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1901-08-23

House of Representatives.

Mr. Speaker

took the chair at 10 a.m., and read prayers.

QUESTION

SALE OF OBLITERATED STAMPS

Mr HENRY WILLIS

asked the Post master-General, upon notice -

Whether it is a fact -

That the Melbourne Post Office is a philatelic department for the sale of obliterated postage stamps that have never been used in the ordinary course of business.

That some of the sets for sale include high-value stamps up to £100, and are sold at £5 per set, others containing lower values at £1 per set, and a recent issue, representing a face value of about 10s., at 4s. per set.

That the Postmaster-General is about to issue a set of stamps, lightly postmarked, to order, which will include new £1 and £2 stamps, at 10s. per set, having on them the portrait of King Edward VII.

That sets of £1 and £5 Victorian stamps, lightly post-marked, to order, have been sold to a dealer, " at a price," as a job lot.

Whether, if it is a fact that the Postmaster-General is conducting a philatelic business in competition with dealers in legitimately-used postage stamps, he will discontinue the practice.

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Minister (without portfolio)

Sir PHILIP FYSH

- The following information has been supplied : - 1 (a) The Melbourne office is not a philatelic department ; sets of current postage stamps postmarked that have not been used in the ordinary course of business are sold, (b) The only sets on sale are those from a halfpenny to four shillings in value, and the price is four shillings. (c) A recommendation has been made that sets of current stamps, including those referred to be sold at one pound per set, but this has not yet been approved.(d) No such transaction has ever taken place.

In accordance with the regulations of most of the States, sets of current postage stamps (postmarked) are sold at prices fixed by the regulations. The matter of the continuance of this practice is under consideration.

POST AND TELEGRAPH BILL

In Committee

(consideration resumed from 22nd August, vide

page 4102).

Clause 77 (No stamp duty on money orders or postal notes).

Mr F E McLEAN

- I would like to ask whether this is not a departure from the prevailing practice? I understand that in the States, at present, money orders are charged stamp duty as drafts payable on demand, and that persons taking out Such orders pay the duty, just in the same way as on a cheque or draft. I do not know what the effect of this would be, but presumably the States would lose this duty.

Attorney-General

Mr DEAKIN

. - The honorable member is correct, except that there is only one State, namely, New South Wales, which collects stamp duty on money orders. The legality of that duty has been questioned, although the matter has never been taken to the Supreme Court. This is one of the circumstances in which the Constitution will have a very direct operation. By the transfer of the Post-office and its agencies to the Commonwealth, money orders and postal notes pass out of the control of the States, and become what are termed federal instrumentalities. One of the principles that has been judicially established over and over again in the United States is that federal instrumentalities are not taxable by the States. This is not

an interference to the disadvantage of the States altogether, because in the same way that federal instrumentalities or agencies are not taxable by the States, so State instrumentalities or agencies are not to be taxed by the Commonwealth. There is a great advantage in not having the two spheres of taxation inter mingled. A new state of things has been created by the establishment of the Commonwealth, and it is desirable in all interests that there should be no cross taxation between itself and the States.

Mr PIESSE

- The question occurs to me whether it is necessary to put in this provision - whether the Constitution will not operate without appearing to trench upon or deny any State rights. I think it is undesirable, unless the Attorney-General considers it absolutely necessary; that we should insert this provision, because it may appear that we wish to restrict the powers of the States. I do not wish to press this matter, but that was the point I had in my mind when I gave notice that I would move the omission of this clause.

Mr DEAKIN

- I have no hesitation in saying that I consider the Constitution Act sufficient, but there are others who may not be as strongly and as clearly convinced as I am. The Post-office has passed under the jurisdiction of the Commonwealth, and we have exclusive power of legislation in regard to it. We should strengthen our position by passing this clause. If the Constitution means that there shall be no taxation, but requires as a preliminary that we shall legislate on the subject, then this clause will make our position safer, but if the Constitution, without any legislation on our part accomplishes this result, this clause is unnecessary. It cannot, however, be regarded in any way as aggressive, because the Constitution itself will decide the matter. If the Constitution does not cover this clause it is of no use. On the other hand, it can do no harm, but will set all doubts at rest.

Clause agreed to.

Clause 78-

Provided also that nothing in this section shall be taken to prevent any person from maintaining and using any telegraph line heretofore erected by him or from erecting, maintaining, and using any telegraph line - which is wholly within and upon land whereof he is the proprietor or occupier, and solely for his own purposes, if no part of such line is within twelve feet of any line of the Postmaster-General ; or which is used for telephonic communication and is wholly within a building whereof he is the occupier or proprietor, and solely for his own purposes.

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Mr WINTER COOKE

- I have been asked by the honorable member for Grampians, Mr. Skene, to move an amendment; It is proposed that the Postmaster-General shall have full control over all telegraph and telephone lines, but a provision is made that nothing shall prevent any person from maintaining or using any telephone or telegraph line wholly within his own land. It is further provided that a private line shall not be within 12 feet of any Government line, and if this clause is allowed to stand in its present form it will prevent private lines from being connected with post-offices. This would impair the usefulness of many private telephone lines, and I propose to amend the clause so as to permit of these connexions being made. I move - That all the words after "if" in paragraph (a) be omitted, with a view to insert in lieu thereof the words "the line does not run within 12 feet of any line of the Postmaster-General, except for the purpose of connecting with that line."

It is obvious that if the owner of a private telephone line cannot get into communication with a telegraph office belonging to the Government, the utility of the telephone is greatly lessened. The amendment would be a convenience, not only to owners of large properties, but to others who, like myself, live only 1 1 miles or so from a telegraph station.

Mr DEAKIN

- The object of the honorable member can be met by inserting the words he proposes, without striking out any part of the sub-clause. The provision as to the 12 feet is inserted for the scientific reason that this is the radius in which one electric line can injuriously affect the operations of another. There will have to be some control, by regulation, of the connexion with Government lines. I do not propose to ask the committee to reject the amendment, but if the words are inserted there may have to be an alteration made here later, in order to provide for the efficient guardianship of the public interest.

Mr Winter Cooke

- If the suggested amendment by the Attorney-General will meet the object I have in view, I shall be satisfied.

Mr HENRY WILLIS

- I have received letters from residents in several parts of New South Wales, urging that an amendment of this character be made in the Bill. Such a provision would be a great convenience during the shearing season which is coming on, and the people are quite prepared to incur considerable expense in the matter.

Mr BROWN

- During the last few years telephonic communication has come very extensively into operation on large stations in New South Wales, and in nearly every instance the telephone lines are connected with some Government line. Even supposing some further amendments may be necessary in this or some other part of the Bill, the amendment proposed is a most desirable one.

Mr. WINTER

COOKE (Wannon). - I understand that the honorable member for Tasmania,

Mr. Piesse,

has an amendment to propose, which should come before mine. I therefore ask leave to temporarily withdraw my amendment.

Amendment, by leave, withdrawn.

Mr PIESSE

- The provision refers to private lines heretofore constructed. Surely it would not be right for the Postmaster-General to place a line within 12 feet of an existing private line and compel the proprietor to move the latter more than 12 feet away. I move -

That after the word "any," line 10, the word "existing" be inserted.

Mr DEAKIN

- Clause 87 provides that if the Postmaster-General does any damage in the course of exercising the powers under the Bill, he shall make adequate compensation to persons interested. If it should be in the public interest to run a Government line within 12 feet of an existing private line, the Postmaster-General will have to pay the cost of removing that private line more than 12 feet away.

