither is it a natural nor a legitimate source. "Tattersall" has been driven out of four of the States, and has found a comfortable home in Tasmania, where he is able to defy the law of the other States, and to furnish Tasmania with an illegitimate and unnatural source of revenue, which is really a cancer in the midst of the community, and which makes Tasmania occupy the "unfortunate position of being practically the Monte Carlo of the Commonwealth. I should think the people of Tasmania would be sufficiently high-minded to deal with this matter from a loftier stand-point than that of the revenue that will be lost as the result of bringing this law into operation. For the sake of £15,000 a year are they content to stand pilloried in the eyes of the world as giving a refuge to this pernicious institution which has been kicked out of all the other States 1

Mr Cameron

- Why does not the honorable member kick the bookmakers out of Victoria 1

Sir JOHN QUICK

- Whatever may be said about bookmakers, I consider, in dealing with the moral aspect of this case, that more evil will flow to the homes of the people and to the youth of Australia through these lottery systems than will result from direct betting or gambling. No doubt direct betting has its evils-and its calamities, but this Parliament has no control over that kind of gambling. Our present concern is" whether the Federal Parliament, having authority over the Post-office, should allow it to be made an agency for facilitating forms of gambling which, in the opinion of the greatest judicial authorities in the world, and in the opinion of some of the greatest statesmen in the world, ought -not to be sanctioned by the State, but ought, if possible, to be put down. There are special reasons why this form of gambling should be prohibited, and there are certainly strong reasons why the Commonwealth should not allow the Post-office to be made use of for the purpose of circulating correspondence and information relating to this most pernicious evil. In the interests of the community generally, and of the young people of Australia in particular, and in deference to the growing feeling throughout the world that gambling ought to be put down as far as possible, we ought to give the power sought in these clauses. In connexion with this matter, I desire to quote the opinion of three eminent Judges of the United States with regard to this matter. Mr. Justice McGloin, of the Louisiana Court of Appeal, in January, 1892, uttered these remarkable words - The honour of Louisiana is, to an extent, the honour of the entire union ; the welfare and purity of one State is a matter of vital interest to all the States. A vigorous enforcement of existing postal laws bearing against all lotteries, supplemented by other legislation closing to them the express service, will go far towards protecting the other States against a corporation, which is a confessed pirate, a wilful violator of every law.

Now let me apply to my honorable friends from Tasmania the words of this Judge and say that the honour of Tasmania is to an extent the honour of the entire union - I would appeal to them to join with us in endeavouring to suppress an institution which is calculated to bring dishonour and discredit upon the Commonwealth.

Mr Cameron

- When the other States are clean themselves they will have a better right to ask Tasmania to stop the sweeps.

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Sir JOHN QUICK

- I also desire to quote the words of Mr. Justice Grier, who in the case of Phalen v. Virginia 8. Howard, 163, says -

Experience has shown that the common forms of gambling are comparatively innocuous when placed in contrast with the wide-spread "pestilence of lotteries. The former are confined to a few persons and places, but the latter infest the whole community ; it enters every dwelling ; it reaches every class ; it

preys upon the hard earnings of the poor ; and it plunders the ignorant and the simple.

These are not words from the platform, but a judicial utterance from the bench. In another case, *Stone v. Mississippi*, United States Reports 101, 818, Chief Justice Waite said : -

Lotteries are a species of gambling, and wrong in their influences ; they disturb the checks and balances of a well ordered community. Society built on such a foundation would almost of necessity bring forth a population of speculators and gamblers, living on the expectation of what, by the casting of lots or by lot, chance or otherwise, might be awarded to them from the accumulation of others. Certainly the right to suppress them is governmental, to be exercised at all times by those in power, at their discretion.

When one of the amending Bills was before the Federal Congress Mr. Moore of New Hampshire said : -

Many of the States, by statutory provision, prohibit lottery advertisements and prohibit lottery agencies or the sale of lottery tickets, and subject the offender to fines from \$50 to \$2,000. Many, very many, of the best newspapers in the land refuse to become parties to this scheme of obtaining money by false pretences, and refuse to advertise lotteries, and advocate the justness of the people's cause in excluding from the mails papers that do advertise lotteries or lottery drawings. I regret to say that the district of Columbia, the seat of the Government of this nation, has failed to provide necessary legislation to prohibit the carrying on and advertising this worst of all classes of gambling, and in consequence this city contributes, as I am advised, about \$1,500,000 annually. The immense wealth accumulated by this Louisiana State lottery has enabled it to control almost everything in Louisiana. Finance, politics, morals, seem to be controlled by this power, and to oppose it, particularly in New Orleans, seems to be fatal. If we should be disposed to believe editorials appearing in the leading New Orleans papers lately, we would be convinced that lottery money was used very largely to elect governors and legislatures with a view to control legislation. I am advised too that not long since, almost within the shadow of the dome of the capital of this nation, a well-known gentleman of this city gave a dinner to a number of distinguished gentlemen, and when the wine flowed freely one of the speakers of the occasion took the opportunity to put all parties upon notice that if there was any legislation permitted at this session of Congress antagonistic to the interests of the Louisiana State Lottery the company would see during the next campaign that any member favouring such legislation should be relegated to the shades of private life. If this be true it is quite apparent that the Louisiana State Lottery is not only in the business of making statesmen, but when necessary is disposed to engage in unmaking them. The good people of the State of Louisiana are making an honest, honorable, heroic effort to purge the State of this plague that has for the past twenty years been a blot upon the good name and fame of her people. Let us stand up and be counted as friends of the United States ; we cannot afford to longer remain a silent partner.

In similar words, I ask this Parliament to assist Tasmania as a partner in the Federation to abolish this growing lottery evil, and to remain no longer a silent partner. I feel assured that as a similar evil grew in Louisiana to such an extent that it was like a huge octopus having a grip of the entire State, until suppressed by federal law, so in course of time this lottery, which has been established in Tasmania will, if not suppressed, become a similar huge incubus controlling largely the political and municipal Government of that land. It is most undesirable that any State of this union should become subject to the domination of any particular institution of this kind. I need not refer to what took place during the discussion in the Parliament of Queensland in 1895, when a desperate effort was made by those representing the Tasmanian Lottery Institution to secure a reversal of the repeal of the law of Queensland. We do not wish any such influence to grow up in connexion with our Legislature. We want the atmosphere of our political and State life to be free from the, blighting influence of an institution such as that aimed at by clause 55 of the Bill.

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Mr CONROY

- I think that almost every honorable member agrees with, what has fallen from the lips of the honorable and learned member for Bendigo with regard to lotteries. We recognise that it is a great misfortune, indeed, that gambling should exist in any State. I am quite sure, that the great bulk of honorable members do not wish to encourage that evil in any way whatever. The only point of difference which there may be between us, as far as I can judge from the general tone of the debate, is as to whether such a proposal as is now under consideration ought to be introduced into a Bill of this kind. Even if we think it ought, there is a question as to whether our power to legislate upon it does not conflict with the law at least of

one of the States. If we study the Constitution Act, we shall find that however right, it may be that the various States shall give us power to regulate the moral affairs of the community, no. such power has really been given to us. That being so, the question arises - "Ought we in this Bill to seize upon an opportunity to regulate as far as we can the character of the matter transmitted through the post" ? If we can accomplish that object without interfering with the privacy of the Post-office, I am sure that all of us will be only too glad to do so. We should be glad indeed to exterminate all baneful influences to the community. It is with great diffidence that I speak upon this question, because I cannot help recognising the difficulty -with which we are confronted. Personally I have never attended horse racing, nor have I invested in "Tattersall's" sweep. I have no sympathy with either. But the point is that the various States have not given us power to legislate for the suppression of gambling. Ought we, therefore, on a particular Bill, to prevent them from carrying on transactions even though we believe those transactions to be wrong.

Mr Piesse

- They have given us no power.

Mr CONROY

- I quite admit that.

An Honorable Member. - Then by adopting these clauses we shall be adopting an underhand means to accomplish our object.

Mr CONROY

- That is the point which occurs to me. "We are trying to arrogate to ourselves a power which the States have not granted to us. Under these circumstances I feel that I cannot give my support to clauses which seem to interfere with the privacy of the Post-office. If these matters came before us in connexion with a gambling Bill I should be very willing to vote for provisions such as are here proposed. It is because we are too prone to insert in one Bill, matter which really belongs to another, that so much work is created for the lawyers. If the laws of the various States are not strict enough to deal with the gambling evil it is very easy for them to be amended. I merely rose to say that I do not think this Bill is the proper place to deal with this matter, and therefore I cannot support the clauses.

Mr. HENRY

WILLIS (Robertson).The address delivered by the Minister in charge of the Bill should have conveyed to us some of the benefits that would accrue from the retention of this clause in the Bill. He admitted that such a provision does not operate in any of the several States of the union save that of Queensland. We know from the petitions that have been presented from time to time that Queensland is very pronounced against the insertion of this clause, having discovered what was admitted by the honorable and learned member for Bendigo, that the suppression of the totalizator does not necessarily lead to the suppression of gambling. Indeed the Minister in charge of the Bill said that in five out of ' the six States in the Commonwealth, gambling prevailed to a large extent, but that in the State of Tasmania it does not attain to such great proportions. We all know that "Tattersall" could not thrive in tasmania if it were not for the amount of money which is transmitted to him from Victoria and elsewhere. The honorable and learned member for Bendigo pointed out that Victoria had pushed "Tattersall" from this State into another. We find that that process has continued ever since. But each succeeding step of this kind has only added to the business transacted by "Tattersall" so that in Tasmania to-day it is greater than it ever was before. It seems to me that we have no right whatever to enact legislation of the character proposed in these clauses. The Minister in charge of the Bill said that in several States stringent laws against gambling have been enacted, and it would appear from his argument that those States have failed to administer their laws, and now propose in a circuitous way to make them operative by using the Post-office for the purpose. To my mind that is a purpose for which the Post-office was not established. The Postal department has a monopoly of the delivery of letters. It has the exclusive right to transmit letters from one person to another. I think it was a fatal admission which the Minister made, when he said that the word "transmit" cannot become operative. even if it should be enacted by this House. The Minister .has admitted that according to the postal union we have not the right to prevent the transmission of letters from here to Tasmania, or Apia, or Noumea.

Mr Watkins

- That simply means that "Tattersall" will be shifted to New Guinea.

Mr HENRY WILLIS

- Exactly. "Tattersall" will continue to exist, but will be pushed from the shores of Australia, and will most probably gain a footing in the colony of New Caledonia.

Sir Philip Fysh

- I do not think that I put the matter quite so strongly, although that is the opinion I personally hold.

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Mr HENRY WILLIS

-It is the opinion which is also held by the Postmaster-General. Within several of the States there are stringent laws for the suppression of gambling, but those laws are inoperative inasmuch as the people's susceptibilities appear to be satisfied by the enactment of the laws without insisting upon their application. Perhaps they gamble nearer home now through the medium of the tote shops and other gambling dens which are to be found in every corner of this great city, and which according to a statement made during a debate in the State Legislature, are to be found in every corner of every great street in this city. The same remark is applicable to our other great cities. The public rail against this gambling, but surreptitiously evade the law. All that was said by the honorable and learned member for Bendigo goes for nothing. We should like to suppress gambling, but this Bill will not do it. That is the point at issue between those who believe in these clauses, "and those who believe that such legislation will be inoperative, and will result only in the evil being shifted from one State to another. The totalizator exists in South Australia, New Zealand, Tasmania, and elsewhere. The people indulge "in this innocent form of investing money by which it is possible that they may gain a large reward. We find also that some of the people who sign petitions in favour of these very clauses themselves promote art unions, raffles, and other games of chance. Notwithstanding these petitions, we find also that the people are in favour of what they call innocent forms of gambling - the raffle, the art union, the totalizator, and the lottery. They are not opposed to a game of chance. They practice it in every department of life, and in every institution it is resorted to. By every post we receive intimations that an art union is to be held to raise funds for a hospital or something of the kind. From one end of Australia to the other the people are in favour of lotteries. What they are opposed to are the evils which follow the laying of large sums of money with the bookmaker or with the welsher. The honorable and learned member for Bendigo quoted an American authority, who described gambling as a great evil. To tell us that is only to repeat a platitude. We all know that it is a " great evil. I myself am as strongly opposed to gambling as any honorable member of this House. I have never once taken a ticket in " Tattersalls " sweeps ; never once have I registered a bet with a bookmaker ; seldom have I been to the race-course, and I have been in Melbourne on Cup day, and have yet stopped away from the race-course. I merely mention these matters in order to show that I am not here to advocate the claims of the bookmaker or the promotion of gambling. My desire is to prevent gambling if possible. This measure is not, however, a sincere one. It is proposed for the purpose of enabling the Postmaster-General to pry into the private correspondence of individuals. The privacy of a man's household and his correspondence will be invaded under this Bill, if he chances to be labelled as the promoter of a sweep. Even a letter from his child will not be sacred ; it may be torn open by the Deputy Postmaster-General and returned to the sender, although the honorable and learned member for Bendigo seemed to dispute the power of the Postmaster-General under this clause to open such a letter. I am of opinion that a man's correspondence should be delivered to him whether he calls himself " Tattersall " or any other name. 'It does not concern us whether Tasmania will lose £14,000 a year by the adoption of this provision, or whether other States will benefit to that extent by the excision of the clause. What we have to consider is whether the clause has any right in the Bill ; whether it is the duty of this Parliament to administer the laws of the several States, or whether we should not leave to the States the administration of their own social laws. If they allow any of those laws to become a dead letter, it is no part of the duty of the Commonwealth to enact a provision such as this, which will have the effect of enabling the Commonwealth to administer the laws which the States themselves are unable to, or do not administer. What we are called upon to do, according to the title of the Bill, is to enact a law relating to the Postal and Telegraph service of the country. To that extent I am prepared to vote for it, but not for the purpose of establishing a code of morals, and enforcing them upon the people in the way indicated by the honorable and learned member for Bendigo and the Minister in charge of the Bill. Even if we shut out "Tattersall" from Tasmania there will be the same amount of labour to perform in the administration of the Post-office

as we have to-day. The only difference will be that we shall lose an amount of postage, estimated at £14,000 a year, which will go either to the French at Noumea or the Germans at Samoa. What good can come from the enactment of this clause? We have the authority of the honorable and learned member for Bendigo for saying that such a provision has not lessened gambling in Victoria. We have the statement of the Minister that it has not lessened gambling in any other State. The passing of this clause will not tend to lessen gambling, and we have no right to introduce it in a law of this character. The constitutional aspect of the question has been referred to. It seems to me that that matter might be left to Tasmania. That State will very soon see whether we have the power to pass this law or not. If we allow the delivery of all these letters, as we are asked to do by the people and by the States themselves, we shall discharge our duties faithfully and well. "We shall be exceeding our powers in passing this clause for the purpose of suppressing what is said to be a form of gambling, when the Minister himself has failed to show that it would have that effect. We are asked to enact a vexatious, inquisitorial, and meddlesome law, which will not raise the moral condition of the people; and while the honorable and learned member for Bendigo urged the committee to vote in favour of the retention of this clause, I just as strongly beg the committee not to pass it. If we do, we shall be violating the privileges of the people. We have no right to interfere with the private relations of individuals. When we take a man's correspondence, and toss it into the waste-paper basket, we exceed our duty. I represent a very large part of this Commonwealth, and the people of my great constituency have to a large extent expressed their opinions against the insertion of this clause. No reason has been advanced for its inclusion in the Bill, and I shall therefore vote for its excision.

Mr CLARKE

- I feel sure that no honorable member" of this committee would advocate gambling. We are all desirous of abolishing it, but we want to see its abolition accomplished in a reasonable way. The Minister in charge of the Bill, so far as I could gather from his speech, is in a rather peculiar position. We know that as a member of a Tasmanian Government he introduced the Tasmanian law known as the Suppression of Betting Act. In that Act provision is made for putting down betting in public places and within buildings, and among other things it is enacted that, under certain conditions and circumstances, lotteries may be conducted. A regulation was framed under that Act which legalized what is generally known as "Tattersall's" in Tasmania. The Minister who has given effect to a law of that character in his own State must indeed be in a rather awkward position when he finds himself called upon here to support a Bill for the wiping out of that very Act. I oppose this clause on two grounds. The first ground is that I consider that to pass it would be to override the State rights of Tasmania. It has been argued otherwise, very ably I know, but I do not intend to involve myself in a question of that kind, because I know there are legal authorities in the committee who could twist me round their fingers, so to speak, upon that particular point. But even if we have the right to legislate in the way proposed, we should consider whether it is expedient to exercise that right. When I was stumping the country in support of the Commonwealth Constitution Bill, it was pointed out to me again and again that certain clauses in it gave extraordinary powers to the Federal Parliament. Following the cue given by the leaders of the movement, I invariably replied that it was safe to presume that its administration would be placed in the hands of reasonable men. Instead of that being the case, it seems to me that we are going to verify the doleful predictions of the anti-Billites; that we are going, at the very outset of our federal career, to raise a hornet's nest about our ears. Tasmania is a small State. It was induced to enter the Federation in the belief that it would be better for it to be inside the union than outside it but we propose at the very outset to set at defiance what Tasmania conceives to be her State rights in this matter.