Amendment agreed to.

Mr BAMFORD

- At Chillagoe, in North Queensland, where there are from 800 to 1,000 settlers, principally miners, the Chillagoe Railway and Mines Co. have a telephone line to Mareeba, which the public are allowed to use when it is convenient to the company. From Mareeba to Cairns there is a Government line, for the use of which the ordinary charge is made; but an additional charge is made for the use of the line from Mareeba to Chillagoe, thus making a double charge from Cairns to Chillagoe. I would suggest the advisability of the Postmaster-General providing by regulation that charges on such lines as this shall not be more than those ordinarily made on Government lines. Of course, it would be possible for the residents to construct another line, on giving the Government a guarantee, but against that proposal the argument would be used that there is a line already in existence. As to the 12-feet provision, I take it that, inversely, the Postmaster-General will have the right to build his line within 12 feet of another line.

Mr DEAKIN

- The Postmaster-General will have that right. By clause 93 the Postmaster-General is given power to make regulations. I will bring this point under his notice with a view to preventing injustice in cases similar to that at Chillagoe.

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Sir EDWARD BRADDON

- I have received a letter from the Electric

Lighting and Traction Co., Australia, suggesting that this proviso should be amended so as to include lines belonging to corporate bodies. To that end I should like to submit an amendment to insert after the word "person" line 2, the words "or corporate body."

Mr Deakin

- I think the Acts Interpretation Act secures what the right honorable member desires.

Sir EDWARD BRADDON

- I do not desire to move the recommittal of this clause if it is not required. After all, it is a very trivial amendment, to which no exception could be taken. It is merely to include "body corporate" with "person." Mr. Deakin. - They are included by the Acts Interpretation Act, and an amendment is therefore unnecessary. Section 25, paragraph (a), of the Acts Interpretation Act provides that "person" shall include a "body corporate."

Amendment (by Mr. Winter Cooke) agreed to -

That after the word "Postmaster-General," line 10, the words "except for the purpose of Connecting with such line" be inserted.

Clause, as amended, agreed to.

Clause 80 (Postmaster-General may contract for construction of telegraph lines).

Mr. PIESSE (Tasmania).

- A proviso has been added to this clause by another place, which, in my opinion, is not relevant to it. That proviso deals with the right of private lines to cross roads, and should be made a separate clause. I therefore propose to strike out certain words with that object in view.

Mr. JOSEPH

COOK (Parramatta). Does the clause mean that the Postmaster-General may enter into a contract with a man to maintain a telegraph line in some distant part of the Commonwealth?

Mr Deakin

- Yes. The clause is taken from the Queensland Act. It is a double-barrelled clause, but I am not sufficiently informed to say what the circumstances are that call for it. It provides not only for the construction and maintenance of telegraph lines for the public use, but also for the construction and maintenance of telegraph lines by private persons for their own use.

Mr JOSEPH COOK

- I do not care for that, and I shall therefore move the omission of the word "maintenance."

Mr DEAKIN

- Before any amendment is moved, perhaps it would be better to postpone this clause. The Minister in charge of the Bill was not informed that it was likely to be challenged, and we had better discover what is intended to be covered by this clause before we proceed to amend it.

Mr. JOSEPH

COOK (Parramatta). - I know of no conditions in the populous States that require the fanning out of the maintenance of telegraph lines. It may be necessary in distant parts of Queensland and Western Australia.

Mr Piesse

- It is necessary, and is done in West Tasmania.

Mr JOSEPH COOK

- I am strongly against the farming out of this maintenance work, unless it can be shown to be absolutely necessary.

Mr McDONALD

- I am pleased that this clause is to be postponed, because I think it is necessary that further consideration should be given to it.

Mr Deakin

- It is taken from the Queensland Act.

Mr McDONALD

- That is not a guarantee that it is a good thing. There is a system growing, up in Queensland which may ultimately lead to considerable trouble. Within the last year or two, the State Government have introduced what are known as syndicate railways. They are giving these syndicates certain concessions to construct telegraph lines and maintain and use them just as the public lines are used. A Bill which was introduced in the Queensland Parliament last year would have practically given a company 600 or 700 miles of telegraph communication. That company would have controlled one-sixth of Queensland so far as the carriage of mails and goods and the maintenance of telegraphic communication are concerned. Clause 79, which also deals with this matter, should likewise be recommitted.

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Mr THOMSON

- While there may be evils connected with such a system if the Postmaster-General freely indulges in the power given to him, there may be also very good reason for placing such a power in his hands. It may enable telegraphic communication to be given to districts which could not otherwise obtain it. If a staff had to be maintained to keep a line in repair, it might be too expensive for the department to undertake its erection, but there may be settlers in the more remote parts of the country who would agree, for a consideration, to do the work for the department. Under these circumstances such a power would be very useful. I do not think it would be wise to exclude it altogether.

Mr E SOLOMON

- I am aware that there are many parts of Western Australia where such a provision is necessary, and I hope the matter will be taken into consideration by the Minister in charge of the Bill.

Clause postponed.

Clause 81 -

Any person acting under the authority of the Postmaster-General may for the purpose of this Act enter upon any land and survey and take levels thereof and dig, fell, remove and carry away from the land any earth, stone, gravel, sand or other soil or timber or trees required to be used in constructing or maintaining a telegraph line or the works connected therewith.

Mr McDONALD

- Do I understand that the Attorney-General is willing to have clause 79 recommitted. It is practically the same as clause 80.

Mr DEAKIN

- I do not wish to place the slightest obstacle in the way of the fullest discussion. The honorable member will see, however, that clause 79 is for a different purpose altogether. It is to enable private persons to erect and to maintain telegraph lines and to use them. This clause relates to a private person or company which erects a line for its own purpose. We have had the illustration of a station requiring such a line, and there are cases where a mine is connected with the nearest railway station by telegraph instead of telephone. Clause 79 does not deal with public lines.

Mr McDonald

-It distinctly gives persons the right to use these lines for all purposes.

Mr DEAKIN

- I do not say that, in a private undertaking under this clause, it would not be possible, as in the case of the Chillagoe telephone, for the general public to send their messages over the lines when the private owners were not using them. That is a matter of arrangement between the people who construct these lines and the Postmaster-General. Clause 80 is apparently intended to deal mainly with the construction and maintenance of public lines. However, if the honorable member wishes to have any point in that connexion discussed, I will certainly give him an opportunity to have that discussion, although I do not think that the two clauses are necessarily connected.

Mr CLARKE

- I would point out to the committee the peculiar way in which clause 81 is worded. It says -

Any person acting under the authority of the Postmaster-General may for the purposes of this Act enter upon any land and survey and take levels thereof, and dig, fell, remove, and carry away from the land any earth, stone, gravel, or other soil or timber, &c.

It looks, from the way in which these words are employed, as if it were possible to "fell" soil. I would suggest that we should insert the word "fell" before the word "timber."

Mr Deakin

- I am afraid that, though inelegant, the word must remain where it is.

Sir MALCOLM McEACHARN

- It appears to me that this clause may operate very well in a State like that of Queensland, where telegraph lines run through station properties. But I would point out that it will give to the Postmaster-General power to place a telegraph post in the very centre of any person's garden in Melbourne. Surely that is not contemplated !

Mr Deakin

- Such a power exists in every State.