Mr Piesse

- That has not been proved.

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Mr CLARKE

- That is the position taken up by the Premier of Tasmania and others who ought to know something of the views of the people of that State. I regret that this step has been taken, because those who advocated the acceptance of the Commonwealth Constitution Bill, in New South Wales were continually told that they were doing a wrong thing. It seems to me that, instead of going along without any friction, we are endeavouring to create strife, and to keep alive the enmity of those who opposed the Constitution Bill. It

seems to me that section US of the Constitution has a very strong bearing upon this question. It provides, in effect, that the Commonwealth shall give full faith and credit to the laws and public acts of the different States. We now propose to do indirectly that which we have no direct power to carry out. We intend to exercise our powers in the direction of prohibiting portion of a Tasmanian State law. This is an attitude which I cannot understand, and to which I am not going to subscribe. It has been clearly indicated by the Premier of Tasmania that he intends, if we pass this clause, to test the validity of our act in the Federal High Court. That court has not yet been established. Are we going to wait for the settlement of this question by the High Court, or are there any other means of determining it ?

Mr Thomas

- We will not have to wait, but Tasmania will.

Mr CLARKE

- Is that a fair position in which to place a State? Surely we should be chary in passing a provision of this sort, which creates causes of appeal, before we have established the High Court. If we are serious in our opposition to gambling, surely there must be some other way of preventing it than that of turning the Post-office into an engine for its suppression, and interfering with the rights of private individuals. In 1893 a Postal Act was passed in New South Wales, which gave the Postmaster-General power to open letters addressed to any individual who was suspected of promoting or carrying on a sweep or a lottery, and I hold in my hand three packets of letters which I have been told on reliable authority were illegally opened under that Act by various Postmasters-General of that State. I have compared the addresses on many of the envelopes with the addresses published in the Gazette in accordance with the Act, and I find that in some cases they do not agree at all. More than that, there have been instances in which letters addressed to guests staying at Adams' hotel, and in one instance a letter addressed to Mrs. Adams, were opened. On one envelope the sender took the precaution to write, "Not referring to consultations," and signed his name, which was that of a well-known Sydney man ; but the postal officials, nevertheless, tore open the envelope to examine the contents. In every case the envelopes had printed on the face of them the names of the firms from which the letters came. They were purely business letters, in some cases containing invoices or accounts, in other cases communications of a strictly confidential nature, and the opening of them meant that the contents became known to persons to whom it was highly improper that they should be known.

Mr Barton

- Is there any evidence that any one has shown a knowledge of their contents? It is impossible, under the system in vogue in the department, for the officials to learn more than the addresses and the signatures of the letters that are opened.

Mr CLARKE

- I have no proof of the fact beyond the bare word of a gentleman in whom I have every reliance. I have been told, too, that there is reason to believe that, in some cases, money was abstracted from the letters ; at any rate some of the senders asserted that they had contained money. The bundles which I have here do not contain, all the letters which were opened, which number nearly 2,000. Some of the letters were sent to the dead-letter office, a thing which was never contemplated by the Act, and kept there for the usual time before being opened. Thirty-five letters sent by the Dairy Produce Company were opened, though the name of the firm was printed on the envelope. Twenty letters from Holdsworth, Macpherson, and Co. were opened.

Mr Harper

- To whom were they addressed ?

Mr CLARKE

- To "George Adams, Tattersalls Hotel/" which was not the address prohibited in the Gazette. I am willing to show any honorable gentleman who is interested the addresses on the letters and the addresses prohibited in the Government Gazette. Fifty-six letters from Rowlands, crated water and sodawater, manufacturers ; 30 letters from Marshall's Brewery ; 23 letters from McClelland and Stewart, printers ; and 24 letters from the Bank of New South Wales were opened. There is one letter in the package which was sent by a firm of solicitors, and refers to a banking transaction of a most confidential nature, but it was opened in the Post-office. Sixteen letters from John Dight, produce merchant, and 60 letters from the Fresh Food and Ice Company, were opened. Naturally a man who was keeping an hotel would have a

number of letters from firms of the sort : but that consideration did not prevent the postal officials 'from ruthlessly opening them. Now we are asked to allow the Deputy Postmasters-General of the States to pry into the private correspondence of individuals. Not only have the rights of George Adams and other sweep-promoters been, interfered with, but the rights and confidence of the senders of the letters have been violated.

Mr Crouch

- What was done with the letters that were opened ?

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Mr CLARKE

- They were sent on to the address given. But the opening of ordinary business letters is a trifling thing compared with the opening of letters from the Bank of New South Wales, which referred to matters of a most confidential nature. When the postal officials had any doubt, they should have sent for the person to whom the letters were addressed, and opened them in his presence. But letter after letter coming from the bank was opened - a scandalous proceeding on the part of the Postmaster-General, who authorized the opening.

Mr Fuller

- Has the honorable member any letters addressed to any person other than the "Tattersalls"?

Mr CLARKE

- No, I think not. They are all addressed to " George Adams, Esq., Tattersall's Hotel," with the exception of one addressed to C. Adams, and another to Mrs. Adams. I have been told that close upon 2,000 letters were opened, and that they were illegally opened.

Mr McDonald

- Does the honorable member know of other letters, apart from those addressed to Adams, which were opened ?

Mr CLARKE

- No, I do not. There were other sweep promoters in New South Wales, but I am not aware that their letters were tampered with.

Mr McDonald

- I want to know if it was a general thing to open these letters.

Mr CLARKE

- I suppose it was. I do not suppose they would treat others differently from the way in which they treated Adams.

Mr Page

- I know of a man who got three years for opening the letters of a particular friend.

Mr CLARKE

-Well. the persons who opened the letter I am speaking of still have their liberty. But, while we try to prevent people from putting £1 or 5s. into "Tattersall's" sweeps, we do not prevent men from speculating in mining transactions, where the odds may be still greater. I have a number of extracts showing the opinions of the press in this matter. The Melbourne Age of the 27th June, in a rather pointed article, says :

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The Bishop of Hereford has been bothering Lord Salisbury to suppress betting by legislation. The good bishop and his supporters propose that any person who gets up a sweep or offers odds, or any publisher of a newspaper: which prints betting information, shall be liable to be fined as much as £100, or suffer three months' imprisonment with hard labour. Lord Salisbury would not look at such a measure. He told the Utopian clerical reformers that - ' ' By any action you may take you will not stop newspapers giving information on a matter of public interest such as the state of the odds on various races. I cannot conceive the state of society in which that kind of censorship of the press would be tolerated." He added that the advocates of this reform were going " against the feelings and desires of a vast mass of people ;" and Lord Salisbury is right.

The Government are, in my opinion, endeavouring to pass legislation in opposition to the desires of the masses of the people. I have presented petitions from the State of New South Wales, containing something like 200,000 signatures, all of which were obtained within a very short time.

Mr FOWLER

- And in the same manner as signatures were obtained to a similar petition in Melbourne ?

Mr CLARKE

- I do not think the honorable member should endeavour to throw discredit upon the petitions. I have made inquiry about the petitions signed in Melbourne, and I find that the two clauses to which they relate, which were at that time numbered 54 and 55, but which are now numbered 55 and 56, were available at the tables where the petitions were being signed.

Mr McDonald

- Everybody admits that, but the people who signed did not know it. I stood for nearly an hour at one table watching the signing.

Mr CLARKE

- It has been further stated that those who were employed to get the signatures said "This is a petition to prevent the Postmaster-General from opening your letters." If honorable members will read the clauses they will see that that is not an exaggeration.

Mr Page

- And the numbers of the clauses referred to were printed on the placard.

Mr CLARKE

- It was a brief expression of the truth, intended to arrest the attention of passers-by.

Mr JOSEPH COOK

- The question is, what was the effect of it? Were people deceived by it ?

Mr CLARKE

- Well, it is something like two weeks since the question arose, but there have been no letters in the press complaining that people signed the petitions under a misapprehension.

Mr JOSEPH COOK

- Yes.

Mr CLARKE

- Not one.

Mr JOSEPH COOK

- I have statutory declarations from three ministers on that point.

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Mr CLARKE

- I do not believe in the tuquoque argument, but I would ask what was the method adopted by the other side in getting signatures. They had women canvassers, and there was one lady at the General Post-office in Sydney who used the following form of address : - " Sign this petition against gambling ; it will also stop drinking and every other social evil, and we will all ave 'appy 4.- / Let me tell honorable members also that the petitions that were presented by me against these clauses were signed by male adults. "When in any case women signed them their signatures were ruled out because it was never intended women should sign these petitions.

Sir John Quick

- Why not?

Mr CLARKE

- I do not object to women signing these petitions at all, but I do object to school children and others of immature years signing them, in the way that they have signed some of those which have come into this House.

Mr Isaacs

- How was it that the women signed the petitions, if they were not intended to sign them 1 .

Mr CLARKE

- Because those who were in charge of the petitions in some cases mistook their instructions.

Mr McDonald

- Who arranged for getting up these petitions ?

Mr CLARKE

- I cannot tell the honorable member, but it does not matter who had the arrangements in hand, because the knowledge that a certain person was incurring the expense would not enhance the value of the petition or induce people to sign it. People who signed these petitions, simply asked themselves, whether

they were proper petitions to sign. I am not prepared to say whether these petitions were got up voluntarily, in the way that the supporters of the clause claim in connexion with their petitions, but I can assure honorable members that there is a very strong feeling in New South Wales in favour of "Tattersalls" sweeps. I could quote at considerable length from the press, and I have here a passage from an article in the Melbourne Argus of 2nd July last, which, I think, is worth reading. I may say that the newspapers which are advocating the continuance of "Tattersalls" sweeps are not trying to prove that gambling is a moral thing. The Argus says -

The true policy just now is to avoid friction - to get the Constitution into force with as little irritation of individual States as may be consistent with a broad conception of national obligation. There will be plenty of time to deal with all touchy and contentious questions of this kind.

There will be all the time to come. Continuance for a while of the present relation of the Postal Service to sweep business in Tasmania will not be a dire calamity, nor will it prejudice action at a more favorable opportunity. A little humouring of particular States at the outset may be a wise concession to the union we all desire to see peaceably and thoroughly developed.

The Melbourne Age says--

Mr G B EDWARDS

- I rise to a point of order. The honorable member intimated his intention of reading a series of extracts. I think that such a course would be against the standing orders, but if the honorable member is allowed to go on as he proposes, I think that there are many other tilings the reading of which might be equally well permitted.

The CHAIRMAN.- In accordance with the implied wish of the committee in regard to the ruling I gave very recently, the understanding is that until the standing orders now under revision have been presented to and accepted by the House, newspaper extracts referring to current debates may be read.

Mr CLARKE

- The Melbourne Age says-

When Melbourne's great land boom burst, it found many of the clergy who are now fierce against the totalizator heavily involved in the "wild cat" companies of that period. Some of them had risked their all in the great gamble of the time. But because those ventures went under other names than that of a "-sweep," because they were lotteries in land, or houses, or shares, and not in cash betting, the reverend investors swallowed the camel of rash speculation, and strained at the gnat of a comparatively harmless sweepstakes.

I need not quote any further extracts, but I may say that throughout the whole of New South Wales the metropolitan and the great majority of the provincial newspapers advise the Government to proceed cautiously and act with some reason in dealing with these sweeps.

Mr JOSEPH COOK

- What is it the honorable member really wants? Would he be prepared to accept a compromise, leaving the sweeps free to operate in Tasmania, but shutting them out of the other States?

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Mr CLARKE

- No, I would leave the other States in the same position as I wish Tasmania to be left in. I wish Tasmania to have the right that I think she should have, and I wish to extend the same right to the other States, namely the freedom to legislate for themselves in reference to gambling.

Mr JOSEPH COOK

- That would have the effect of reversing the present postal laws in the majority of the States.

Mr CLARKE

- I would leave the States to deal with the question of gambling as they think best. I know the States have no power to deal with the postal laws, but if they are opposed to betting or gambling in any form they have the power to legislate within their own parliamentary dominion. I think the amendment which I have outlined would leave each State the power to legislate as it likes, but, of course, it could not deal with the Post-office, which is under the control of the Commonwealth. The amended Postal Act, dealing with the suppression of gambling, was passed in New South Wales in 1893, when Sir George Dibbs was Premier, and Mr. John Kidd was Postmaster-General. Sir George Dibbs has signed the petition which I presented the other day against these two clauses, and Mr. John Kidd, who is now Minister for Mines, and who was

the Minister in charge of the Postal Act which prevented &Tattersall " from longer carrying on in New South Wales, also signed the petition. I do not know what reason actuated these gentlemen, but I know it has been stated over and over again that the passage of that Act was one of the greatest mistakes the New South Wales Legislature ever made,- because it was impracticable by such a clumsy and iniquitous method to put down gambling.

Sir John Quick

- That was said because " Tattersall " was driven to Tasmania.

Mr CLARKE

- I do not think so. The honorable and learned member for Bendigo ventured to say that gambling decreased after the year 1853, when the anti-gambling legislation was passed in Victoria. It may have been lessened, and I will admit that since the Amended Postal Act was passed in New South Wales it put down a lot of unscrupulous people who were endeavouring to promote sweeps, and who ought not to be trusted to hold £5,000 or £6,000 of public money. In Tasmania, however, the public are safeguarded by the State, because the sweep promoter has to deposit a certain amount of money as a guarantee, and everything is run as fairly as possible. Even before that legislation was introduced it was known that the sweeps conducted by Mr. George Adams could always be relied on, and that they were conducted in a fair way. I believe

Mr. Adams

is a man who could not be dishonest if he tried, but, of course it does not follow that other sweep promoters would be the same. There are many other evils besides gambling which we might desire to put down. I do not think that the controlling of those evils is facilitated by these clauses.

Mr McDonald

- Why not have a State lottery?

Mr CLARKE

- I should not in the least object. It has been suggested that the State control of these matters would form a source of revenue for the payment of old-age pensions. It is a most extraordinary thing that many clergymen - gentlemen for whom I have the very highest respect - have signed a petition in favour of this clause, whilst in their own churches they tolerate bazaars for raising funds. I have gone to bazaars very frequently. I attend them with the knowledge that I am going to be fleeced for a certain amount. I spend as much as I intend, and come away quite happy. I do not object to that. It is an easy way of raising money for charitable purposes. Although I have a very great respect for the opinions of gentlemen of the cloth, I was rather surprised to get a printed article with the name of the Rev. H. Worrall attached, in which he is alleged to have said that "Tattersall" had a monopoly in Tasmania. Honorable members know perfectly well that the Tasmanian Act is not confined to "Tattersall." Any one who chooses to conform to the conditions prescribed may do so. It may be a monopoly, because the public have faith in Adams. But it is not a monopoly in the legal sense, or in the sense that any one else is prohibited from conducting a sweep there if he so wishes. The Rev. H. Worrall is credited with saying -

Would you view with favour a huge jam monopoly, sending through the streets of every village in Tasmania its hirelings with petitions to the Federal Parliament to continue such a system? You know you would not. Then one marvels that this State is wicked enough or insane enough to support by a numerous signed petition a "Tattersall's" monopoly when it shrinks from any other monopoly. I say it is not true to urge that "Tattersall" has a monopoly.

Mr JOSEPH COOK

- It is a monopoly.

Mr CLARKE

- How can it be a monopoly when any one can start by complying with the regulations?

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Mr JOSEPH COOK

- Because they cannot pay the £10,000.

Mr CLARKE

- Syndicates could very soon be formed to provide £10,000. It is because of the public faith in the present promoters of "Tattersall's" that other sweeps are not conducted.