Sir MALCOLM McEACHARN

- If it exists in any other State save that of Queensland, a reference to those States should have been placed alongside the clause. At any rate, there should be some provision to protect one from having a telegraph post stuck in the middle of one's garden in the city.

Mr Deakin

- Such a power exists in connexion with the construction of every telegraph in every State of the Commonwealth', but it is never abused.

Clause agreed to.

Clause 82-

A person so authorized may cause to be set up or opened up or laid down and maintained a telegraph line or any works necessary for the purposes of this Act upon under or through any land or any shore of the sea road stream or water, and may break excavate and remove any soil to the extent and depth required for placing or removing the works :

Provided that every wire or cord crossing a road or water above the surface shall be at least 18 feet from the surface, and that the free use of any land shore road or water shall not be obstructed more than is necessary for the purpose of this Act.

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Mr PAGE

- I move -

That the word "eighteen" be omitted, with the view to insert in lieu thereof the word " twenty."

My object in submitting this amendment is that though in the bush tracts of Western Queensland the telegraph posts are certainly 18 feet above the ground, where the wire sags it sometimes 'comes within 15 feet of the ground. As a result carriers with high loads frequently come into contact with the wire and break it.

Sir MALCOLM McEACHARN

- I think it would be very unwise to adopt this amendment, because sagging would still occur even if the wires were placed 20 feet above the ground. I know that the amendment would cause a great deal of difficulty to metropolitan companies. Eighteen feet is the recognised height of the wires, and I am quite sure that good consideration has been given to the matter.

Sir PHILIP FYSH

- The provision here is that the wire shall be at least 18 feet above the ground. If therefore, by reason of sagging it comes within 15 feet, the maintenance man is bound to bring it up to the standard height so soon as he receives notice of the defect.

Mr. BATCHELOR

(South Australia). I desire to know if the Minister can give the committee any information as to the practice prevailing in the other States. I should like to be assured that we are not reducing the height at present adopted in the other States.

Sir Philip Fysh

- Eighteen feet is the uniform height, except in South Australia, where it is 16 feet.

Mr BATCHELOR

- In that case, from my point of view the provision looks a pretty safe one.

Mr. PAGE

(Maranoa). - I am quite sure that the Minister in charge of the Bill does not know much about telegraph lines, or he would not speak in the way he has done. It is well known that over a stretch of a few chains no wire can be drawn rigidly taut. The weather in Queensland is very hot, and of course the wire sags in hot weather more than in cold. My constituents have specially requested me to get the disability under which they at present labour in regard to this matter remedied. Regarding the remarks made by the honorable member for Melbourne, I wish to say that I have no notion that my amendment will operate retrospectively.

Mr MAUGER

- If it can be so arranged that this amendment will not operate retrospectively, I think its adoption would be advantageous alike to the country and the city. I am speaking from a practical Fire brigade point of view. If we could raise the wires from 2 feet to 4 feet without inflicting any injury, great benefit would

result. I quite recognise that it would be unwise to determine upon anything that would mean the rebuilding of all the lines at present in existence.

Sir PHILIP FYSH

- I had no prior intimation from the honorable member for Maranoa of his intention to submit this amendment, and I should like to be allowed an opportunity of consulting with the electricians of the department in regard to the matter. In the meantime we might pass the clause subject to recommittal, for the purpose of considering whether the height of the wires should be 18 feet or 20 feet.

Mr PAGE

- Do I understand that the clause will be recommitted ?

Sir PHILIP FYSH

- I will recommit it for the reconsideration of these words.

Sir MALCOLM

McEACHARN (Melbourne). -When considering this matter, I think that possibly the Minister may be able to meet the desire of the honorable member for Maranoa by stipulating that the wires should be at least 20 feet high when going through bush country.

Mr McDONALD

- I wish to point out that it is not alone the carriers who are concerned. They get their wool entangled with the wires, and, as a result, the latter are broken. In some cases the distance between the telegraph repeating stations is 150 or 200 miles, and frequently public business is delayed for days when a breakage occurs before repairs are effected. I hope the Minister will consider that aspect of the question.

Mr R EDWARDS

- I intend to support the amendment, but I think the adoption of the suggestion made by the honorable member for Melbourne that the wires should be at least 20 feet high when traversing bush country will meet the whole difficulty. It is well known that carriers' loads are often higher than 18 feet.

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Mr BAMFORD

- I can also testify to what has been said by the honorable member for Maranoa as to the sagging of the wires. A great many of the telegraph lines cross the railways, and the honorable member has not exaggerated the position in the slightest degree. I suggest, however, that 22 feet would be a low enough height to insist upon. This would merely mean the raising of the lines where they cross a railway or road.

Mr TUDOR

- There is one point in connexion with this matter which has been overlooked. There are telegraph lines within a mile and a half of this House where the wires are only 12 or 13 feet off the ground. They are a danger to the community, and steps should be taken to insure them being raised at least to 18 feet clear of the road. They are very dangerous to firemen in the execution of their duty.

Sir PHILIP FYSH

- The time is coming when these overhead wires will have to be placed under the roads, and I know that the matter is engaging the attention of the department.

Mr. PAGE

(Maranoa). - On the understanding that the clause will be recommitted, I will withdraw my amendment. I do not mind if the provision is made applicable only to bush tracks, because those are the particular cases I had in view. I may mention that in Queensland the stock routes are in some places a mile wide, and I do not wish to have the wires carried at a height of 20 feet for the whole mile, but only over the portion of the roadway that is used as a waggon track.

Amendment, by leave, withdrawn.

Mr A McLEAN

- It would not do in connexion with this clause to construe the word "road" as necessarily meaning a surveyed road, because such a definition would not include bush tracks.

Mr CLARKE

- It seems to me that sub-clause (2) might operate rather unjustly in some circumstances by throwing the whole cost of the alterations therein referred to upon a municipality. Owing to some development in a town it might be desirable in the public interest to alter the footpath or roadway, and to remove a telegraph line, and there should be some discretionary power allowed to the Postmaster-General, so that

if he sees fit he may share the cost of the alteration.

Mr E SOLOMON

- I indorse the remarks of the honorable member who has just spoken. In many instances in Western Australia and elsewhere, pathways have been taken up, and a great deal of inconvenience has been caused to the municipalities, and they have not always been able to make the footpaths and roadway good again without appealing to the Government. I hope the matter will receive consideration.

Sir LANGDON BONYTHON

- As bearing upon this clause, I would point out that a conference of Government electricians was recently held at Adelaide, and that the result of their deliberations took the form of a report. I would like to know if there is any objection to having that report laid on the table of the House? The conference sat for two or three weeks, and I should imagine that their deliberations would have some bearing upon the provisions of this Bill.

Sir PHILIP FYSH

- I have not seen the report, but I will inquire about it.

Clause agreed to.

Clause 83 (Wires, &c., may be affixed to buildings).

Mr. CLARKE

(Cowper).- Under this clause the Postmaster-General is empowered to attach a wire to any part of a house, or other structure, and if a wire were attached for the purpose of staying a telegraph-post, or something of that kind, considerable damage might be done to a building. Some provision should be made for cases of that kind.

Mr Deakin

- Clause 87 would cover such a case.

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Mr THOMSON

- I think that this clause proposes to take too much power altogether. It is not reasonable that the Postmaster-General should have power to carry a wire in or through a man's house perhaps in such a way as might damage the building or interfere with the occupant's comfort and convenience, and I think some other means might be adopted to meet all the requirements of the Telegraph department.

Sir MALCOLM

McEACHARN (Melbourne). - I move -

That the words "in or" and "through" be omitted.

These words are not in the Queensland Act, which I regard as the most perfect Act of its kind. The clause, as amended in the way I propose, will give the Postmaster-General power to cause a wire to be supported by fixing or annexing it to, upon, or against any part of a house or other structure, and that seems to me to be quite sufficient.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 84 -

Such trees or underwood as obstruct or, in the opinion of the Postmaster-General or other officer duly authorized by him, are likely to interfere with the proper working of any telegraph line, if growing upon Crown lands, or upon any road, street, or highway; may be cut down or lopped, as may be deemed necessary by the said Postmaster-General or such officer, and if growing upon private lands, within 20 feet of any such line, then the proprietor or occupier of such private lands shall cut down or lop the same as and when required so to do by the said Postmaster-General or such officer, and upon default the said Postmaster-General, or such officer, may enter upon the said private lands and cause such trees and underwood to be cut or lopped, as may be deemed necessary.

This Act shall be sufficient to indemnify the Postmaster-General, and his officers, servants, agents, and workmen, and all other persons whomsoever, for what he or any of them, shall reasonably do by virtue of the powers by this section granted.

Sir JOHN QUICK

- My attention has been drawn to this clause by some of the municipal bodies, who complain that it gives unlimited power to the Postmaster-General to cut down or lop trees growing on streets belonging to

municipal authorities. It may be necessary, in some cases, to exercise such authority ; but inasmuch as many of the municipal bodies have spent large sums of money in ornamenting their streets by growing valuable and useful trees, it is not desirable that the power to cut down trees should be indiscriminately exercised. I am informed that the ruthless cutting down of trees, especially out of the proper season, and by unskilled hands, is likely to cause great injury to the growth of street trees, especially in places like Bendigo and Ballarat. In many cases gangs of labourers employed by the Telegraph department are, without any notification to the municipal authorities, put on to destroy trees which have taken perhaps a quarter of a century to grow. It has been suggested that not only should the municipal authorities be notified of the desire of the department in such cases, but that they should have the option of doing the pruning themselves, because they have skilled men who are accustomed to that class of work, and who would do a minimum of damage whilst removing all obstructions. I move -

That the words, "after notice to the local authority having the care and management thereof," be inserted after the word "may," line 6.

I will propose to insert other words which will have the further effect I have indicated later on.

Mr THOMSON

- I quite agree with the desirability of protecting the interests of municipal bodies, and of also showing consideration for the townspeople in places where they have no municipal institutions, and I do not know whether the provision of the honorable and learned member for Bendigo goes quite far enough. It has not yet been recognised by the telegraph authorities of the different States that some system will have to be adopted to avoid interference with the growth of shade trees over the footpaths in our different towns and cities. In such a climate as that of Australia, there is nothing more desirable than the planting and growth of shade trees in the streets, and some system will have to be adopted which will allow this practice to be extended and encouraged. In New South Wales, of which I speak more particularly, there has been ruthless vandalism in the treatment of trees which have taken many years to grow, and which were magnificent shades and ornaments. It is not the Postmaster-General who causes this destruction, but the man with the axe, whose aim it is to erect a line by the shortest possible cut in the shortest possible time. The amendment ought to go further and render it necessary for the department to recognise that shade trees for footpaths in Australia are desirable) and must be secured from injury.

Sir LANGDON BONYTHON

- Every possible safeguard should be provided for ornamental shade trees. I have in my mind a case where a beautiful row of trees was ruthlessly destroyed, so far as their beauty was concerned, in order that a telephone wire might be put up.

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Mr E SOLOMON

- I cordially support the amendment. Within my own knowledge authority has been given on various occasions to outsiders, who had no idea of how trees should be used, to carry on works on behalf of the postal department. No doubt it is necessary at times to use trees for the purpose of telegraphic communication, but some protection should be given to municipalities.

Mr. WINTER

COOKE (Wannon). According to the honorable member for North Sydney, there are no local authorities in some places in New South Wales; and as there must be some authority, I suggest that the word " local " be omitted.

Mr DEAKIN

- The words "or other" can be inserted between "local" and "authority"; and, with that addition, I welcome the amendment. I feel sure that the section of the South Australian Act was placed in the Bill with reliance on the Postmaster-General not to abuse his powers ; but when it is possible to impose a just and reasonable restriction in a Bill of this kind, we should do so.

Sir John Quick

- I accept the suggestion of the Attorney-General to insert the words " or other. "

Mr JOSEPH COOK

- Is it proposed to make this mandatory on the local authority ?

Sir John Quick

Mr JOSEPH COOK

-Then the local authority will not do the work.

Mr Deakin

- It is proposed that the Postmaster-General shall still do the work, but under the supervision of the local authority.

Mr JOSEPH COOK

- If the Postmaster-General is to be subject to the direction of the municipality, trouble will be caused in the future.

Amendment, as amended, agreed to.

Amendment (by Sir John Quick) proposed.

That after the word " officer" (line 8) the words "after consultation with such authority " be inserted .

Mr. JOSEPH

COOK (Parramatta).My objection to this amendment is that two conflicting authorities are being set up. The Postmaster-General is to be the judge of what is deemed necessary.

Mr Deakin

- But he consults with the authority as to the best means of doing the work.

Mr JOSEPH COOK

- If it is a case of lopping trees, you may depend there will be a considerable difference of opinion.

Mr Deakin

- The Postmaster-General has the power in the last resort.

Mr. THOMSON

(North Sydney).- No doubt things would run much more smoothly if the telegraph authorities were left to do whatever they liked, as has been the case in the past. The Postal department in New South Wales, which was presided over by the honorable member for Parramatta, was most arbitrary, and in order to save a little expense disfigured or destroyed trees on which municipalities had expended money and labour over many years. The two authorities ought to work together for the public good.

Mr. BATCHELOR

(South Australia).If there be a consultation, the two authorities will most likely agree. To the ordinary electrician associated with the Post-office, all trees are a nuisance as being obstructions to the erection of lines by the shortest cut and at the least expense. Splendid trees in places where shade is badly needed have been cut down. I have known a whole row of trees, which took 30 or 40 years to grow, ruthlessly destroyed from one end to the other in order to make room for a wire.

Sir LANGDON

BONYTHON (South Australia). - The remarks of the last speaker are complete proof of the necessity for the protection proposed in the amendment. The case of ruthless destruction to which I referred was carried out in Adelaide while that gentleman was Postmaster-General. But, while the honorable member was technically responsible, I am satisfied he was altogether opposed to what was done.

Mr. JOSEPH

COOK (Parramatta).There is the inside point of view and the outside point of view in this matter. What has been called ruthless destruction, may be considered absolutely necessary by the department, and the amendment will not bring us any nearer to a definition of " ruthless destruction " and " absolutely necessary." The two authorities will hardly, ever agree, and the consultation can only lead to further trouble. I would rather leave the whole question, of dealing With trees in the hands of the municipal authorities, to be exercised subject, it may be, to, the direction of the Postmaster-General. The amendment still leaves the power in the hands of the man with the axe. As a matter of fact, the postal authorities always do consult with municipal authorities before proceeding to lop trees. If a mistake is made, the man responsible for it has to suffer. I have made a man suffer before to-day for the offence of ruthless vandalism.. The rule is to consult with the municipal authorities, and the Bill therefore only proposes to make legal what is now the custom. I do not think the system will work better because of this provision. I should prefer to leave the work of trimming trees to the municipal authorities.