Mr JOSEPH COOK

- Why does Tasmania impose that fine if it has complete confidence in "Tattersall"?

Mr CLARKE

- It imposes it as security. I am told also that there is a further security demanded if the money in hand is a very large amount.

Sir William McMillan

- Would it go into the consolidated revenue?

Mr CLARKE

- It would if there were any default in the conditions attaching to the conduct of the sweeps. I want to know how the stoppage of "Tattersall" is going to minimize the evils of gambling? Even if we were successful in stopping "Tattersall" from conducting his business in Noumea, New Zealand, or any other place, we could not stop gambling. We should merely divert it into worse channels - channels in which we should lose all control over it. In my opinion the most objectionable form of gambling is the small tote shops which are run in some of the States under the cloak of tobacconist establishments and into which children may go and invest their shillings. But in the case of "Tattersall's" sweeps, where the whole business is conducted through the medium of the Post-office, people are not likely to be carried away by some temporary excitement. I have put a shilling or two into "Tattersall's" myself. I have not been at a race-course for ten years, although I have been brought up amongst horses all my life, and enjoy a horse-race very much. It is ridiculous to think that we are going to make people good by Act of Parliament. I noticed to-day something in one of the newspapers about "bulling" and "bearing" on the Stock Exchange. I do not exactly understand the meaning of the term, but it seems to me that there is a screw loose somewhere. To talk about abolishing "Tattersall's" sweeps seems to suggest that we are barking up the wrong tree! Although this Bill was introduced in, and has passed through the Senate, the Minister finds it desirable to submit an amendment to prevent the different racing clubs from being affected. He admits the expediency of recognising what we may call a British sport, namely, horse-racing. He recognises that if we were to insert a provision in this Bill to interfere with horseracing it would not be tolerated for a single moment by the community. I ask the Minister to accept a further amendment of which I have given notice, and which will have the effect of allowing the Postmaster-General to transmit letters through the Post-office to any State in which the matter referred to has been legalized.

Mr Higgins

- That will compel New South Wales and Victoria to transmit letters which they do not want to transmit.

Mr CLARKE

- I confess at once that I cannot see that.

Mr Isaacs

- In Queensland they refused to carry postal matter of this kind to another State, and the honorable member wishes to compel them to do it.

Mr CROUCH

- The honorable member wants the Commonwealth dog wagged by the Tasmanian tail?

Mr CLARKE

- Nothing of the kind; if people do not wish to send their money to Tasmania they need not do so. I cannot see that the amendment has the effect which honorable members seem to think. The people of Queensland, I am aware, have passed a Postal Act prohibiting letters from being addressed to "Tattersall." But do honorable members think that residents of Queensland who wish to put their money in "Tattersall's" sweeps have not been addressing their letters to "Tattersall" in Tasmania?

Mr JOSEPH COOK

- Would not the honorable member be reversing that decision by what he proposes to do?

Mr CLARKE

- I do not think so. Queensland passed legislation which prohibited the carrying of letters to "Tattersall," as I understand it, when his business was being conducted in that State. The same thing happened in New South Wales. A certain address had to be given and these letters were not allowed to be delivered there. But has there been any Act passed which prevents a letter from being posted in Queensland or New South Wales and delivered to "Tattersall" in Tasmania?

Mr JOSEPH COOK

- In Queensland there has, if not in New South Wales.

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Mr CLARKE

- I read the Queensland clause the other evening, and it appeared to agree almost word for word with the provision contained in this Bill. I am surprised to hear what the honorable member says.

Sir Philip Fysh

- This is the Queensland clause almost word for word.

Mr CLARKE

- That is what I understand.

Mr A McLEAN

- And this clause prevents the transmission of those letters to Tasmania.

Mr CLARKE

- On reference to the Bill I see that that is so. I am very glad that I have been put right on that point, as I did not wish to assume an attitude which was incorrect. I do not wish to 'delay the committee at greater length. I quite understand the desire of the Government to secure uniformity in a matter of this sort. At the same time I cannot help thinking it is most unfortunate that in their endeavour to bring about that uniformity they will certainly arouse the hostility of many people in Tasmania. I am sure that no one is more sincere than is the honorable member for Tasmania, Mr. Piesse, in his desire to do away with gambling, but behind all this we have the most serious question of State rights to consider. Although I believe we may have the power, technically, to pass this particular clause I consider it will breed discontent and dissatisfaction in Tasmania, and that it is contrary to the wishes of a large number of people in other parts of the Commonwealth.

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Mr CRUICKSHANK

- I feel that I cannot support this clause as it stands, because it would override State rights. I feel strongly that we are proposing to give to the Postmaster-General power to find a man guilty of committing an illegal act when we have no actual light to pass such a law. In New South Wales, where the postal authorities have had full power to stop letters addressed to "Tattersall," there is a feeling of dissatisfaction in regard to this proposal. I feel very strongly on the subject myself. Why should we thus interfere with the rights of an individual, when there is a belief on the part of the people that lotteries should be permitted? Money is raised for charitable purposes by the very system which we are now proposing to prohibit. I cannot but think that the Minister in charge of the Bill intends to give us a very free hand, inasmuch as he has said that while he is faithful to the Government in supporting this clause, honorable members must feel the responsibility of their vote. I should certainly feel it a great responsibility to vote for what I consider is an interference with the liberty of the subject. Although there has been this prohibition of lotteries in various States, we find that they are still conducted at bazaars and charitable gatherings. They are very prevalent in New South Wales. I recollect a bazaar promoted by a very large church in Sydney, at which they not only conducted lotteries, but had the "three thimbles and pea," and various games of that kind going on. Another religious body, more particular in their actions, decided to wait on the Attorney-General, Mr. AVant, and to ask his permission to conduct a lottery at a bazaar which they proposed to hold. The deputation pointed out that a lottery was being conducted at a bazaar then being carried on in the city. Mr. Want's reply was - "The probability is that those who are conducting the lottery at the bazaar you name have not been so foolish as to tell the Attorney-General that they are committing an offence against the law. If you had not told me that you proposed to do the same I dare say the police would not have interfered, but in view of what you have said, I will instruct the police to arrest you if you violate the law at your bazaar." These lotteries are being countenanced by church authorities, and those whom we are led to believe entirely oppose gambling. We allow bookmakers to lay the odds; we allow the Victorian club in Melbourne and Tattersall's club in Sydney to have public betting rooms, where men can sit up until all hours of the morning and gamble; where the odds are called, where cash betting goes on, where the wildest system of gambling is privileged, and yet we propose to put down a system of gambling that is admittedly fair and above board. It is admitted that Adams' sweeps are the fairest carried on. The prizes are distributed all over the country. We hear of a sailor somewhere out at sea or a man in the back blocks, who could have had no possible connexion with Adams, receiving a prize of £400 or £500. I know of a cabman who received £1,000 from "Tattersall" as a return for an investment of 10s. The people can

put a small sum of money into " Tattersall's " sweeps and be sure that the prizes are fairly distributed. I cannot see why we should try to crush out this form of gambling when we permit the other systems to which I have referred to remain. It has been said that some of the petitions in favour of "Tattersall" are bogus ones. We might take exactly the same view of any petition presented to Parliament. I know a great many people who went out of their way to attach their names to petitions against the clause on the ground that they objected to their letters being opened or tampered with, and to this interference by the Postal department with the rights and privileges of the subject.

Mr JOSEPH COOK

- They did so under the belief that any or all of their letters might be opened.

Mr CRUICKSHANK

- This clause gives a very wide power to the Postmaster-General in regard to the opening of letters.

Mr Deakin

- The class of letters to be opened must first of all be gazetted.

Mr CRUICKSHANK

- This clause is to do away with " Tattersall's." I am in favour of those sweeps. They provide a very honest system of gambling, and it should be the last to be suppressed. I deplored the driving of Adams' sweeps out of New South Wales, and I am going to vote against this clause, which will probably drive " Tattersall " into New Caledonia or some other island. I have seen his sweeps working in Tasmania, and I know of no State in the Commonwealth where racing is carried on upon purer lines. I know of no race-courses where you get fairer and more liberal odds than those of Tasmania, where the totalizator is allowed. I should not like to say that the whole tone of racing there is above the level of the sport in New South Wales or Victoria, where we have race . clubs equal to any in the world, but at the same time there is a strong feeling in Tasmania that by means of the totalizator the people obtain the most liberal odds. Those odds, however, in no way compare in liberality with those which a man obtains by investing in " Tattersall's " sweeps. If there are 80 horses entered for the Melbourne Cup, " Tattersall " gives 50 prizes in respect of them. There is not only a prize for the winner, but a prize for every starter and non-starter. Thus, if a man draws a horse at all, he gets a prize.

Mr Mauger

- Where does the money come from?

Mr CRUICKSHANK

- From the subscriptions of the people, 10 per cent, being deducted by Adams for his office work.

Mr McDonald

- So that if the same money were put into these sweeps ten times Adams would have the lot ?

Mr CRUICKSHANK

- How many times does a man put money into the Stock Exchange before he loses the lot 1

Sir John Quick

- But in that case he helps to develop the country?

Mr CRUICKSHANK

- Every pound which a man spends in " Tattersall's" sweeps is circulated, and so with every pound put on a race. It is spent by some one either in hotel expenses or horse feed. It matters not to me how money is spent; if it is spent it is circulated and wealth created.

Mr McDonald

- How much poorer would the country be if " Tattersall " did not exist?

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Mr CRUICKSHANK

- How much poorer would the country be if we did away with bookmakers ? If we are going to do away with gambling at all we ought to do away with it altogether. I object entirely to the abolition of what I consider the soundest and most honorable and liberal system of betting. I object to any interference with a man's right of making a wager. I am opposed to the Post-office being used as a kind of detective system to prevent people from putting money into a sweep, .while we allow other forms of betting to continue. We allow the Victoria Racing Club and the Australian Jockey Club to make certain regulations. We have given them the right to license bookmakers, to charge them £25 a year for the privilege of wearing a bag at Randwick or betting in public rooms in Sydney and Melbourne registered for that

purpose. I cannot understand some of the votes given by this committee. I was really very sorry last night, when, as the result of the action taken by the Opposition, a majority of the committee refused to prevent the passing through the post of papers containing seditious and blasphemous matter. I think it would be very much to the advantage of the community if they were not allowed to be distributed.

Although honorable members are prepared to pass legislation which will have the effect of wiping out the best and most honorably conducted lotteries, they are willing to permit bookmakers to continue to follow their avocations, and to allow still more dangerous systems of gambling to exist. I am not going to give a vote which will interfere with the rights and privileges of the people. It is better to allow lotteries to be carried on fairly and above board than to have them carried on secretly.

It appears to me that we are now making a set at one particular man, because he has been successful, and is well-known; but, at the same time, we do nothing to prevent mining swindles, or to allow people to be "welshed" in other directions. It seems to me that, when the Bill was being framed, those responsible for it had in their minds a picture of Adams preparing for his next Melbourne Cup Consultation. I know that advertisements come from Germany and other places to induce people to subscribe to lotteries there, and if the people are foolish enough to subscribe to such institutions outside their own country, I do not think we should interfere with them.

Mr KNOX

- I do not desire to make a speech on this subject, as I believe that every honorable member has decided how he will vote. I intend to vote for the retention of the clause, and I disclaim the suggestion of the last speaker that in doing so I exhibit personal animus against Mr. Adams. From what I know of that gentleman he is a straightforward man, who has done a great deal with the money which he has made in encouraging private enterprises in the various States, and will continue to spend it in that way. I vote for the retention of the clause because, in the first place, I desire to see uniformity of legislation throughout the Commonwealth, and, in the next place, because I believe that we are only giving to the Federal Postmaster-General a power which each individual State possesses, in allowing him to prevent the transmission of letters to or from promoters of sweeps and lotteries

Mr Higgins

- We have the power in Victoria, and they have it in Queensland, I understand.

Mr KNOX

- If the individual States exercised the power which they at present possess, "Tattersall's" would suffer very severely. I do not believe that if this measure is passed the provisions which we are discussing will be held in abeyance. I think that laws are framed for the purpose of being imposed. The point which I wish to enforce is that if the States put into operation the laws which they at present possess, the revenue which is obtained by "Tattersall's," and, through him, by the State of Tasmania, would be very much diminished, if not altogether put an end to. The committee, in agreeing to these clauses, will be re-enacting what is already the legislation of the States.

Sir John Quick

- The legislation of four States.

Mr KNOX

- If the States exercised their power, they could stop the transmission, of letters to Tasmania. I do not think that, by legislation we shall ever put an end to gambling. But that, in my opinion, is no reason for not making an effort to minimize the evil. Every honorable member believes, that gambling is an evil, and that opinion has been expressed in a number of petitions, which have been received from representative religious organizations.

Mr Mauger

- From every Protestant, denomination in the Commonwealth.

Mr KNOX

- The persons who signed the petitions to which I refer did so for the furtherance of what, in their judgment, are the best interests of the community, and we should regard their petitions rather than petitions signed by persons who want to retain the means of benefiting themselves.

Mr Thomson

- Or who signed under a misapprehension.

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Mr KNOX

- One of my own boys, on his way to the Scotch College, was accosted! by the man in charge of one of these petitions, who said to him, " Come along, sonny; and sign this." I mention that fact as evidence that efforts were made to get anyone to sign these petitions. No doubt an analysis of the signatures to the petitions, in favour of the clauses might show that, some signatures are there which are equally irregular, but, in my opinion, the petition* which were signed by those who can have nothing but the public interest in view should be preferred to those which in some cases were signed because of the possibility' of personal gain resulting. I believe that these clauses will reduce the amount of gambling done by the community, though they will not entirely do away with gambling, and I think that they should also, be passed because it is the duty of this Parliament to respect the legislation of the States-

Mr. HIGGINS

(Northern Melbourne). It is not often that I speak merely to explain a vote, but I feel that I must in this* instance. The honorable gentleman who has led the opposition to this clause need have' no apprehension that his attitude in regard to it will be misunderstood. We all recognise that those who have spoken against the clause are as much opposed to the vice of gambling as any others. I have no sympathy with a great many of the arguments. which have been used in favour of legislation of this sort, because I think they go too far, and would almost justify the resurrection of the spirit of persecution which the experience of centuries has shown to be so damaging to the growth and development of the race. We should be very careful to see that we do not interfere with the liberty of men to do what they like, so long as they do not interfere with their fellows. But this provision is quite distinct from an interference with personal liberty. We are now considering a uniform postal law, and we are perfectly entitled to say what matter the Commonwealth Post-office shall carry. We say to every one - "We shall not interfere with your betting or speculation, but we shall not do anything to assist it. We will not allow the post to be used for that purpose ; and above all, when we see that the post is used to practically throw immense power into the hands of one man, we are still more determined that we will not help him." The great danger is that by means of the post, and by means of regulations, we may practically create a " boss " for Tasmania. We may be creating here in Australia what has been found so dangerous in America, in the shape of men who can practically sway the Parliament and the destinies of a particular State. I have no hesitation in supporting the power proposed to be given to the Postal authorities to interfere with the transmitting and delivery of letters to any sweep promoters. I might say that I have looked at the Act and the regulations which have been passed in Tasmania, and they seem to me to be remarkably helpful to one man. In the Act of 1896, bookmakers are actually forbidden to ply their trade on the race-courses, and the small sweepstakes promoters are also just as effectually crushed out of existence. The Act and the regulations allow only a man with a lot of money to carry on sweepstakes, because it is provided that a deposit of £10,000 must be put down, and there are, of course, very few men who can possibly comply with that condition. I do not understand how two Houses of Parliament in a free State could ever have consented to pass such a Statute, and to approve of such regulations. I do not suppose that the Premier of the State at the time, who has spoken with such fairness and honesty here to-day, had any intention to help any particular man, but those who have been working the oracle have been much too cunning for him, for I know of no scheme better calculated to throw the whole of the gambling in Tasmania, and the greater part of the gambling in the other States, into the hands of one man. I have a statement here, and I would like to know whether it is true, that there was a large public meeting held at Hobart, at which resolutions were carried against "Tattersall's" sweeps, and that no newspaper reported a single line with regard to that meeting.. want to know who owns the newspapers in Tasmania. I do not desire to make any statement upon rumour, but it seems to me to be a most remarkable thing that a meeting of citizens in a free town like Hobart should pass important resolutions, and that there should be no reference to it in any of the newspapers. The newspapers are free to do what they like, but I should like to have the matter explained. It is not because I simply dislike betting that I am going to vote in favour of these clauses. I do not claim any virtue for it, but I hardly ever go to a race meeting, and I never invest in sweeps, nor do I ever bet. It is not, however, because of that, that I am voting in favour of giving the postal authorities the power that is now being sought, but because I think that we ought not to allow the Postal department to be made the means of giving one man, or even several men, so much power. I do not see that Tasmania is going to be much injured by what is now proposed, because, assuming that Tasmania is strongly in favour of

retaining Tattersall's" sweeps, which I regard as very doubtful, our legislation must be uniform, if we have it at all. If we have uniform legislation throughout the Commonwealth the result will be that we must permit the transmission and delivery of these letters throughout all the States, and I am quite sure that if

Mr. Adams

had the choice of all the States he would not remain long in Tasmania. If the effect of our uniform legislation should be that the law now in force in Victoria, Queensland, and New South Wales is to no longer have effect,

Mr. Adams

would no doubt very quickly move to one of the big centres. He might feel grateful to Tasmania, and he might remain there for a few months, but he would not allow his gratitude to interfere too much with his interests. I think there has been too much made of State rights in connexion with this question. There is not the slightest doubt that, looking at section 51 of our Constitution, and comparing it with the corresponding section of the United States Constitution, we, having control of the laws for the peace, order, and good government of Australia with regard to postal communication, may say what matter shall be carried through the post. The honorable member for Cowper whose speech we all appreciated for its candour and honesty did not see how he would infringe upon the rights of other States in connexion with his proposed amendment, but I think that he must now understand what the effect of it would be. At the present time under the State laws, in Victoria, we have power not merely to prevent the delivery of letters, but also the transmission of letters from Victoria. If the honorable member's amendment is carried, Victoria will lose her right to prohibit the transmission of letters to Tasmania, otherwise Tasmania cannot have the power which her representatives say she requires. Now, I ask why, if the other States do not wish to transmit and deliver these letters, Tasmania should compel them to do so. The question is not one of interfering with the freedom of Tasmania, but one of Tasmania wishing to interfere with the freedom of the five other States. I feel that I shall not be regarded as supporting these clauses for any bigoted reasons. I am convinced that cash betting is much better than credit betting, and that when a man sends his money to "Tattersall" he parts with his cash and has done with it. There is, I admit, much more danger to a man in the midst of the excitement of a race-course, because he is often induced to bet on what he conceives to be a "dead bird" and then has to find the money to pay for his bet. I have known men, under excitement, when they thought they had a chance of making something, to bet to an extent which they could not reasonably afford, and there is no doubt there is an immense temptation in connexion with this sort of gambling. As the honorable member has put it, it often means trying to pay a debt of honour by incurring a debt of dishonour. On the other hand, every one does not bet with bookmakers, whereas there are many women and children who use Tattersall's sweeps who would not think of approaching a bookmaker. I do not know whether Australia has a national vice, but if she has, it is that of gambling. I do not know of anything that is eating so much into the vitals of our people as the vice of gambling. People say that our gambling propensities are a sign of the excellence and the energy of the breed. I like speculation and enterprise and energy, but I like to see it exerted in the proper channels. At present the energy of the race is being frittered away in a direction that leads to no profit, but involves a great deal of unhappiness and often ruin. The man who goes in for betting makes nothing and produces nothing, but it is simply a matter of passing money from one pocket to another. I doubt very much whether clause 55 will be effective to prevent "Tattersall's" sweeps from being carried on. We are all anxious to make our legislation effective, but this clause is copied to a large extent from the Queensland Act, which has never been tested, and I think we ought to put the matter more shortly and clearly, in the same way as we have done in regard to various matters in the Customs Bill. The first paragraph is only aimed at direct betting, and the second is aimed only against promoters or entrepreneurs of lotteries, and paragraphs (c) and (d)

do not touch the matter at all. I should like to see the clause framed in this way : That if the Postmaster-General has reasonable grounds to suppose any person to be engaged in receiving money as contributions or subscriptions towards any lottery or scheme of chance, he may prohibit the transmission of letters addressed to such a person. It may be said that we must make exceptions, as some lotteries are already allowed by law. I am sorry that art unions are allowed in connexion with our churches, for instance. But I do not see that we are unduly interfering with the rights of Tasmania by adopting the proposals contained in this Bill. On the contrary, if looked at from the proper standpoint, it

seems to me that Tasmania is attempting to impose upon the other five States the duty of delivering and transmitting matter of which those States do not approve. If there is any need for a further examination of what has been done in America under very similar circumstances, I may point to a passage from a recent book on the Constitution by Randolph Tucker, who, on page 567, says -

Congress has passed an act, amended in 1890, prohibiting the conveyance of obscene matter through the mails. In the case *supra*, the Supreme

Court decided that Congress can regulate the entire postal system of the country, and may designate what shall be carried in the mail and what shall be excluded, and punish the deposit in the office of any such matter as is prohibited by the Statutes mentioned. And further decided that the object of Congress was not to interfere with the freedom of the press or any other rights of the people, but to refuse the facilities of the mails for the distribution of matter deemed injurious by Congress to the public morals, but that transmission of such matter so excluded in any other way would not be forbidden.

Although I am not in any way a betting man, I should be the last person to be a party to enacting a law which prevented a person from making a wager. I do not think we have power to make such a law. One of the great advantages which we enjoy is that each man may work out his life in his own way, without interference from the State. But when it comes to enacting a uniform postal law for the Commonwealth we may reasonably say that our post shall not carry letters which are simply a means of aggrandizement for a very small class of the community. There is one other point, however, to which I must allude. It has been said - "What is the use of having a law of this sort? All that 'Tattersall' will have to do under the circumstances will be to go to New Caledonia, New Guinea, or some adjoining place outside the Commonwealth, and he can there establish an agency, and you must transmit his letters to him." In the United States, however, a law has been passed forbidding the Post-office from carrying such mails to Tasmania. It is quite true that under our present Postal Convention we are bound to carry mails to places outside of the Commonwealth.

Mr JOSEPH COOK

- I do not think so.

Mr HIGGINS

- The honorable member for Parramatta may have some special knowledge upon the subject; but, as far as I have been able to ascertain, the terms of the present postal convention compel us to transmit to places outside in a matter of this kind. At the same time, the postal convention has to be revised next year.

Mr G B EDWARDS

- Were the United States parties to that agreement?

Mr HIGGINS

- No, the United States are outside the postal convention so far as the transmission of letters is concerned. When the postal convention meets in Rome next year, the Ministry will be bound - if this clause be passed - to send a delegate to insist upon the keeping out of that convention any obligation on the part of the Commonwealth to transmit letters. Looking at the matter from all sides it will be seen that we are not enacting a stupid and nugatory provision. If we make this clause efficient, we shall be able to say not only that we will not transmit letters within the Commonwealth, but we shall be able to bring pressure to bear upon the Ministry not to sanction an obligation to carry them outside the Commonwealth. It will thus be seen that the argument that by the adoption of these clauses we shall merely compel "Tattersall" to move to an adjacent island, is not a tenable one.

Mr Henry Willis

- Will the present Government remain in office?

Mr HIGGINS

- I only hope that the next Government will be equally amenable to pressure from the two Houses of Parliament, as is this Government. In conclusion, I wish to say that if the Ministry is not inclined to alter the words of clause 55, I should like to move an amendment in this clause to prohibit letters addressed to "Tattersall" being carried within the Commonwealth. I think we may safely leave the matter to Ministerial responsibility if we enact that the Postmaster-General shall have power to prohibit the transmission of such letters if he thinks fit. In some of the State laws the Attorney-General has power to give a permit. I do not quite believe in these permits, but at the same time if it should seem to religious and charitable

bodies that it is expedient to have such permits, and if the State legislature does not feel strong enough to put them down, it will be possible even for us to permit certain institutions to carry on. Since the adjournment hour I have been informed on very good authority that all the Protestant churches have resolved that they will have no more of these art unions. I wish to say this in mere justice to them, because when I was first speaking I was under the impression that it was not so. I hope that the Bill will be carried not in a less, but in a more drastic form.

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Sir WILLIAM MCMILLAN

- I am sure that honorable members will agree that the committee is indebted to the honorable member for Northern Melbourne for the very clear and logical speech which he has made upon this subject, as indeed he always does. I purposely refrained from speaking on the second reading of the Bill, because I have felt that the debate, as far as it was important, would take place upon this particular clause. I want to say again, as I said last night, that I do not see any analogy between the position of a newspaper, and that of a letter. One is carried under certain conditions of cheapness. It is open at both ends, it is not a sealed document. Any one who desires that it shall be sealed can have it so by paying the proper postage. We have to analyze this clause before we can really discuss it. In the first place, it opens up the question of State service and the limitations of State service as compared with other powers of government. In the next place, we have to deal with the powers of the Federal Government as contrasted with a government under a system of unification. Then we have to deal with the position of a State whose rights may be overridden by federal legislation, and overridden in a matter in which the Federal Legislature has no power. We also have to consider, as far as I can see, the question of whether - even if we have a right to do this - it is an expedient thing to do at this time in our constitutional position. Finally, we have to see whether this clause is effective at all, because honorable members will notice that in sub-clause (2) the words are introduced "not sanctioned by law or an unlawful game," whereas those words do not occur in sub-clause (1). I understand that it is the second sub-clause which practically deals with Tattersall's. Therefore it seems to me - apart from all the other arguments - that this clause will have to be re-drafted unless we are to be guilty of legislation which will practically create litigation for the High Court. I am sure that no honorable member is desirous that any Bill should emanate from this Parliament which, so far as the wit of man can make it, is not so clear as at any rate not to invite litigation in the future. With regard to the question of the Post-office as a State service, it is in exactly the same position as any other service in which, for general purposes, we are to carry out a commercial undertaking. There is practically, in essence, no difference between the postal service of the Commonwealth and the municipal service of watering the streets. Instead of each man watering before his own door, the municipality takes up the work for the general public, and each man pays his fee. I am absolutely and unalterably against the use of any service of this kind in order to promulgate morals in a community; I am absolutely against anything that will trench upon the inviolability of a sealed letter in the Post-office unless in the case of crime. It is all very well to talk about the dangers of betting, and the evil done to the community. As the honorable member who preceded me said, this matter of betting is eating into the vitals of the community. No man feels more strongly than I do that this is in some respects a particularly objectionable kind of betting, inasmuch as it is not like a vice which affects a man in mature life. This is a vice which gets hold of the women and of boys in offices, and no doubt leads to an enormous amount of fraud. The whole of Sydney is one vast tote shop at the present time. I do feel that it is the greatest evil - and I say that in order to make my position perfectly clear - with regard to the social life of the Australian community at the present time. But I do not believe in absolutely violating the very groundwork of the Post-office itself, in order to prevent that evil to some extent. Suppose the Post-office was in the hands of private individuals, would any man allow a private carrier to interfere with his private correspondence? It is not so much a matter of dealing with this particular man "Tattersall," or with his particular system, but it is the evil of the system which is created by the machinery of this Bill. At the present time there is a very great feeling in various parts of Australia in regard to the power of the Postmaster-General to interfere with the sacredness of letters. Strong as my feeling is in regard to this question, I say it is a still greater evil to abnegate the real principle which lies, at the bottom of our postal service. The department is no different from the railway service. If we send a parcel by rail from one part of Australia to another, has any one the right to inquire what is in that parcel, except perhaps for the purposes of the Customs %

Mr Fowler

- But if it is dangerous to the community 1

Sir WILLIAM MCMILLAN

- Who is going to say it is dangerous to the community t

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Mr Isaacs

- If the honorable member were a passenger by the train he would like some power to exist to stop the carriage of dangerous parcels.

Sir WILLIAM MCMILLAN

- That is not common-sense reasoning. We all know there must be regulations in regard to the carriage of explosives, but i am talking of a parcel which is not dangerous to life or limb. In carrying out any of our regulations, we cannot, unless it be for the detection of crime, interfere with the inviolability of these parcels.

Mr Deakin

- When an officer opens these letters he reads nothing except the signature and the address.

Sir WILLIAM McMILLAN

- But the letter is to be opened. We have to deal with a very peculiar position. The individual States had a right to use their postal service "in order to carry out effectively the law of the States upon this subject, and the very fact that in most of the States these letters were allowed to go to "Tattersall" in Tasmania is clear proof that there was a moral feeling that while they stopped the delivery of letters of that kind to addresses within their own boundary, they had no right to do so in regard to letters to be transmitted to any other State. When we decided to become a united Australia there was an original compact - I do not say in this instance a legal, but an implied compact - that the rights and privileges which the States retained should still be retained by them without any interference, until they themselves relegated those rights to the Commonwealth.

Mr Harper

- How are we going to have !uniformity of legislation 1

Sir WILLIAM McMILLAN

- Are we going to do a wrong in order to obtain uniformity of law t I will allow for the sake of the argument that five-sixths of all Australia are in favour of suppressing " Tattersalls " through the Postal department, but are we going to ride rough-shod over one State, because we have a majority in the other States t Would not that be an absolute contravention of the principle of federation ? What is the very principle of federation ? Is it not that in regard to matters of legislation which each State retains to itself, it shall not be interfered with, and that it shall do what it likes in regard to them ?

Sir John Forrest

- But the Post-office is handed over absolutely to the Commonwealth.

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Sir William Mcmillan

- Tt is handed over as a service of the State; but the difference between the Post-office as a service, and the power which we possess under this Bill, in regard to currency, for example, is very clear. Of course we must have a power to enact legislation to carry out postal arrangements, but that power must be exercised within the provisions of the Constitution. It seems to me an idle argument to quote the general powers we possess under the Constitution. The Constitution Act provides that -

The Parliament shall, subject to this Constitution, have power to make laws for the peace order and good government of the Commonwealth. " Subject to this Constitution." Then the contention comes to this ; that under a mere machinery Bill we can enact indirectly a law which we have no power to make under the Constitution. If we do it in this case to what extent can we not increase our powers ? I know that I am speaking to-night under a heavy disadvantage. 1 am speaking probably against the uniform consciences of a great many of the best people of these communities. I know that I am speaking to-night against the opinion probably of the ablest lawyers in Australia. I will allow that if the United States of America have the power to pass such a law as this the Commonwealth Government have the power to do the same. I should like to draw the attention of honorable members, however - and I speak with great diffidence in a matter of this kind - to the fact that from the time of Chief Justice Marshall to the present day there has

been a system of gradually enlarging the powers of the central Government in the United States. While I admit that the ablest lawyers of America have declared emphatically and without reserve that this clause can be put into a Postal Bill, still I do not think that, from a legal point of view, we have a right to take all United States judgments as guiding us. Above all things, in the starting of a Constitution like this, in a matter in which State rights are affected, I say most emphatically that we should look, not merely to the legal view of the question, but to the moral position of the whole affair, and as to the way in which we ought to » deal with a question like this, connected as it is with the different States. We are told that this sweep system "can be suppressed even if it is legal in the States. I would ask the Minister in charge of the Bill - Are we to understand in the first place that "Tattersall" is covered by paragraph (6) ? I understand that "Tattersall" is brought under the category of lotteries on account of the mode in which the prizes are drawn.

Mr Deakin

- That is intended, I think.