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Mr A McLEAN

- At whose expense ?

Mr JOSEPH COOK

- At the expense of the Postmaster-General. I think it would be infinitely more satisfactory if the power to carry out this work were placed in the hands of the municipal councils rather than in the hands of the Postmaster-General. I do not object to the proposal for consultations between the parties, but it must be remembered that the man who does the work is liable to do something which is not in accordance with the agreement arrived at, at the consultation.

Mr HARPER

- I feel that the suggested amendment is scarcely strong enough, although I realize at the same time the difficulty of entirely vesting the power in a municipality. I am afraid it would result in many cases in a block.

Mr JOSEPH COOK

- I do not want the power to determine, but only the power to do the work, to be given to the municipality.

Mr HARPER

- The amendment, as it stands, will at least make the subordinates who have to carry out this work more careful, and it will give the municipal authorities an opportunity to bring any grievance before the Postmaster-General. If there is a difference of opinion, the Minister or his deputy will be able to consider the question. That will insure the right thing being done in most instances. This all points to the necessity of some better means of carrying telegraph wires in towns and cities than that of erecting them on poles. No doubt the amendment, if adopted, will lead to the whole question being brought up again and again, and eventually to some improvements being made.

Mr. BATCHELOR

(South Australia). So far as the capitals are concerned, no doubt within the next few years all these lines will be carried under ground.

Mr JOSEPH COOK

- They will still have to be distributed above ground.

Mr BATCHELOR

- But there will not be the extent of overhead wires which at present exists. "With reference to the South Australian case, quoted by the honorable member for South Australia, Sir Langdon Bonython, as showing the necessity for the amendment of this clause, I must say that, notwithstanding my lacerated feelings, I was bound to carry out the Act. We do not want to place the Postmaster-General in a position such as that in which I found myself. I think the clause as proposed to be amended will be strong enough in practice. It gives the local authorities a status and they must be consulted.

Mr. JOSEPH

COOK (Parramatta). - I feel strongly that the suggestion I have, made is the better one. If the councils are allowed to do the work, infinitely greater satisfaction will be given than if it is left in the hands of the Postmaster-General. Consultations may be all very well, but the people who take part in these consultations are not the persons who trim the trees. Clause 83 will go a long way to remedy this trouble. I regard it as one of the most useful in the Bill. It enables wires to be affixed to buildings, and aims a blow at the ghastly looking telegraph poles now to be seen in our streets. We shall have nine-tenths of the trouble relating to the trimming of trees removed in that way, and in the remaining cases satisfaction will be given if the municipal councils are allowed to do the actual work.

Mr. THOMSON

(North Sydney). - Will the Minister in charge of the Bill accept the proposal made by the honorable member for Parramatta. I think it would be desirable. .

Mr Deakin

- The clause goes far enough. The honorable member's proposal would give rise to the question of cost.

Mr THOMSON

- But the Postmaster-General would have to pay the cost in any case. I think the suggestion made by the honorable member for Parramatta would get rid of the difficulty.

Amendment agreed to.

Sir MALCOLM MCEACHARN

- I move -

That after the word "line " (line 9) the following words be inserted - " Not being within the curtilage of a house or within a garden, lawn, yard, * court, park, plantation, orchard, planted walk, avenue, or nursery

for trees."

This provision is contained in the Queensland Act. The clause insists upon the removal of trees within 20ft. of any telegraph line. That would mean the destruction of hedges in a great- many of our principal streets. They are protected in Queensland to this extent, and the Queensland Act, so far as it relates to telegraphs, is in my opinion the best we have in the States.

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Mr DEAKIN

- The honorable member has possibly omitted to notice that in Queensland this authority relates to trees growing within 33 feet of a telegraph line while in this Bill the distance provided for is only 20 feet.

Sir Malcolm McEacharn

- I am quite aware of that.

Mr DEAKIN

- Under the Bill, the proposal is to restrict the operation of the clause to trees growing within 20 feet of telegraph lines, but the Queensland Act covers trees growing at a distance of 33 feet, and is therefore a much more serious matter. These exceptions in the Queens.]and Act> which the honorable member for Melbourne has embodied in his amendment, include not only a garden, lawn, or yard, which are reasonable perhaps, but a court, park, plantation, orchard, planted walk, avenue, or nursery. Why I should take it that the honorable member had exhausted almost every possible circumstance under which a tree could grow within 33 feet of a telegraph line. It would practically negative the clause. As usual in these provisions, the object of the clause is very badly stated. Trees of a great height are always a source of danger to traffic, and are not permitted to grow along railway lines. In most municipalities- there are provisions under which the local authorities are able to take action in regard to trees that may be considered dangerous. This is a power to deal with trees growing in close proximity to telegraph lines which may be a source of danger. They cannot be a source of danger to a telegraph line without likewise being dangerous to the public. If they fall across a line, they fall across a road and so obstruct traffic, so that this is not a proposal in the interests of the Telegraph department alone. The honorable member for Melbourne knows that although telegraph lines are carried along streets within 20 feet of closely wooded gardens, this power has only been exercised in exceptional circumstances.

Sir Malcolm McEacharn

- The Government should not have been able to exercise such a power.

Mr DEAKIN

- If the honorable member will propose some less drastic amendment than this, limiting the operation of the clause to such trees as would be absolutely dangerous, I shall be prepared to consider it.

Mr Fowler

- It is principally the indigenous trees that are dangerous.

Mr DEAKIN

- The point is that a reckless or insane Postmaster-General might order the destruction of ornamental trees, but the amendment is really too sweeping.

Sir Malcolm Mceacharn

- Will the Attorney-General take a note of the point, and see what can be done to meet my objection ?

Mr DEAKIN

- I will take a note of it, and see what can be done.

Amendment, by leave, withdrawn.

Amendment (by Mr. Piesse) agreed to -

That sub-clause (2) be omitted.

Clause, 'as amended, agreed to.

Clause 85 (Free access to be permitted for the repair of telegraph line).

Sir MALCOLM

MCEACHARN (Melbourne). - I think that in paragraph 4 provision should be made that where the person in occupation is responsible for erecting a gate at his own cost, he should be able to recover the outlay from the owner. Otherwise this proposal will operate harshly in the ease of men who may be leasing land, but who are not in a position to erect a gate at their own expense.

Mr DEAKIN

- This is not a retrospective provision. The occupier is only required to erect a gateway at a certain place after the telegraph line has been constructed. I take it that the persons aimed at by the words "in occupation of the lands " are Crown lessees, who take up large areas of land, and to whom the erection of a gateway would not mean much.

Sir MALCOLM! MCEACHARN

- I wish to point out that the provision may affect men who hold small areas in Gippsland. I think we should make it clear that any cost incurred by the person in occupation may be recovered from the owner.

Mr Deakin

- I am willing to see if anything can be done, but it will be a very difficult matter.

Clause agreed to. .

Clause 86 -

The Postmaster-General or any person authorized by him may place and maintain any lines 'or pipes tunnels or tubes for purposes of telegraphic or pneumatic communication or despatch under any street or public road, and may alter or remove" the same, and for such purposes may break up any street or public road and alter the" position thereunder of any pipe not being a sewer or drain or a main for the supply of water or gas or electricity.