Sir WILLIAM McMILLAN

- Then I would like to ask the honorable and learned member for Ballarat if the words "not sanctioned by law" do not give a perfect right to Tasmania - where "Tattersall's" sweeps are not merely not illegal, but are absolutely sanctioned by law - to allow "Tattersall" to carry on his business. The honorable member for Tasmania, Mr. Piesse, shakes his head. I feel certain, however, that it must give rise to a great deal of debate and a great deal of suspicion as to the real meaning of the whole clause if, in the very sub-clause which is supposed to deal with this matter, there are words introduced which evidently make the provision nugatory. Have the Ministry simply drafted a clause which apparently justifies what they call the public conscience, and which perhaps satisfies a majority of their followers, but which they see, with an inner meaning, will be absolutely nugatory when they try to deal with the particular evil which is supposed to be aimed at ? I think we ought to have had a clearer exposition from the Minister in charge of the Bill with regard to this particular matter. I quite feel that there is a very strong argument in relation to this clause as to the provision in the Constitution which says that all laws must be equal. But is it not a curious argument in the mouths of those who are willing to argue, first, that the thing has no right to be done, and, secondly, that the Commonwealth Government have got absolute power in the matter? It seems to me a most immoral thing to attempt to argue that, because we want to create uniformity of law, we must do a rank injustice to one of the States of the Commonwealth. We will have to abandon the question of uniformity rather than do one tittle of injustice to any State of Australia. Are we going to open this Commonwealth life of ours by litigation on the part of Tasmania with the Commonwealth Government? Are the people of that State going to say that one of their clearly ascertained rights of legislating on matters which they have retained to themselves, and which honorable members, who are in favour of this clause, admit are not within the ambit of the Federal Government, has been violated ? The honorable member for Ballarat will allow, as a constitutional lawyer, that we have no right to pass any law at the present time dealing with lotteries. If we have no power to deal with this subject, how are we going to take that power for granted ? We are told by honorable members that the Postal department having been handed over to the Commonwealth, the Government have the supreme and only right to say "we will carry letters, papers, and everything upon the conditions that we set down." But they must be common-sense business conditions'. Will any one tell me that there is any difference between a State service like that of the railways, which may some day be handed over to the Commonwealth, and the State service of the Postal and Telegraph department, always allowing that we make restrictions in regard to crime ? There is no difference whatever. Furthermore, when these six States handed over this particular service to the Commonwealth, they did not hand over the machinery for the creation of morals, or machinery which, in an underhand way, would enable legislation on subjects which were confined to the States. They handed over simply the service of a common carrier, to be carried on upon commercial principles.

Mr Piesse

- Where is that limitation to be found in the Constitution ?

Mr Mahon

- Common sense and common decency

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Sir WILLIAM McMILLAN

- Was it not because there were State laws regulating lotteries, or because the State, for its own purposes, elected to deal with them through its Post-office that a system of espionage over certain letters came about ? When the various States said to their Postal departments - " We will give you the power of a common carrier, but we retain to ourselves the right to legislate in regard to lotteries and games of chance," surely there was a divorce between the two conditions. If " Tattersall's " was allowed in three of the large States of Australia, would the Government have introduced these clauses into the Bill ? If they would not have been put in under such circumstances, what right have we, under the Constitution, to pass them when one State allows " Tattersall" to carry on his business within its borders and five do not ? We have been told a great deal about the conscience of little Tasmania. We were told by one honorable member that we had a right to force our larger judgment upon this little sister of the Federal Union. But is it not a fact that an Act legalizing "Tattersalls" is on the statute-book of Tasmania, and that its existence implies that the majority of the people of that State are in favour of the arrangement 1

Sir John' Forrest

- Tasmania has a Tariff Act, too ; but we propose to interfere with it.

Sir WILLIAM MCMILLAN

- The control of the Tariff is a matter absolutely taken over by the Commonwealth. But, by passing these clauses, we are trying to override, in an indirect way, the constitutionally expressed desire of the people of Tasmania. Much as I deplore the evil of gambling, even if I admitted that the power to pass legislation such as we are now passing, had been handed over to us under the Constitution, I would say that, as a matter of common-sense expediency and fairness, we had no right to perpetrate an injustice to any State of the Commonwealth. Although honorable members may confront me with the judgments which have been given in America, and may be perfectly satisfied that, as a matter of dry law, I am wrong, that is my opinion.

Sir John Forrest

- What injustice do we do to Tasmania ? We treat that State in the same way as the other States are treated.

Sir WILLIAM MCMILLAN

- We are trying to exercise a power which belongs to the States alone, because it is not comprised within the 39 articles of the Constitution. Furthermore, I am absolutely against the violation of the secrecy of sealed packets, except for the detection of crime, and I believe that honorable members may yet see that there must be fresh legislation to prevent that which may grow into an intolerable injustice.

Mr JOSEPH COOK

- I have no patience with honorable members who would not concede to others the right to hold a different opinion upon this question from that which they hold, and I hope that I shall say nothing which will indicate that I consider that I alone am right in this matter, and every one else wrong. It is a question upon which we may fairly differ, and we should each be ready to give others the fullest credit for their sincerity. The last speaker and other honorable members seem to imagine that by passing these clauses we shall violate the State rights of Tasmania ; but when the Constitution, was accepted Tasmania handed over her State rights in the Post-office to the Commonwealth, and now, with regard to that institution, the only rights are federal rights.

Mr Higgins

- Federation means that in federal matters one State must give way to the majority of the other States.

Mr Deakin

- For the purposes of the Federation there are no States ; there is a nation.

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Mr JOSEPH COOK

- That is so. This Parliament is under obligation in such matters only to a majority of the people of the Commonwealth. If Tasmania has rights in this matter, so have the other and larger States. Before federation they had the right to frame postal laws affecting lotteries, and they did so. They said, through their legislation, that they would not allow lotteries to be carried on by means of the Post-office. The other States have as clear a right to prohibit the carriage of correspondence relating to lotteries as Tasmania has to have it carried. That being so, surely the majority must rule, and four or five of the States have already determined that they will not allow the Post-office to be used to facilitate gambling transactions. If

the State rights of Tasmania are to be admitted, a wrong must be done to every other State. I am not prepared to concede that Tasmania has any State right to which the rights of the other States must give way. The laws of the Commonwealth must be uniform. The provision which we are now considering was never intended for the suppression of gambling. All we are asked to say is that the Post-office shall take no hand in the distribution of correspondence relating to gambling transactions. The whole question is whether we have a right to say what matter shall pass through the Post office of the Commonwealth. If we have that right, we can determine what shall or shall not go into Tasmania, just as we can determine what shall or shall not go into the other States of the union. Under the Bill, Tasmania would have just the same rights as the other States, and she cannot claim more. If she is given the same rights as the other States, I cannot see that any injustice is done to her. The question of State rights was a fair matter for argument when the Federal Convention was sitting, but it is surely not a matter for argument, now. Tasmania knew, when she accepted the Constitution, that she would have to submit to the laws made by the Commonwealth for the regulation of the Post-office. She knew that she was surrendering her State control of the Post-office.

Sir William McMillan

- But she did know that she was surrendering the right of legislating on lotteries.

Mr JOSEPH COOK

- We are not legislating on lotteries. The people of Tasmania and of the other States may carry on lotteries and other forms of gambling until the end of time, so far as this Bill is concerned. All we say is that we will not facilitate gambling by allowing correspondence relating to it to be carried through the Post-office. The Minister who represents the Postmaster-General said that we should consider this matter from the "view-point of Tasmania, but we have no more right to consider it from the viewpoint of Tasmania than from the view-point of the other States. We have to consider it as it affects the majority of the people of the Commonwealth, and, believing as I do that the majority of the people of the Commonwealth would to-morrow vote for the provisions contained in the Bill, I say that this Parliament has a direction to re-enact the provisions which already obtain in many of the States, and which it is now proposed to apply to the whole Commonwealth. The legislation of New South Wales in this respect differs from that of Queensland, and, I believe, from that of Victoria. In New South Wales we did not prohibit the transmission of correspondence relating to gambling; we prohibited only the delivery of such correspondence to a proscribed address. It has repeatedly been said that we shall not put an end to gambling, or limit its extent and volume, by passing these clauses; but, if that is so, it seems strange that the gentleman who is principally concerned has gone to all the expense of getting up the enormous petitions which have been presented against them.

Mr Cameron

- How does the honorable member know that he has gone to any expense?

Mr JOSEPH COOK

- The honorable member is not simple; neither am I. He knows as well as I do that "Tattersall's" is at the bottom of all these petitions.

Sir William McMillan

- We are hearing a great deal about "Tattersall's," but the honorable member leaves out of sight the main question, and that is whether it is desirable to allow letters to be opened by the Postmaster-General.

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Mr JOSEPH COOK

- The question is whether it is desirable to allow certain letters to be opened by the Postmaster-General - not everybody's or anybody's letters, as those who signed the petitions were led to believe. I do not hesitate to say that those petitions were signed so largely under a complete misapprehension, and that had people known that we were merely taking power to prevent the transmission of gambling correspondence, the signatures would not have flowed in so freely. I desire to say a word or two as to the way in which petitions against the clauses were signed. We were told by some honorable members, with quite a flourish, that some ministers of religion had signed these petitions. Unfortunately, that is too true, but it is not true that these ministers, for the most part, signed them knowing what they meant. They did so under the belief that we were going to take power to open anybody's and everybody's letters for any purpose whatever. Here is a clergyman, the Rev. William Wall, of Redfern, Sydney, who says -

After carefully reading the heading of a petition to prevent such legislation being enacted as would empower the postal authorities to interfere with the privacy of the post, there being nothing to lead me to suspect that the petition aimed at obtaining the free run of the postal service for f ambling purposes, I signed it. I was thuseceived and assisted what I do not approve.

The Rev. Ebenezer Price, of Granville, Sydney, secretary of the Evangelical Alliance of New South Wales, says -

I was led to sign a certain petition against clauses 54 and 55 'of the Postal Bill now before the Federal Parliament on the ground, as told me by the person soliciting signatures, that the proposal was to give the Postmaster-General and his deputies the right to open private letters. I soon, however, learned that this statement was contrary to fact. I am decidedly in favour of refusing to make the Post-office a vehicle for betting and gambling advertisements.

There is another affidavit from the Rev. R. J. Middleton, of Carlton, who says -

I was induced to sign the " Tattersall's" petition against the several clauses relating to the Postmaster's right to open certain letters (believed to contain money remittances for betting purposes) in what is termed the new Postal Bill. I waa given to understand that an infringement of the rights of the subject was the purpose of the clause heretofore referred to. That is that a right was to be given to the 'Postmaster to open any person's private correspondence if he so chose.

These affidavits came to rae by post, but I know the writing in each case, and honorable members may believe that these three gentlemen signed the petitions under a misapprehension, and that ever since they have been doing their best to get up counter petitions.

Mr Clarke

- It was their own fault if they were deceived, because the objectionable clauses were attached to the petitions.

Mr JOSEPH COOK

- When gentlemen of high intelligence like these were deceived, so might the ordinary man in the street be deceived, and no doubt he has been.

Mr Clarke

- I do not think so.

Mr JOSEPH COOK

- I was surprised to hear of the provisions of the law in Tasmania relating to the suppression of gambling, and I do not hesitate to say that they are monstrous in the extreme. If this so-called innocent form of gambling is to be legalized, why should a man be required to make a deposit of £10;000 ?

Mr Cameron

- For the security of the people.

Mr JOSEPH COOK

- Cannot Mr. Adams be trusted to do the right thing by the people ? I never heard of security of this kind being required from any one in a matter of this sort before, and if sweeps cannot be carried out except under such conditions, the State should certainly have nothing to do with them, because the effect is to set up a monopoly which, in my judgment, is injurious in the highest degree to the State in which it is carried on. Going back to the constitutional aspect of the matter, I submit that Tasmania is simply being asked to fall into line with the majority of the other States.

Mr Cameron

- She is not being asked, she is being forced.

Mr JOSEPH COOK

- Well of course the honorable member can put it that way, but the alternative would be to force the other States to adopt the same view of the matter as Tasmania.

Sir William McMillan

- Have the other States the right to do a wrong against one State ?

Mr JOSEPH COOK

- Has Tasmania the right to compel the other five States to do wrong ?

Sir William McMillan

- It is not wrong.

Mr JOSEPH COOK

- Five States say it is wrong, and they have refused to allow their post-offices to be made a vehicle for carrying on these transactions.

Sir William McMillan

- The honorable member could exercise any tyranny according to that.

Mr JOSEPH COOK

- I do not understand the honorable member. The other States say it is wrong, and Tasmania says it is right.

Mr Cameron

- Do not the other States, as a matter of fact, carry these letters now ?

Mr JOSEPH COOK

- The answer to that is that the passing of anti-gambling legislation in the States has driven " Tattersall " into Tasmania.

Sir William McMillan

- That is not an answer.

Mr JOSEPH COOK

- If the honorable member asks whether the working of the State legislation has been perfect, I cannot say it has, but that applies to all kinds of legislation. We cannot have perfect legislation, but we can only achieve a rough approximation in these matters. If the legislation that has been passed in a majority of the States has done "Tattersall" no harm, why should he be kicking up all this bother to-day and getting up the present agitation? This is not the first time that an agitation has been got up by "Tattersall." We have realized that "Tattersall" is a great power in the country, no matter where he happens to be, and I frequently used to hear from him in an indirect way. One of the things that surprised me most in connexion with this matter was the statement that Mr. John Kidd, who brought in the Bill that was intended to prevent the transmission of sweep promoters' letters in New South Wales, should have signed a petition in favour of the elimination of these clauses. I have my gravest doubts as to whether that gentleman deliberately signed the petition knowing what he was signing.

Mr Clarke

- He told me that he signed it with very great pleasure.

Mr JOSEPH COOK

- That makes me all the more dubious as to whether he understood what he was signing.

Mr Clarke

- I have since seen him, and have twitted him with having signed the petition, and he did not deny it.

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Mr JOSEPH COOK

- I am amazed to hear it. After all, the question we have to consider is whether as a matter of public policy this correspondence ought to be carried through the post. Four or five of the States have already declared that such correspondence ought to be stopped, and now we are face to face with the necessity of either bringing Tasmania into line with the other States Or compelling the other States, against their own express will, to act according to the Tasmanian view. I believe in the rule of the majority, and as Tasmania entered into this bargain knowing that she must absolutely surrender the control of the Post-office to the Commonwealth, she has no right to turn round now and complain that we are filching away from her any of her State rights. She can do as she likes so far as her gambling laws are concerned, and she can carry on "Tattersall's" still.

Mr CamERON

- But under this clause the Post-office will not carry "Tattersall's" letters, even in Tasmania.

Mr JOSEPH COOK

- We will not allow the Post-office to be used for the purpose of facilitating gambling transactions. We are forced to this action in the interests of the good government of the Commonwealth as a whole, and all this talk about invading Tasmanian State rights is beside the question. If we concede the so-called State rights now claimed by Tasmania, we shall inflict a State wrong on the other parties to the union, and since the majority must rule, and the feeling of the majority has already found expression, no injury or injustice can be done to any one State in the way that has been indicated by some honorable members. Quite apart from "Tattersall's" or Tasmanian rights, or anything else, I claim that the Post-office ought not to be

used for the purpose of facilitating gambling transactions. I believe that "Tattersall's" sweep is a species of gambling of the most pernicious kind, and that it is doing a great deal to undermine and detract from the fibre of the young people of Australia. When we believe that the Commonwealth can rest only upon the mental, moral, and physical fibre of the units of the community we have the right to take such steps as we believe are necessary for the preservation of a healthy public life, and take away all temptation from our young people. For that reason I believe that the Commonwealth is pursuing its proper function in taking such steps as will prevent the use of our Post-office for carrying on this traffic. The good government of the people includes a thorough regard for the moral welfare of the community.

Sir William McMillan

- I said that we \ had no right, by means of moral regulations, to deal with social laws which were left within the control of the various. States.

Mr JOSEPH COOK

- I say that we are taking nothing from them in that respect.

Mr Deakin

- We could not if we wished.

Mr JOSEPH COOK

- Of course not.. We are only taking power to control the Post-office, and I take it that our power to do that in any way we think fit stands fixed and firm, because the Postal, department has been given over absolutely to the control of the Commonwealth. There is nothing to interfere with our administration of postal matters in the way we deem best for the moral and social welfare of the community.