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Sir JOHN QUICK

- I desire to draw attention to the unlimited power which this clause confers on the Postmaster-General to break and enter, streets and public roads. My attention has been directed to the matter by the local body in my own district. Whilst I agree that it may be necessary to give a certain power in this direction to the Postmaster-General, I think that those municipal bodies which have gone to the expense of constructing and maintaining roads ought to have some notice given to them* by the proper authority before their roads are broken up. The ripping up of the roads might occur at a most inconvenient time of the year. The only way of dealing with the matter seems to be by providing, that this power shall not be exercised without notice having first been, given to the local authorities. I therefore move- -

That the words "after notice to the local authority having the care and management thereof " be inserted after the word " may."

Mr E SOLOMON

- I should like the honorable and learned member for Bendigo to go further with his proposal. I think that some provision should be made to insure that any road which has been so broken up shall be placed in its former state of repair by the Government.

I know of cases where thoroughfares have been left in a disgraceful condition, and the Government authorities have simply defied the municipalities.

Sir Langdon Bonython

- That point is covered by clause 87.

Amendment agreed to.

Sir EDWARD BRADDON

- At the request of the Launceston corporation, I have to ask that the words " not being a sewer or drain or main" be placed in parentheses.

Mr Deakin

- We do not like parentheses.

Mr R EDWARDS

- (Oxley). - This clause in its present form confers power on the Postmaster-General to cut up roads and streets without making any provision for subsequently restoring those thoroughfares to a proper state of repair. I think, therefore, that it requires amendment.

Mr MCDONALD

- It appears to me that it is time the postal authorities made some attempt to provide a better system than that which obtains in connexion with the carrying of our telegraphic and telephonic wires, as well as in regard to the laying of our water and gas mains. If

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tunnel were constructed to carry all these different services, even though the work were undertaken gradually, it would result in a great saving to the State generally.

Mr Deakin

- That is the. Parisian system.

Mr MCDONALD

- It would be wise if the Government attempted to arrange terms with the« municipal bodies in the chief centres of population to undertake some such scheme. The way in which the public streets are ripped up under the present system is a positive nuisance. Some of the principal thoroughfares of Melbourne have been practically blocked during the past month owing, to the tearing up of the roads.

Mr JOSEPH COOK

- No doubt it would be a very desirable thing if we could introduce the Parisian system in our large centres of population. But I would point out that the tunnel in Paris must have cost millions of money. No doubt in time it will be an absolute necessity - particularly in Sydney, where the streets are very narrow - for us to adopt some such scheme. The insuperable , difficulty, however, is the amount of money required for the undertaking,, and we are told that under the new regime all these services must pay for themselves.

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Mr DEAKIN

- I am aware that this amendment is asked for by bodies who are entitled to be heard, but I do not see the reason of it or that it will fulfill the purpose they have in view. - As the clause stands at present, without any brackets - and clauses without brackets are very much to be preferred to those in which parentheses are adopted - all the words after " pipe " are by way of qualification. The phrase as it stands is not a very pretty one, and it is possible to make all sorts of ridiculous combinations of the words employed, but I do not see that anything is to be gained by putting in the brackets. I understand what the object is, namely - to prevent any sewer drain or main from being interfered with, and I do not know that it is worth while to object to insert the brackets as desired..

Amendment agreed to.

Clause, as amended, agreed to.

Clause 87 -

In the exercise of the powers conferred by this Act the Postmaster-General or the person so authorized as herein mentioned shall do as little damage as possible ; and the Postmaster-General shall make adequate compensation to all persons interested for any damages sustained by them by reason of the exercise of such powers.

The compensation, if the amount cannot be otherwise agreed upon, shall bc settled by arbitration.

Mr CLARKE

- I think it would be a good thing to provide in this clause that where any street -within a municipal boundary is broken up by the Postmaster-General he shall restore the surface to its previous condition as nearly as possible, and to the satisfaction of the local authorities. A provision of this kind is in existence in connexion with the New South Wales municipalities, and I think we should have the matter clearly laid down in this Bill. I move -

That the words ' ' restore the surface of any street or public road to the satisfaction of the local authority, and " be inserted after the word "shall," line-5.

Mr. JOSEPH

COOK (Parramatta)___

The phrase " to the satisfaction of the local authority " is a very wide one, and I do not think it is necessary, because the clause already meets all that is required. I would point out that the municipal authorities might take advantage of certain work being carried out by the Postal department to effect repairs on their own account, and the result might be to entirely alter the condition of, the street, and. to render it impossible to restore the surface to its original state. I am afraid the amendment would not meet a case of that kind. As the clause stands, it would permit of all the necessary arrangements being made between the Government and the municipal authorities, and beyond that the provision for compensation would be all that was requisite.

Mr R EDWARDS

- 1 will support the amendment, because I think the local authorities require to be protected against the powers of the Postmaster-General to cut up streets and roads in all directions. I know of a case in Brisbane in which the footpaths were -placed in excellent order for the whole length of a street, but 1 were

cut up a few months afterwards for the purpose of laying down electric lines, fund have never been properly restored to their original state of repair.

Mr THOMSON

- I am afraid that the amendment goes rather too far, and that it will be apt to breed discord between the Government and the municipal authorities. On the other hand, the clause does not deal with cases where damage may be done and where repairs .could be effected. Of. course, compensation is provided for, but there are many cases in which it would be very undesirable. I would ask the honorable member for Cowper whether it would not be sufficient to express in the clause the necessity for making repairs where .damage is done? Perhaps it would serve his purpose to insert after " possible" the words "and shall, whenever circumstances admit, properly repair such damage*" Of course, there may be cases in which the damage cannot be repaired, and then the question of compensation would come in. An amendment of this kind would not .place the Post-office department at the mercy of an unreasonable local authority, but it would, at the .same time point out the necessity of properly repairing any damage done.

Mr DEAKIN

- The honorable member for North Sydney has in his mind the damage done to municipal property, and has suggested an amendment which would be very properly applicable to such cases, but the honorable member has not, I think, con-' sidered the effect of his amendment on private interests. There are a number of clauses in this Bill which will affect private interests directly - land will be entered upon, trees will be cut down, and a variety of operations conducted. In many of these cases repair would be impossible, and it might not be desired by the owner, who might prefer to take compensation. The amendment would be mandatory on the department in its relations with all private persons as well as public bodies.

Mr Thomson

- AVe could add the words ' when required . "

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Mr DEAKIN

- That would avoid the difficulty to some extent by removing the mandatory element. I do not think that the amendment is necessary, because the language of the clause is so wide at present that anything that may be introduced must have the effect of narrowing it. I do not know that the' words suggested by the honorable member for North Sydney would narrow it seriously if qualified in the way suggested, but the amendment proposed by the honorable member for Cowper would limit the operation of the clause. If it is desired to deal with injury done to roads or streets, that matter may be dealt with specifically, and the rest of the clause may be left to apply in general terms. If the honorable member for Cowper were to omit the words providing that the repairs shall be done to the satisfaction of the local authorities, it would remove a great deal of the objection that now attaches to his amendment.

I This clause has been adopted from Acts in which the section is as wide as can be, in order to cover every conceivable contingency, and* no matter how appropriate the amendments may be to instances in the minds of honorable members, it is certain these amendments will not meet all cases. The clause had better be left as it is, although it would, perhaps, do no harm to make it clear that it is intended to apply specially to the proper repairing of streets that have been broken up.