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Mr ISAACS

- To my mind by far the most important point that has been, raised in this discussion is that which relates to the constitutional . aspect in which this matter presents itself, and the honorable member for Wentworth, in his acute observations, certainly adduced arguments which demand our very careful attention.. They are, however, arguments which, to my mind, if given effect to, would to a large extent paralyze the power of the Federal Parliament. Such arguments have been urged in the United States under similar conditions, and on every occasion on which they have been raised, as far as I am aware> - and on one notable occasion in very recent years - they have been unsuccessful. I had not the advantage of hearing the speech of the honorable and learned member for Bendigo, but I understand that he dealt to a large extent with the constitutional aspect of the matter. He referred to the case of in re Jackson, of some few years ago, in which the power of the Congress of the United States was upheld by the Supreme Court in relation to a Commonwealth question. Since that case was decided, the Act, of the United States of 1890 - a much more drastic measure than this - has been passed.. I may say, in parentheses, that I shall be very glad to assist the Government to carry legislation further than is now proposed in the direction of the United States section.. Since that Act was passed, another attempt has been made to have that class of legislation declared invalid. In the case of in re Rapier and others, which was an application! fora, habeas corpus in regard to three gentlemen who were endeavouring to promote lotteries in Alabama and Louisiana, and who objected to have their matter stopped by the Postmaster-General of the United States, the Supreme Court was moved to declare that it was unconstitutional legislation of a similar character to this. What were the arguments used? Every argument which has been advanced by the honorable member for Wentworth was put forward there as clearly as possible by the learned counsel for the petitioners. They urged that direct power was not given to the Congress, that it was invading the reserved powers of the States, and that if Congress were allowed to legislate in regard to matters in such a way as to affect the powers reserved to the States, it would be unconstitutional. But all these arguments were answered in the way in which honorable members have answered similar arguments here. Here was one State, namely, that of Louisiana. Was that one State to dominate the rest 1 Was the power of the Congress to be curtailed because some reserved powers were retained by the States ? The answer given by the courts, 1 think, has set the matter at rest as far as the United States are concerned for ever. Chief Justice Fuller said -

When the power t'o establish post-offices and post-roads was surrendered to the Congress it was as a complete power, and the grant carried with it the right to exercise all the powers which made that power effective. It is not necessary that Congress should have the power to deal with crime or immorality within

the States in order to maintain that it possesses the power to forbid the use of the mails in aid of the perpetration of crime or immorality.

Later on, speaking about the circulation of newspapers, he said -

The circulation of newspapers is not prohibited, but the Government declines itself to become an agent in the circulation of printed matter which it regards as injurious to the people.

In these few words lies the whole kernel of the matter. The Commonwealth of Australia is now established. The question of the postal facilities has been removed entirely from the purview and control of any individual State, and it was a mistaken argument to use in a Federal Parliament - and it would be futile if persevered in - that we are to regard States as States when we are considering the exercise of our federal powers. When we are legislating, I trust that we shall hear nothing of State rights, and nothing save in respect of the welfare of the people of Australia as a whole. I do not go so far as the honorable member for Parramatta, who says that we are to consider what is best for the majority absolutely, and to disregard the welfare and rights of the Tasmanian people because they are in a minority.

Mr JOSEPH COOK

- I did not say that.

Mr ISAACS

- I am glad that I misunderstood the honorable member. But I say that, in federal jurisdiction, States are not to be considered at all but the individuals who comprise the Australian nation. The honorable member for Wentworth said that, from the time of Chief Justice Marshall up to the present, the Supreme Court had gone on enlarging the sphere of the American Constitution That is not quite accurate. The Supreme Court of the United States had several stages in its construction of the Constitution. At one time it took the national construction, at others it took the narrow or State construction. If it had adhered to the broad construction right through I believe that the tremendous calamity of the Civil war would have been averted. It was the narrow State construction, combined with the fatal principle of State rights dominating the Federal Legislature, which brought about that terrible conflict which cost* the nation millions of lives and of treasure.

Mr Deakin

- The Dred Scott case.

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Mr ISAACS

- The Dred Scott case is a startling example. In that case the Chief Justice said from the bench that no black man had any rights which a white man was bound to respect. But in some of the States the1 change of feeling within a few years was so great that black men were actually making the laws which white men were bound to obey. I do hope that we shall not start by fettering our federal powers, and that we shall insist that we have those powers if we think it expedient and just to the Australian people to exercise them. The next question is - " Is it expedient and right " ? So far as I can see, I think it is in the highest degree expedient that we should support the principle embodied in this clause. I know of no influence more subtle or insidious or more destructive to industrial habits and industrial thought, and to the conservation of national energy, than the spread of the gambling spirit. I think that we ought to be at one in endeavouring if not directly to suppress it, at all events in refusing to aid the dissemination of materials by which it is propagated and assisted, and we ought to be unanimous in supporting the clause now proposed by the Government.

Mr Cameron

- We will not, that is straight.

Mr ISAACS

- I can only reiterate my regret. But I hope that the honorable member will find himself in a minority, which will satisfy the people that upon the whole the Federal Parliament is united upon this matter. But I can assure the honorable member for Tasmania, Mr. Cameron, that we are not in any way weakening the rights of Tasmania. This Parliament, while assenting to the position that a State has a right within its own limits to restrain, repress, or regulate vice or immorality, or what it deems to be such, always has the power within those limits which our Constitution has confided to it, and, in regard to those subjects intrusted to its care, to say that it does act for the peace, welfare, and well-being of Australia. In doing that it will not infringe directly or even indirectly upon State rights. Before the Federal Constitution was framed

the States in their various Acts of legislation undoubtedly touched in one instance or another upon various points of policy. It was impossible for the State 'to pass any one Act without affecting the people within its limits in various directions, either in social or industrial life. In like manner it is impossible for us to pass legislation without affecting, in many directions, what may be called State rights. That is not a reason, however, for abstention. If it were we should simply have to postpone all legislation because it affected some existing legislation within the States.

Mr McCay

- We came into existence through exactly the opposite reason.

Mr ISAACS

- The very reason of our existence is that we are to legislate not with a view to preserving existing legislation in any State, but to make it uniform throughout Australia. While we have a few irregularities here and difficulties there, we must consider what is, on the whole, the best for us all. Not only 'do I heartily support the clause as it is framed - and in that I do not speak of its drafting, but of the principle which it contains, because I think its form is susceptible of some improvement - but I would willingly support the Government or any honorable member who chooses to move, in going even further in the same direction. In the

United States - and it seems only a logical conclusion - not only do they forbid letters, postal cards, and circulars concerning lotteries from being transmitted through the post, but they go to the root of the matter and say that advertisements inviting attention to these tilings shall be prohibited from passing through the post. That is only right. Why go only to the length of prohibiting all response to such invitations, and yet allow the invitations, themselves to pass through the same channel 1 The evil is greater when you allow requests to pass unchallenged through the post, and then proceed to stop the transmission of replies. To make the matter complete, . we ought to prohibit to the same extent as letters, the transmission through the post of newspapers which contain advertisements asking the people of Australia to do what this Parliament thinks inadvisable in the interests of the nation.

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Mr G B EDWARDS

- We have had to-day one of the most interesting debates which have yet taken place in this Chamber. The tone of the debate has been very high indeed, and the opinions on both sides have been admirably expressed. I think it is safe to assume that there is a very general recognition of the right of honorable member's to differ on this, question. Honorable members who have spoken on one side have conceded an equal, right to those on the other to put forward, the opposite view. The view in opposition to the adoption of this clause has been put very ably. Indeed, when we look at the speeches of the honorable member for Wentworth and of the two honorable gentlemen who spoke at the outset of this debate, we must confess that it would not be possible for a case to be put in a more able manner.. In the two last-named honorable members, we had a peculiar combination. We had, in them two representatives of Tasmania, who as members of the State Ministry were responsible for "Tattersall's" being brought into existence there. We have had certainly a most extraordinary exhibition of what is now known through out Australia as the " Yes-no " policy from the honorable gentleman in charge of the Bill. It was almost impossible to tell what attitude he would take up in respect of these clauses, but it gave me a certain amount of satisfaction to find that in the end, and for very good reasons, he decided to stick to them. Following him w& had the right honorable member for Tasmania, Sir Edward Braddon - a case of arcades ambo - both having been responsible for the initiation of " Tattersalls " sweeps in Tasmania. The right honorable gentleman, who first opposed this clause, put the case for Tasmania in the best way possible from that point of view. I am proud of being a Tasmanian, and as a Tasmanian, continuing to have an interest in Tasmania which I hope to hold until 1 die, I can see there is a view for that State to take up in regard to this clause other than that put forward by the right honorable member, Sir Edward Braddon. He seemed to take up the position that there was a strong desire on the part of the people of that State to retain their powers and privileges in this respect, and that it was an invasion of their rights for the Commonwealth to destroy the permission given to "Tattersall." to carry on business there. As a Tasmanian, I think it would do more honour to that State, and redound more to her moral and material welfare, if she joined with the other four States of the Commonwealth which have already passed legislation on this subject, and expressed a wish to have done with this things once and for all, now that

we have an opportunity of getting rid of it. The right honorable member says that he was acting as Agent-General in England at a time when there was some failure of the Bank of Van Dieman's Land, and that "Tattersall" was called over to Hobart to distribute by lottery some of the assets of the bank. He was called over by reason of the implicit confidence which the public had in him. Having got him over there, and he having successfully conducted the lottery, they began to think whether they could not regulate the gambling laws of the community, and they passed an Act for the regulation of gambling. That Act, as pointed out by the honorable member for Northern Melbourne, has in every line of it an implied effort to improve the conditions for "Tattersall," and to make the position one that he would take up for the benefit of Tasmania, which was then in financial straits. It is a singular thing that he should have arrived there at a time when it was necessary for the Government to obtain some additional revenue. Advantage was taken of the financial position of Tasmania to pass a law for the "suppression of gambling," but which, as I say, was really for the encouragement of gambling, if not in Tasmania, then in the rest of Australia. The position which the right honorable gentleman takes up is that by regulating gambling in Tasmania they got it under control, and that there was less of it. The mistake that has been made in considering how far "Tattersalls" affects the gambling; proclivities of the whole of Australia is that, although the institution exists in -Tasmania, and the people of that State do not largely avail themselves of it, the people of the rest of the Commonwealth do. A point which is constantly forgotten is. that although this institution may not do so much harm to Tasmania it is doing a. great deal of harm to other parts of the Commonwealth. From the narrow point of view of the profit which Tasmania derives, from this institution, that State need, not struggle very hard to keep it going. If these clauses are not enacted,, " Tattersall " will be free .to come back to Sydney or Melbourne, where, owing to their central position, his transactions could be carried on under much easier circumstances. Tasmania would thus lose the £15,000 per annum that she now obtains from this source, and would also incur the loss which we now suffer by the people's money being taken out of the national wealth and passed into this sink, where it creates nothing.. The profits derived by Tasmania from the existence of " Tattersall " there are not con*fined to the increased postal revenue. Money is circulated by " Tattersall " himself and by the labour expended on his institution in the island. A .good deal of money is spent in printing and in supplying clerical work.. The people have tasted of this, and a great, many of them are unwilling to give it up. I cannot help thinking, however, that if the Commonwealth is able to put an end to"Tattersall" the great majority of the people of that State will be very glad, to get rid of his sweeps. It has been argued from the first that this attempt on. the part of the Commonwealth is an invasion of the State rights of Tasmania. I denied that at the fame, and pointed out briefly that the effect of striking out this, clause would be to invade the rights of the other States. . The right honorable member for Tasmania referred to that as a piece of topsy-turvy logic, but I am happy to notice that some of the legal minds of this committee have admitted that that position is justifiable. Those States which have passed; laws to prevent people from investing money in these sweeps would have their rights invaded if this clause were struck out. Tasmania would invade' their rights by means of its law which permits " Tattersall " to continue his operations. I hold with the honorable and learned member for Indi that we ought to look at. this question, not from the point of view of any State, but from the view of what is best for the moral and material welfare of the whole of Australia. A large amount of money is invested day after day and year after year in this unproductive work of gambling. It is so great that if we were to turn it into more reproductive channels it would lead to a vast increase of the national wealth. One point has been referred to in regard to "Tattersall" with which I wish to deal. An assertion which I made the other evening that it was a monopoly, and that it was therefore undemocratic to recognise it at all, has been disputed. It is now said that it is no monopoly, and the Act under which it exists has been brought forward to show that any person who chooses to deposit £10,000 with the Government of Tasmania can enjoy the same rights and privileges as those given to "Tattersall." I undertake to say that that provision is not generally and widely known. If it were, I am certain that there are people interested in this sweep movement who would readily find the money and go into the business. It would be a most lucrative investment of £10,000. I am sure, however, that if rivals to " Tattersall " appeared before the Tasmanian Government with £10,000 in hand and said, " Please register US as a competitor against ' Tattersall,' " some reason would be found for not putting them in that position. The right honorable member for Tasmania said that this £10,000 was a security for the public.

Sir Edward Braddon

- I object to words being put into my mouth that I did not use. What I said was, that this was security deposited in order to make it certain that the institution 'was carried on in accordance with the regulations and the law.

Mr G B EDWARDS

- I accept the right honorable gentleman's explanation. Other honorable members have certainly said that it is a security to the public. But what kind of a security can it be either to the people who invest in these sweeps, or to the Government, when the sums involved amount to hundreds of thousands of pounds annually? It was one of the conditions under which this monopoly - for it is a monopoly - was given to "Tattersall" by the Government at a time when it was in need of money that the sum of £10,000 should be deposited. It is a pity that this thing should ever have originated in the island State, and it will be a still greater pity if some measure is not taken to terminate its existence as soon as possible. What might it not become? Already we know that the power of "Tattersall" is great and constantly growing. We have only to look at the opposition which has been got up against this clause in order to see the power which can be wielded by this institution. We know the power which "Tattersall" wields in New South Wales, where that institution no longer exists. If the institution goes on, instead of having a federation of six States in this Commonwealth, we shall have a confederation of five States and "Tattersall's" Island. "Tattersall" is getting mortgages over property in all parts of Tasmania, and wielding an influence over public men, while this revenue of £15,000 per annum is being obtained by pandering to the gambling proclivities of the people. I feel very warmly that the Commonwealth should, in passing a Postal Bill, take the right of deciding what matter it shall carry through the post. Private letters will not be opened and interfered with, as has been suggested. The intention is clearly set forth in the clause that only letters proscribed as being addressed to people who are reasonably supposed to be carrying on these sweeps shall be opened for the purpose of seeing whether the law is being evaded. The power we are taking is not one that should be in a Postal Bill. We have already taken power to deal with obscene or indecent literature, and I do not know that any objection was made to that.

Sir William McMillan

- That was in reference to newspapers, and not sealed documents.

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Mr G B EDWARDS

- These sealed documents are not in the nature of private correspondence, but are only replies or applications for tickets. In passing the clause dealing with obscene or indecent printing we admitted that in these machinery Bills, including the Customs Bill, we can safeguard the morals of the community. It has been said that this form of gambling is different from other forms and removes temptations, and that we can regulate it so as to find a safety-valve for the speculative tendencies of the people. Those who elevate "Tattersall's" into a kind of special providence, with whom the people may gamble on safe terms, seem to forget that side by side with the application for tickets, "Tattersall" is issuing circulars and advertisements, tempting people to invest, just in the same way as an ordinary betting man. I admit that betting men and tote shops are evils just as great as sweeps, and if we had power to do away with them, we ought to do it. The Federal Parliament has no power to deal with tote shops and betting men, but we have power to regulate the Post-office, and that is a power we are fully justified in using in the interests of good order and the moral and material welfare of the people.

Mr CAMERON

- I listened with mingled feelings to the speech of the honorable gentleman in charge of the Bill, especially when he alluded to the fact that for many years he had been a Member of Parliament in Tasmania, and for a considerable period a Minister of the Crown. He told us that whenever he appealed for the confidence of the people, the people had responded in his favour; but he forgot to mention that, on the last occasion when he asked for that confidence, the cry arose in Tasmania that he was a "wobbler." I regret extremely to find that he has not been able to get rid of the bad habit which he acquired in his last campaign, and that he is "wobbling" once more over this matter. It would have been much better had he refused to have anything to do with the Bill more than contenting himself with voting for or against it. I do not like to see a Member for Tasmania doing anything which would, in my opinion, injure that State. On the second reading I explained myself very fully on the matter of "Tattersall's," and I do not propose to allude to it further than to state that clauses 55 and 56 are admittedly directed against "Tattersall." If

these clauses become law, I presume "Tattersall" will have his letters suppressed. Does the Ministry intend to apply the same law all round, to persons who are carrying on what is practically the same kind of gambling in the other States? In Victoria and New South Wales bookmaking is openly advertised and- 12 h carried on, bookmakers undertaking to invest money committed to their charge. Are these men's letters going to be opened? If not, the Government are making fish of one and flesh of another. Another and more important question has not been touched on, but it should receive serious consideration before these clauses become law. Some of the ablest men in the House have said that the Federal Parliament have the right to pass and enforce these clauses, while equally able men in the Senate have said that the Government have no such right. Suppose, for the sake of argument, that the Government have not the right, have the Ministry considered what the result will be? Tasmania has duly legalized "Tattersall," and has passed over the control of her Post-office to the Federal Government, who thus assume the same responsibility that the Tasmanian Government held. If it be declared by a properly constituted court that the Federal Government have acted ultravires in interfering with "Tattersall's," has it been considered what the result will be when "Tattersall" brings an action for damages? The moment "Tattersall's" letters are stopped, that moment the Government interfere with and destroy a business which he has been properly and legally authorized to carry on in Tasmania - a business that may involve not only hundreds of thousands of pounds, but probably £1,000,000. It may be a year or more before the Federal High Court is established, and in the meantime "Tattersall" cannot appeal. The honorable and learned member for Bendigo told us that the five sister States had "whitewashed" themselves, and that Tasmania must now fall into line. The majority must rule; and if the majority decides that Tasmania must go with the other States, the Government have the power of brute force; but I do not think the exercise of that force is likely to promote that love which ought to prevail amongst six sister States.