Mr. THOMSON

(North Sydney).- I am willing to accept the clause as it stands, and I only raised the question because it was proposed to provide for certain cases. If, for instance, provision be made compelling the Postmaster-General to properly replace a public road, there should also be provision compelling him to replace private paths.

Mr. CLARKE

(Cowper). - If the committee are of opinion that the clause had better remain as printed, I have no desire to press an amendment. There is such power, however, in New South Wales, and repeatedly certificates have had to be refused to contractors under municipalities, for not repairing the surface of streets. This clause gives power to recover damages only, possibly, after going to law.

Mr Deakin

- Cases can be settled by arbitration.

Mr CLARKE

- Arbitration is the most expensive and unsatisfactory form of law.

Sir MALCOLM MCEACHARN

- The Melbourne municipal authorities have had similar experience to that described by the honorable member for Cowper. Without the amendment there is no remedy against a contractor who does not properly repair the streets ; and where such arbitrary powers are taken for the Postmaster-General, municipalities should be protected in every possible way.

Mr. HENRY

WILLIS (Robertson).The clause is quite satisfactory, but I have a doubt as to the enforcing of the decision of the arbitrator on a person authorized by the Postmaster-General.

Mr Deakin

- The Postmaster-General will be liable.

Amendment, by leave, withdrawn.

Mr PIESSE

- I. am aware the Acts Interpretation Act defines "persons " as including corporate bodies; but there are certain local bodies which are not incorporated. To meet such cases, I move -
That after the word "all," line 5, the words " local authorities and " be inserted.

Amendment agreed to.

Clause, as amended, agreed to.

Clause' 90 amended to read as follows, and agreed to -

All telegraph lines, wholly or partly erected at the cost of the department, whether before or after the commencement of this Act, on any lands vested in the railway authorities of the several States, shall be maintained by the Postmaster-General, and may at any time be repaired or removed by his order.

All telegraph lines erected or maintained by the Postmaster-General, whether before or after the commencement of this Act, are hereby vested in the Postmaster-General.

Clause 91 -

Telegrams shall as far as practicable be transmitted in the order in which they are received, but urgent telegrams, that is to say telegrams for which the prescribed increased rate is paid and telegrams relating to the arrest of criminals, the discover or prevention of crime, the administration of justice, and when so required telegrams on the public service shall be transmitted before other telegrams.

Provided that regulations may be made prescribing the order of transmission of delayed telegrams, that is to say telegrams upon which reduced rates are paid.

Every officer wilfully offending against the provision of this section shall be liable to a penalty not exceeding One hundred pounds or imprisonment not exceeding two years.

Mr. BATCHELOR

(South Australia).I move -

That after the word " received," the words "and by the route indicated by the sender" be inserted.

The object of granting facilities and concessions to companies is that the public shall reap the advantage ; and as this amendment carries out the decision arrived at by the International Convention, there can be no possible objection to it. Whether the amendment be adopted or not, the international agreement will have to be carried out.

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Mr JOSEPH COOK

- I am opposed to the inclusion of the words proposed. If the agreement which the honorable member speaks of has been arrived at in international convention, there need be no apprehension on the point. It seems, however, that there is some little doubt in his mind, and that he desires to make sure by having this provision inserted in the Postal Bill. It is well known that when the Pacific cable is constructed there will be severe competition between that cable and the Eastern Extension Telegraph Company's cable. The latter company have already been given the right to open offices in the various capitals of the Commonwealth, and to make terms with the public for the transmission of messages. According to the agreement which we have made with that company, we give them six months' notice of the time when we shall be ready to compete with them, and afford them opportunity, in the way of opening local offices, of getting ready to fight us in return. Whatever immediate advantage to the public there may be, it is most unusual, when one is going to fight a rival, to bind one's self to meet him on the most favoured terms.

Mr Crouch

- Have all the States signed the agreement t

Mr JOSEPH COOK

- Three or four of them have done so, but Victoria has not. For an immediate advantage, New South Wales has given these ultimate advantages to the Eastern Extension Telegraph Company. The company will go beforehand to the business people of the various large centres, and make contracts with them to send all their messages over their line for the next five years or more at certain rates. In this way they may be able to obtain a monopoly of the business, before the point of competition is reached. Are we going to give the Eastern Extension Company the right to compete with us upon terms so much to our disadvantage ?

Mr Thomson

- Will not the convention prevent them from making these special contracts 1

Mr JOSEPH COOK

- No.

Mr Batchelor

- Then, the honorable member has not read the convention.

Mr JOSEPH COOK

- If the convention provides for everything, why is the honorable member so anxious to secure the insertion of these words in what is a machinery Bill? The interests of South Australia are the interests of this monopolistic company ; that is the plain English of it, and there is going to be a big fight when these cables enter into competition. The company will try and discredit and break down the State line. We have already given them sufficient advantages, and I, for one, am in favour of leaving this power in the hands of the Postmaster-General. The terms of a convention are not always strictly agreed to by the subscribing countries, and the matter is not so absolutely safe within the four corners of the convention as some honorable members . would have us believe.

That is why they wish to take this power away from the Postmaster-General. I am against helping the company in any way to gain an unfair advantage when the Pacific cable comes to compete with it.

Sir EDWARD BRADDON

- I shall support any motion which tends to liberalize the provisions of this clause, and to allow that freedom to individuals which we all desire to see extended. I think the idea that a man who uses the telegraph office as a public service, on payment, should not be entitled to declare by which route he wants his telegram sent, is an extraordinary one. It seems to me something monstrous that there should be such interference with the right of an individual that he should not have the service supplied, for which he pays, in the manner he desires. The honorable member who has just spoken is so filled with the idea of making the Postmaster-General an absolute autocrat, that he cannot see the liberal view of this matter which would be taken by the community generally.

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Mr THOMSON

- I am rather astonished at the objection raised by the honorable member for Parramatta to the reasonable proposal put forward by the honorable member for South Australia. I am one of those who have resisted all the efforts of the Eastern Telegraph Company to block the Pacific cable. In the New South Wales Parliament I have worked for that cable, but I would never contend that in addition to the mighty powers which every Government cable must have behind it - that in addition to the strength of the Government to bear losses, and in addition to the fact that the Government only requires a very small interest return on its capital - we should exercise the powers of a Government to restrict competition on the part of a line which already exists. I favoured the Pacific cable from the first, and anticipated naturally the competition which must ensue upon its establishment. I felt sure however that the Government line, with the power which it possesses, would be able successfully, after a little time, to compete with the existing cable. Here is an attempt to restrict the right of the individual to send a message by any line he pleases. Are we going to give the Postmaster-General the enormous power of saying that a message shall be sent on the line which he chooses to select 1 Are we going to give him that enormous power to act unfairly and unjustly to 'South Australia,, as he would do if he attempted to divert telegrams from the South Australian land line to the Pacific cable ?

Mr JOSEPH COOK

- He would never think of doing it, except under special circumstances.

Mr THOMSON

- If he would not think of doing it why give him the power?

Mr JOSEPH COOK

- Why take it from him ?

Mr THOMSON

- Because a person should be able to send a message by whatever line he desires. If we adopt this system, then do not let us object to the Inter-State Commission Bill ; do not let us object to the attempt which has been foreshadowed to force goods to be carried on Government railways when in the interests of the producer they could be carried infinitely cheaper by other means. We have not arrived at that stage yet. South Australia is interested in the existing line to Port Darwin ; her land line is affected by the Pacific cable scheme, and we are doing her some injury by establishing that cable. Let there be fair competition, and let the sender of a message have the right to select the route. None of us wish to crush out all opposition by the power of Government selection.