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Mr PIESSE

- Members for Tasmania are, no doubt, put in a difficult position in this matter. There is a very considerable public sentiment in Tasmania at present in favour of the existing law, and also a fear that any interference with it will create a financial difficulty by increasing the possible deficiency which will arise when the full effect of federation is felt in the immediate future.

I suppose that was what was in the mind of the honorable member for Tasmania, Mr. Cameron, when he spoke of the clauses doing harm to that State. But we have to consider this question on somewhat higher grounds. When I hear the right honorable member, Sir Edward Braddon, declare that he held a brief for Tasmania, and when I hear the honorable Minister in charge of the Bill almost wishing that he might vote for Tasmania, I desire to say that I speak here for another Tasmania than that represented by those honorable members.

Mr Brown

- And a better Tasmania.

Mr PIESSE

- Yes, and a better Tasmania, and a Tasmania that has never yet been appealed to on this question, and has never yet declared its voice.

Mr Cameron

- Does the honorable member mean the Women's Christian Association?

Mr PIESSE

- No, I do not. I mean that by a bare majority legislative sanction was given to this scheme of lottery, after some considerable difficulty and under stress of financial trouble, when, no doubt, there was a temptation before many public men to yield for the sake of the immediate relief which was afforded, or which was expected to be afforded. I should have liked" the right honorable member, Sir Edward Braddon, who spoke so strongly, to have told us clearly what was the governing motive in passing this legislation - whether it was to restrain gaming, as the Act expresses it, or whether it was to secure, through breaking faith in an understanding with the rest of Australia, the establishment in Tasmania, as a means of adding to the revenue, a scheme of lottery which the other States had decided should not remain with them?

Sir William McMillan

- That Statute is still in force in Tasmania.

Mr PIESSE

- I know that. Despite what has been said as to the right honorable member, Sir Edward Braddon, - and I recognise his great services to Tasmania - I say that this question has never been put to the people. The people have not seen all the evils which arise from what -was done when the Gaming Bill was passed, and when a home was given, to this outcast institution. That was only the beginning of what may. grow into one of the greatest evils which can affect the Commonwealth. The American State Legislatures enact laws against this evil, and the Congress itself takes similar steps ; and why do they do this ? Is it not because there is fear on their part of the results which may flow if the gambling evil be allowed to continue ? The right honorable member forgot all those teachings of history and all he must have learned from experience, and recklessly brought on Tasmania the scandal of being the refuge of this outcast institution. I need not refer to the arguments as to this being a State right invasion. The eloquent address of the honorable member for Wentworth on this point has already been replied to, but I wish to assure that honorable member and the committee, that those who have spoken up to the present have not really spoken what would be shown to be in the heart and true mind of the people of Tasmania if this question were put fairly to them.

Mr O'MALLEY

- The speech of the honorable member for Tasmania, Mr. Piesse, makes me think that Tasmania is not altogether lost. The other honorable member for Tasmania to me is an absolute enigma. The Commonwealth has arisen as the result of the surrender by the States of powers which they formerly possessed. We have gained no new territories, and we have taken in no new nations, and the powers of our Commonwealth Government are made up of those which were once possessed by the various States. The power to carry mails and to regulate postal and telegraphic communication, was among those which were surrendered by each of the States in order to form the Commonwealth, and to-day I am going to vote for the State rights which have been vested in the Commonwealth. All the Commonwealth claims is to exercise for the six States the power which each State exercised previous to the formation of the Commonwealth. I claim that I can speak for Tasmania, because I was the second man on the poll in the election for the representation of that State in this House.

Mr Cameron

- For the West Coast.

Mr O'MALLEY

- I beat the honorable member by 2,000 votes, and he got in ' only on my surplus votes.

Mr Cameron

- That is only an assertion.

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Mr O'MALLEY

- It is absolutely true. The honorable member polled 1,992 No. 1 votes, and. I polled over 4,000 No. 1 votes ; and, therefore, I have twice the right to speak on this question that he has. I speak for the morality of Tasmania. I would, ask honorable members whether nations are built up upon gambling and horse-racing ? When we speak of the greatness of a country we do not speak of her armies or of her navies, but of the moral men and women she produces, and that is what we want to cultivate in Tasmania. When the time comes that Tasmania cannot live without " Tattersall," may she eternally sink in the depths of the ocean. She is the richest State of the union, and not the pauper State that some honorable members seem to think. At the same time, I think the Commonwealth ought to agree to put £15,000 on the Estimates to make up what Tasmania is going to lose.

Mr JOSEPH COOK

- Would that not be pauperising Tasmania 1

Mr O'MALLEY

- No ; I think it would be a fair thing. No doubt we have been exploiting all the other States, but the more one has the more he wants, and the less one has the less he will get. The Commonwealth, which has the supreme power, rose out of the States as the Himalayas rise above the plain. The Commonwealth has the power, if it chooses, to destroy "Tattersall," but whether it will use that power I cannot say. In connexion with every community there is something that ought to be preserved, and something that ought to be destroyed, and every patriot and every true man desires to destroy that which is bad and preserve that which is good. The very exterior of nature may be withered and wasted ; the very earth itself may be

blasted and blighted by unproductiveness, and towns and villages may be swept by flames, and whole armies of human beings may be swallowed in their hellish embrace ; but all such calamities sink into insignificance beside a national act of wrong, and it would be a national wrong to allow one little State to exist as a parasite.

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Mr BROWN

- From the speeches we have heard from the representatives of Tasmania it is clear that the people of that State do not speak with a united voice on this very vexed question. We have been asked to consider this matter as if some special State privilege belongs to Tasmania, and, whilst there has been no argument put forward in defence of sweeps on moral grounds, it has been contended that the postal authorities should conduct their business on purely commercial lines, that the secrecy of all matters entrusted to them should be maintained inviolate, and that it is no part of the functions of the Postal department or of the Commonwealth to consider the moral side of the question. I disagree with these arguments altogether, because I consider that the morals of the community are distinctly a matter of concern to the Commonwealth Government, and that the Postal department should not lend itself to any transactions that may operate detrimentally to the best morals of the community. Inasmuch as "Tattersalls" sweeps have not been defended by their strongest champions from the moral stand-point, I take it that I am correct in offering opposition on moral grounds to the continuance of any facilities for carrying on these sweeps. It has been urged that "Tattersalls" sweeps are not so bad in their effects upon the morals of the people as other forms of gambling, but I think that sweeps belong to the most insidious form of gambling, and that they are most dangerous to the moral well-being of the community. The influence exerted by these sweeps enters secretly into every home, and offers inducements to gamble to people who would never think of such a thing, but for the facilities which are given in this way. To such an extent have the ill effects of these sweeps been observed in each of the States, that, with the exception of Tasmania, they have thought it necessary to legislate against them in order to protect the community. "Tattersall" was started in New South Wales, and until action was taken its influence was perceptible in every little community. From the back-block stations thousands of pounds were annually sent to "Tattersalls" by individuals who never frequented race-courses, or indulged in gambling otherwise, and to such an extent did the evil grow, that it was thought necessary to put a stop to communications being sent to "Tattersall" through the post. Similar action was taken by other States, and for the same reason. For some years Tasmania has been the home of "Tattersalls" sweeps. It has been fast degenerating, if we can believe the evidence that we have from that better Tasmania which is represented here so ably by the honorable members, Mr. Piesse and Mr. O'Malley. According to that better Tasmania, the influence of "Tattersalls" sweep in that State has been anything but in the direction of the moral welfare of the community. It has been a kind of cancerous growth which has reduced the island to the position of the Monte Carlo of Australasia. "We are now asked to permit this state of affairs to continue. Not only are we asked to permit it with respect to Tasmania, but also with respect to the Commonwealth, because there are only two alternatives before us - either to apply the legislation that was found desirable in the other States to Tasmania, or vice versa. Under our uniform postal regulations, we cannot legislate in the direction of prohibiting "Tattersall" in the other States, and permit his operations to continue in Tasmania. We must either prohibit them throughout the whole of the Commonwealth, or we must permit the operations which are at present carried on in Tasmania to be also conducted in the other States, which have cast "Tattersall" out as an unclean tiling from amongst them. I prefer to be guided by the wisdom and experience of the other States, rather than by the attempts which are put forth here on behalf of a section of Tasmania. The contention advanced as to the rights of Tasmania to continue this lottery business as one of the State rights which have been reserved to her, was very ably answered by the honorable and learned members for Northern Melbourne and Indi. The real position has been made perfectly clear by the recent action of America, whose example in this matter of State rights we have largely followed in our own Constitution. The decisions given there amply bear out the contention of the Government that this is not a matter which comes within the scope of State rights. When Tasmania handed over the Post-office to the Commonwealth, she handed it over as completely as she did her Customs, her military, and other transferred services. If the contention which has been advanced is to be held good, it seems to me that Queensland has a right to urge that the Commonwealth

must not legislate in connexion with black labour, because that is a matter affecting State rights.

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Mr Deakin

- It has been said already. Mr. BROWN. - They would have just as good ground for saying so as has Tasmania in regard to this matter. Victoria also could come forward and say that we must not legislate to the detriment of her manufacturers, who enjoy a high protective Tariff. If such objections were to be held tenable, then our federation must disappear, because it would be clothed with no powers of Government. These points, however, have been very amply answered, and we need have no apprehension that this is a matter which trenches upon State rights. I wish to preserve the rights of the States. I do not desire to see this Parliament trench upon rights which legitimately belong to the functions of State government. Regarding the petitions which have been presented so industriously to this House, I have no doubt that it has cost an immense sum of money to secure the large number of signatures which have been attached to them. We have heard it stated on very good authority that a large number of these signatures were obtained either under a misapprehension of what are the provisions of the clauses in question, or because of misrepresentation in respect of them. I believe that both causes have operated. I remember the occasion upon which I first saw one of these petitions in a country town in New South Wales. I was asked to sign it, upon the ground that the Bill proposed to confer upon the Postmaster - General unlimited power to open my correspondence. If that had been the scope of the Bill, I would readily have opposed it. I had sufficient Scotch canniness, however, to abstain from signing it until I had seen the Bill. When I saw the provisions to which exception was taken, I was thoroughly satisfied to stand by the Government in obtaining what I thought to be very necessary legislation. I believe that many of the signatories to the petitions were caught napping. Not only in New South Wales, Victoria, Queensland, South Australia, and Western Australia, has action been taken against "Tattersall's" on the ground of injury to public morals, but in the great republic of America similar action has been taken, showing at once the great scope and influence exercised by this system of lottery, and the position from which the American Government view it. In the last issue of the Review of Reviews, page 6, I find that the Postmaster-General is reported to have issued the following notification to the postal authorities of America in respect of the sweep system conducted by "Tattersall" : -

It having been made to appear to the Postmaster-General, upon evidence satisfactory to him, that "Tattersall, care of George Adams, Hobart, Tasmania," is engaged in conducting a lottery for the distribution of prizes by lot or chance through the mail, in violation of the Act of Congress entitled "An Act to amend certain sections of the revised statutes relating to lotteries, &c, approved on 10th September, 1890," he directs all postmasters to return all letters and advices, whether registered or not, addressed to "Tattersall."

I believe that we shall not be going far wrong in this particular in taking a leaf out of the book of the Postmaster-General of America. I should like to point out that this clause does not deal with "Tattersalls" specially, but it gives to the Postmaster-General power to deal with other objectionable matter. No one will deny that our Postal departments in all the States have been made use of largely for the purpose of advertising quack doctors and other matters that were not in the best interests of the community. Unless the Postmaster-General is given the power proposed in this clause, great and irreparable injury may be done to the community. I consider these, with proper safeguards, are only necessary powers to be placed in his hands. Before any letters can be stopped, the person to whom they are addressed must be gazetted as one who is not permitted to use the postal facilities for the promotion of sweeps, and no wrong can be done, because the Postmaster-General is amenable to Parliament. I believe that the provisions of the clause are so necessary and desirable that, while I have voted against the Government in certain other instances, I am prepared to support them in securing this necessary legislation. It is in harmony with that of all the States with the exception of Tasmania, and it is legislation which, in my opinion, is in the interests of the good morals of the community. I believe that whilst we are laying the foundation of the nation we should legislate for the true and well laying of that foundation, both in regard to the morals of the community and other matters which engage our attention. If we cannot make men moral by Act of Parliament, let us not by Act of Parliament give facilities to the community to adopt a wrong course of action. I believe that national welfare is a matter of national righteousness, as well as of those other matters which go to build up progress and prosperity.

Mr F E McLEAN

- I listened very attentively to the speech made by the right honorable member for Tasmania, Sir Edward Braddon, and also to several other speeches that have been delivered in opposition to the clauses proposed by the

Government. While my sympathy has been with the clauses as they stand, I have still been anxious to hear what can be said against them, and to hear the case fairly and clearly stated from what I am compelled to call the Tasmanian stand-point. Unfortunately this matter seems to have resolved itself very largely into a question between the Commonwealth and Tasmania. While I am very anxious that State rights should be respected as far as possible, I am bound to say that the only conclusion I can arrive at, after hearing the arguments on both sides, is that in conceding the demand of Tasmania in this respect we should be absolutely subverting the principle of majority rule. We should be bowing down to the will of the minority instead of recognising that in Commonwealth affairs the great majority of the Commonwealth must rule. The explanation given by those who oppose this clause in regard to the existing state of things in Tasmania, shows clearly that that State owes the establishment of "Tattersall" there simply to the fact that the larger States have declined to allow the institution to remain with them. Seeing that the great States on the Australian continent, represented by millions of subjects, have declared that they will not have this institution carrying on operations in their midst, is it reasonable to suppose, now that the Commonwealth has assumed the management of the Post-office, that they will go back on what they have already declared to be their will and judgment, and allow the minority in Tasmania to dictate the policy of the Commonwealth?

Mr Wilks

- There has been no public protest.

Mr F E McLEAN

- In each of these States there has been no public protest against the local laws which prevent this institution from carrying on business through the Post-office. All these laws in Victoria, Queensland, Western Australia, and New South Wales have been in existence for many years. In Queensland the law has been in force for ten or twelve years.

Mr Mahon

- The honorable member is mistaken as to Western Australia.

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Mr F E McLEAN

- We were officially informed on the floor of the House to-day that the Western Australian law was passed in 1893. At any rate, there has been a lapse of a considerable time since its enactment. General elections have been held, and changes of Government have taken place, since then ; but these provisions in the laws of the larger States remain unchallenged by public opinion. There has been practically no public agitation against these powers, and although we know that a very large number of people in these States have indulged in "Tattersall's" sweeps through the medium of the post, we still know that there has been no definite public movement to repeal these provisions, or alter the policy of the Postal departments of the States. We have arrived at this position : Our Tasmanian friends, or some of them, tell us that if we carry these clauses, as they stand in the Bill, we shall be seriously invading their State rights. Let us suppose that for the sake of Tasmania we withdraw these clauses from the Bill. Supposing we allow "Tattersall's" business to be carried on in spite of the laws previously adopted in each of the larger States of the Commonwealth, then, I would ask, what about the rights of the larger States ? Are they to be ignored ? Are we to absolutely ignore the will of the people, as expressed by their legislation and their Government, in the larger States of the Commonwealth ? If that is the view of State rights which is going to be put before the committee, I do not think it will find favour with honorable members. If it were adopted it would inevitably break up the Commonwealth. We have a perfect right, in framing the postal policy of the Commonwealth, to consider the wishes of the great mass of the people within its borders. If incidentally we do violence to the feelings of some residents of the Commonwealth ; if incidentally we prevent the carrying on of an institution which has existed in Tasmania for some time past, we cannot help it. We must lay down some sound definite principle of public policy on which the Commonwealth shall be conducted, and if we do that, we cannot help any incidental hardship which may occur to the residents of one particular State. I have yet to be convinced that the majority of the people of Tasmania would wish us

to throw out these clauses. Of course, I am bound to assume that, as the law by which " Tattersall " is permitted to carry on business in Tasmania has been in force for some time, it has the indorsement of the people. Just as I assume that the absence of any consistent agitation in opposition to the law against sweeps in other States is evidence that there is no great feeling against that law ; so I am willing to concede that the existence of the law in Tasmania, as it stands, is some evidence that it is the will of the people of Tasmania to have these sweeps. Still, they knew perfectly well that, on the establishment of the Commonwealth, the Post-office would become a matter of federal concern. We should be landed in no end of difficulty if we were to urge State rights in regard to other matters outside the administration of the Post-office. I have only to mention the Tariff as one question in regard to which the people of Victoria might legitimately demand that we should respect vested interests, and respect their financial requirements. Arguing on the lines adopted by the right honorable member for Tasmania, Sir Edward Braddon, they would regard it as a serious wrong if we interfered with the policy established in their country. On the other hand, have not the people of New South Wales a very strong interest in the policy of free-trade which has been built up there? We should have an agitation immediately aroused against any alteration of policy which would seriously invade State rights and impose burdens, upon their people. So we would go on bringing endless confusion into our discussions here if we were to adopt the principle laid down by those who oppose the clauses. I have not heard anything to convince me that any very serious wrong can result to the people of Tasmania by the adoption of these clauses, which appear, in my humble judgment, to have the indorsement of the great majority of the people of this country.

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Mr POYNTON

- It is not my intention to occupy the attention of the committee at any great length. AVe have had some excellent speeches, and I do not think the time spent in the discussion of this matter has been wasted. That phase of the question which refers to the Tasmanian loss in connexion with this matter has been very much overstated, in my opinion. I am one of those who think that all the States are making a very big sacrifice in regard to their revenue, and I have yet to learn that Tasmania is going to lose more in connexion with this matter than any of the other States. The loss of revenue to the other States will be very much greater in the aggregate than will be the loss of Tasmania, because the whole of Tasmania's revenue from this institution is drawn from the post-offices of the other States. Exchange has to be paid on the postal notes in every instance in addition to the stamps used. It is not a question of the suppression of gambling in the broadest sense. The question that appeals to me is whether we have the right in this Parliament to facilitate gambling by using the huge postal machine for the advantage of one particular individual. All the other State issues have, to my mind, very little to do with the question. I take up a very decided stand, and say that these clauses are undoubtedly within the functions of this Parliament, and are no infringement of State rights. The Post-office has been given up to the Commonwealth, and we have a perfect right to say that it shall not be used to assist this or any other particular monopoly. I am therefore going to vote for the retention of these clauses. I. do not wish to say any more. There has been quite enough said on both sides, but I do not want to give a silent vote on this question. I believe we have every constitutional right to do this ; that it is no infringement of any State right ; and that each State will make a sacrifice in its revenue equal to that which Tasmania will make.

Clause verbally amended.

Amendment (by Mr. Deakin) proposed -

That the words " not sanctioned by law," lines 17 and 18, be omitted.

Mr. G.

B. EDWARDS (South Sydney). - Two or three members have expressed a decided opinion that these clauses should cover church lotteries. . Does the Attorney-General believe that such lotteries are embraced ?

Mr DEAKIN

- There is no exemption of church lotteries, or of any other lotteries. But the whole of the clause is administrative ; and it is within the judgment of the Postmaster-General to use or not to use the power given, subject to the control of the House.

Amendment agreed to.

Mr. DEAKIN

(Ballarat - Attorney-General). - I move-

That the following new paragraph be inserted to follow paragraph (b):-" (bb) As contributions or subscriptions towards any lottery or scheme of chance."

In sub-clause (b) the persons aimed at are those promoting or carrying out a scheme of chance. The question has been raised whether the clause refers to the action of any other than the promoters, and we must be able to deal with letters coming from the people subscribing to the lotteries.

Mr. G.

B. EDWARDS (South Sydney). - If these amendments are agreed to, we ought to have an understanding that, if it be desired by honorable members, the clause will be recommitted. There is a widespread opinion that we ought to make quite sure the clause does what the committee desires.

Mr DEAKIN

- With the amendments proposed, I do not think it will be necessary to recommit the clause, but if the Government find, on the fullest consideration, that it does not give effect to the wishes of the committee, they certainly will themselves propose its recommitment.

Amendment agreed to.

Amendment (by Sir John Quick) proposed -

That after the word "name," line 27, there be inserted the words "or to any agent or representative of his."

Sir Edward Braddon

- These amendments are being rather sprung on the committee.

Mr DEAKIN

- The honorable and learned member for Bendigo has already explained that, according to a Louisiana decision, it was held that there was power to stop letters addressed to the promoter himself, but when he arranged with a bank to receive his letters they could not be stopped. It was necessary, therefore, to amend the United States statute in order to stop letters so addressed. If letters addressed to the man himself are stopped, it should certainly be within the power of the Postmaster-General to stop letters addressed to the man's agent.

Mr V L SOLOMON

- Will this clause enable the postmaster to casually open letters addressed to a man's banker ?

Mr Deakin

- No.

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Mr V L SOLOMON

- What is to justify a postmaster in coming to the conclusion that the letters are addressed to an agent? Surely there ought to be some protection given to a bank, or anybody else, against having their letters opened on the mere suspicion that they are agents for " Tattersall."

Mr F E McLEAN

- It is almost inconceivable that a bank should act as agent under the circumstances created by the amendment, because obviously it would be incurring very serious risk to its correspondence.

Mr DEAKIN

- It is not suggested that by any possibility a bank in this country would act as agent under the circumstances. I merely mention that, as a matter of fact, an American bank did so act in Louisiana. Before any action can be taken, the postmaster is required to gazette the name of the person whose letters are to be stopped, and he can have no authority for gazetting either the name of a person or his representative until he is thoroughly satisfied that they are conducting a lottery.

Amendment agreed to.

Mr. CLARKE

(Cowper). - "Will the clause prevent a member of the public sending a telegram to a bookmaker, or telegrams to betting clubs

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Will the clause prevent church bazaars ? It is no use stopping halfway in measures of this kind, and it would be just as well to extend the clause to all telegrams dealing with different classes of betting.

Mr DEAKIN

- If church lotteries or any other lotteries carry on their business through the Post-office, they are just as

liable as Mr. Adams to have their correspondence stopped. If a telegram is sent from one station to another, and then posted, it will come under the clause, but direct telegrams are dealt with in another part of the Bill, at which we have not arrived.

Mr Clarke

- I think the Government might consider the question of stopping sporting telegrams.

Mr DEAKIN

- We will consider that matter when we come to it.

Sir EDWARD

BRADDON (Tasmania). - I would like to ask whether this clause would cover postal matter addressed to a bookmaker ; I think it does. There are some 200 or more bookmakers registered both in Victoria and in New South Wales, and there is no difficulty about ascertaining who they are and what they are, and the question is whether correspondence addressed to them should be brought under the ban of this clause. It would seem to be the obvious intention of the clause that this measure of justice - or injustice - should be applied equally to bookmakers as to those who run sweeps or conduct gambling in any other form.

Mr Deakin

- I presume that under paragraph - (a) bookmakers carrying on a regular business would be receiving moneys or valuables as consideration for an assurance to pay money on an event or contingency relating to a horse-race. Consequently they would come within the scope of that part of the clause -

Mr. CLARKE

(Cowper).- I move That the following words be added to subclause (1) : - "Provided, however, that th» Postmaster-General shall not have power to make such order with respect to any of the matters referred to in paragraphs (a), (h), and (66), which have been already sanctioned or may be hereafter sanctioned by the law of any State or States of the Commonwealth to which the postal article is addressed."

I have already stated that I desire to protect the State rights of Tasmania. The honorable and learned member for Northern Melbourne and the honorable and learned member for Indi have pointed out that by adopting this amendment we should be giving power in the Bill which would have the effect of overriding the existing law of the State of Queensland. It is a fact that the Queensland Legislature passed a Postal Act in 1891 which gave power to the Postmaster-General to intercept letters addressed to sweep promoters either in Queensland or elsewhere, but I am informed on very reliable authority that the power was never used - that is to say, that letters addressed to "Tattersalls " in Tasmania have been sent and are still being sent through the Post-office of Queensland. So that the contention that we are overriding or interfering with the State rights of Queensland does not apply. Then again, so far as the Postal Act of Victoria is concerned the provision applies only to letters addressed to persons within the State.

Mr Higgins

- AVe can stop the transmission of postal matter to Tasmania if we like.

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Mr CLARKE

- I will not argue that the power is not there, but I* am sure that it is not exercised, and that letters have been sent to " Tattersalls " in Tasmania ever since it has* been established there. {."Although strictly speaking we may be technically interfering with State rights, we are not doing so in practice, because such rights have never been exercised. That is an answer also to the honorable member for Lang, who drew attention to the fact that the State laws had never been altered. The reason is that the Postmasters-General have not dared to put the law into practice.

Mr. DEAKIN

(Ballarat - Attorney-General). - I hope the committee will realize that the effect of the amendment moved by the honorable member, in a very temperate and fair speech, would be to precisely negative the whole intention of this clause. We are allowing a clause to stand on the face of the measure, claiming the undoubted right of the Federal Parliament to have the absolute and exclusive control of its post-offices, which it is expressly endowed with. Having declared by the clause the undoubted power of the Commonwealth, we are now asked to provide that the Postmaster-General, as the agent of the Commonwealth, should not be permitted to exercise it except by prohibiting correspondence in relation to fortune-telling, or fraudulent, indecent, obscene, or immoral businesses. In regard to all other kinds of gambling through the Post-office, whether by bookmakers or lottery conductors, or by those carrying on

schemes or games of chance, or any other variety of gambling, the Federal Parliament would be crippling itself, and placing its powers absolutely at the disposal or under the control of any of the States of the Union. The honorable member's amendment aims at compelling any States, no matter what their desires may be, as to the control of the postal matter passing through their territory, to send to any State to which it may be addressed any postal matter relating to any lottery or gambling business, provided that in the State to which it is addressed the carrying and receipt of such correspondence may have been legalized. This would, therefore, effectually protect Tasmania in regard to "Tattersall's," and it would leave the other States free to start rivals to "Tattersall's," and require correspondence addressed to them to go as freely through Tasmania as Tasmanian correspondence would be passed through the other States. It would absolutely require every State to send to Tasmania any correspondence relating to its sweeps. The committee will, therefore, realize that this amendment would add to a clause, which is a declaration of federal rights, an absolute subjection of federal rights and powers in its Post-office to the will of any State in the Union.

Sir EDWARD

BRADDON (Tasmania). - I do not follow the Attorney-General entirely, nor do I think he has taken sufficient cognisance of the fact that each State should have complete jurisdiction over its own social legislation. To my mind it is no more in keeping with the Constitution that the Federal Parliament should indirectly, through this Postal Bill, take the power to proscribe any harmless form of gambling, or any form of gambling whatever, than that it should assume the power to lay down the law in any State with regard to compulsory vaccination or free education or any other matter. To my mind there is something very repellant in the idea that the Commonwealth Parliament should arrogate to itself the right of saying that in this or that State such and such social laws shall be enforced because we choose to enforce them indirectly by means of a Post and Telegraph Bill. I hope that the amendment will be carried, and that the wrong which will otherwise be imposed on all the States will be avoided.

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Mr REID

- It is scarcely to be regretted that the honorable member has been able to move this amendment, because I think it brings out in the clearest possible way one of the very two serious questions involved in the proposals of the Government, namely, that as to rights of States. I hope that we shall always be very jealous of the rights of the States, especially of the rights of those States which may, perhaps, be called the weaker from the point of view of population, voting power, and representation. I trust that we shall always act towards them in a fair and generous spirit - not in even a technical spirit. If I thought that in any technical sense the rights of any States were invaded by the clauses in the Bill, in spite of the very strong view which I entertain as to the wisdom and necessity of the provision, I should act in defence of the rights of the States. But I have never been able to see that any States could have avoided knowing that in handing over the post and telegraph offices to the Commonwealth, the power of dealing with such questions was also handed over. It is a power not to be exercised lightly, because I hope we shall, always be jealous of - any interference with the free transmission of correspondence through the Post-office. But in this case, upon very broad and high national ground, I am in favour of the clause. I feel no difficulty at all in regard to the amendment, which I shall certainly vote against.

Mr. CLARKE

(Cowper). - I wish to point out that it is not only the State of Tasmania which is concerned, In my desire to save time, I omitted to mention that the Postal Acts of the different States contain a proviso preserving, anything which has been legalized by them. Unless some such, proviso is inserted here, art unions, which have been considered legal in New South Wales, and also the disposal of works of art by lottery, will be prohibited. In New South Wales, not long since, a Bill was passed giving the Eight Hours Demonstration Committee power to dispose of certain works on the art union principle. That Act, I take it, will be overridden by the clause, so that I have more than one object in view in pressing this amendment!

Mr Reid

- The whole clause is permissive.

Mr CLARKE

- Tes ; but still the power is there. ^

Mr JOSEPH COOK

- This amendment ought to be ruled out of order. We have already declared that the clause shall apply to lotteries or games of chance where they are sanctioned by law. The deliberate proposal of the honorable member is that it shall 'not apply to any of these schemes of. chance which are sanctioned by law. Would not the adoption of the amendment be stultifying what the committee has already done 1 I think it would, and I submit that the amendment ought to be ruled out of order.

Mr Higgins

- I mentioned that, but the Minister said it was not worth while to raise the point of order.

Mr JOSEPH COOK

- It is always worth while to raise a point of order, and I -will take the Chairman's ruling upon the question.

Mr Clarke

- May I point out that the Minister, in charge of the Bill had an amendment inserted in the Bill making an exception in the way I am doing here. He exempted the transmission of letters containing money to cover the entrance fees for horse-races. Surely if- that amendment was in order my proposal is. equal! y so 1 Mp. F. E.. McLean.-- -In sub-clause (b) we have eliminated- the words " not sanctioned by law." The point to be decided therefore is- whether.- the words now. proposed to be added to the clause negative what the committee has already done. I think that substantially they have that effect, and I submit the amendment is- out of order.

Mr-. V.

L. Solomon.-There is nothing; in this proviso that is a, distinct negative of the words of sub-clause (b)

of.- clause 55. The words which- we struck out were "not sanctioned by law." Do : these words mean " unlawful " under the laws of the Commonwealth, because- 1 take it that we cannot declare, any thing to be unlawful which is permitted under the gaming laws of the various States.? What did those words "not sanctioned by law " refer to ? Did: they mean not sanctioned by the Jaw of the States, or not sanctioned by the law of the Commonwealth? The Commonwealth certainly has e not- the right to make any law under our Constitution connected with, or in any way dealing with gambling, or, with the gaming laws. Those laws are left to the States. I submit that there is such a large element of doubt as to what law is referred to in clause 55 that it would, be inadvisable to rule this proviso out of order.

Mr. Reid. - Whilst the amendment is clearly inconsistent with sub-clause (6), inasmuch as sub-clause (a) contains other things than those mentioned in sub-clause (b), I think the amendment is not out of order.

The CHAIRMAN

- Considering the fact that the words " not sanctioned by law " have been struck, out, and that the clause is still before the committee, and liable to amendment, I cannot rule the honorable member's amendment out of order.

Amendment negatived.

Clause, as amended, agreed to.

Progress reported.

ADJOURNMENT

Hour of. Meeting : Dr. Maxwell's Report

Motion (by- Mr. Barton) proposed -

That the House do now adjourn.

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Mr CROUCH

- I should like the Prime Minister to move the adjournment of the House till 2 p.m. to-morrow instead of 10 a.m. I think that on future Fridays we might meet at 10 a.m., but I do not consider it is. right to ask honorable members to sit so long for four days in the week straight off, as they have made other appointments.

Mr Deakin

-It is impossible to make an alteration now without interfering with the arrangements of- honorable members.

Mr MCDONALD

- I wish to ask the Prime Minister if he can give us any information as to when we are likely to get Dr. Maxwell's report ?

Minister for External Affairs

Mr BARTON

. - The- report has been laid upon the table, and I have- moved that it be printed. If it be not already in the hands of honorable members it is no fault of mine. At any rate they will have it in their hands in ample time for the second reading of the Bill.

Question resolved in the affirmative.

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22:44:00

House adjourned at 10:44 p.m.