Mr CROUCH

- For the reasons that have been given by the right honorable member for Tasmania, Sir Edward Braddon, I think we ought to support the clause as it stands. The right honorable member desires to see the policy in regard to the transmission of cable messages liberalised, and it is because I want that that I wish the Pacific cable to be laid. I do not think it will be laid if we allow in this clause that which is intended to sustain the monopoly which is held at present by the Eastern Extension Telegraph Co. I think the honorable member for Parramatta is right in the attitude he has adopted. If we are to have the Pacific cable, we must see that it is protected. The only way in which we can protect it against the Eastern Extension Telegraph Company's monopoly is by giving it fair play when it comes into existence. The honorable member for North Sydney says he is against any restriction upon competition, but the course proposed in the clause is the only way in which to bring about competition. If we are to have contracts entered into by the Eastern Extension Company for the carriage of messages of various firms for five or ten years hence - and we may be sure the company will do that - I think we are wise in allowing the Government, now that we have a chance of two cables, to say that the Pacific cable should be maintained by messages which they will have power to send over an Empire-owned line.

Mr DEAKIN

- I am afraid it is too late to raise the point, but is it not possible to avoid the discussion of the subject of the two cable lines on this particular clause ? It is the introduction of an entirely novel matter. The clause itself deals, simply, with the order of transmitting telegrams. It provides nothing whatever as to the route by which they are to be sent. Therefore the question which has been so much discussed is not suggested by anything either in this clause or in the Bill. It is a matter of policy and administration, and in the near future possibly it may be a matter of bargain or arrangement. It is very undesirable that we should frustrate the possibility of an arrangement being arrived at by the Commonwealth, as one of the contracting parties, by tying our own hands by a declaration in this Bill. I have not a word to say against the proposal made by the honorable member for South Australia except, that we are not called upon to discuss it. For the reason at which I have hinted, the present seems a decidedly unsuitable and dangerous time to discuss it. Nevertheless, I am free to admit that during the time in which the disreputable bookkeeping clauses, which tie our hands in such a variety of ways, continue to exist, the representatives of South Australia may be forgiven for supporting any proposal which tends to increase the business to be carried by the overland line for the construction of which their enterprise can never be sufficiently lauded. The honorable member feels - as any South Australian must feel - that possibly after the construction of the Pacific cable two or three years hence, the amount of business sent over the land line of South Australia will affect the revenue and returns of that State. Therefore, I do not blame him for pressing this question. Sir Malcolm McEacharn. - Supposing that we had a South Australian Postmaster-General, what would be the effect then ? He could force all the business upon one route.

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Mr DEAKIN

- I think that possibly a South Australian Postmaster-General might need to consult the Cabinet of which

he was a member before adopting any action of that kind. But I would point out to the honorable member for South Australia that he can in no sense diminish or detract from the claims of his own constituency 'by omitting to take action in connexion with this Bill. The Pacific cable- the construction of which has just commenced - will take a year or two to complete, and until it is completed, noli volens, all our communications must go over the lines of the Eastern Extension Telegraph Company. Consequently, South Australia cannot be prejudiced in the meantime. She can lose nothing. If South Australia can lose nothing by the postponement of the discussion of this question, I wish to point out that by its premature discussion the Commonwealth may lose something when it comes to deal with the company. For my own part, I have always been in favour of all the cable communication which we can possibly get. But when our two new cables are constructed, it will be necessary, in the interests of the public and of those who are associated with them, that some arrangement shall be arrived at as to the disposal of the business. Would it not be unwise in the highest degree for the people of the Commonwealth, who will all be shareholders in the Pacific cable, to decide beforehand in this one particular matter? They will commence by tying their hands 'if they bind themselves not to exercise a power which it may not be wise to exercise, but which circumstances may render it desirable to exercise, if necessary. Should we not be unwise to enter into this bargain by placing an impediment in the way of our gaining the fullest advantage which we may derive from' it? Surely we ought to go into this matter with free hands and open minds. I venture to suggest to the honorable member for South Australia, Mr.

Batchelor, that he has done his duty; that South Australia cannot suffer, but the Commonwealth may if he unduly presses this matter at the present time. The Commonwealth may suffer by time being occupied which might be more profitably spent in passing the remaining clauses- of this Bill, and it may also suffer by settling a question which may never arise, or which may settle itself. If an exactly 'opposite proposition had been submitted, I should have adopted a similar argument. I should have said that we have no more reason to bind ourselves by statute in one way than in the other. It is essentially a matter of administration. Let us- not transfer a matter of administration into a Bill, more especially when, by so doing, we shall be prejudicing our possibility of making future arrangements. It will become a question -of the greatest importance. It is not immediate, however, because the Pacific cable has not been constructed. The present position, therefore, cannot be affected for a year or two. As I have pointed out, the whole of the people of the Commonwealth will be Shareholders in the Pacific cable. Then we have to consider the interests of the public who require to be served as senders of cable communications. We have also to consider the Eastern Extension Telegraph Company, which, although a monopoly, has done Australia excellent service. But the time for these considerations has not yet arrived. By adopting the honorable member's proposal 'we shall be introducing into this Bill another matter for great argument, a question which cannot for some time to come be a practical question, although I admit it is of importance. Under all the circumstances of the case, I ask the honorable member to withdraw his proposal.

Mr. BATCHELOR

(South Australia).I shall certainly not agree to withdraw the amendment. It seems to me that there can be no time when it is more necessary that this matter should be discussed. I really do not understand the Attorney-General's objection to having the matter debated. We are told that in March next the Pacific cable will be completed.

Mr Deakin

- Does the honorable member think that it will 1

Mr BATCHELOR

-The Postmaster-General is the authority for my statement.

Mr Deakin

- I do not think that lie meant March next.

Mr BATCHELOR

- Does the Attorney-General expect that we shall be discussing another Bill relating to the Post-office before March next 1

Mr Deakin

- No ; but the Government have to lay before the House the whole of the matters connected with this cable. They have undertaken to do that.

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Mr BATCHELOR

- It seems to me that the best course to adopt is to protect the public in this Bill. It is not a question of protecting the Eastern Extension Telegraph Company. That suggestion is absurd. All States the world over have agreed that certain regulations shall govern the transmission of telegrams. The paramount interest is unquestionably the interest of the senders of telegrams. I simply ask that the public shall have the right to indicate the route by which their messages shall travel. The Pacific cable is only a service which is State-owned between here and Vancouver. The greater part of it is not State-owned ; it is not even owned by Britishers, because the messages will travel on American-owned lines. The portion traversing the Pacific will be State owned and that is all. I know that £2,000,000 is the contract price for laying the cable to Vancouver. Beyond that place it is a private line, which will be run by the Canadian Pacific Company - the biggest monopoly in Canada. The messages will have to travel over the lines of a company which is certainly one of the most monopolistic companies on the face of the earth. Yet this cable is always put forward as a State-owned line, upon which there is no possibility of monopoly. It will be just as great a monopoly as is the other line. But I do not wish to argue this matter in the interests of any particular company. The honorable member for Parramatta certainly did me less than justice in his remarks. I can assure him that he does not advance any cause which he advocates by insinuating that those who are opposed to him are actuated by some ulterior or hidden motive.

Mr JOSEPH COOK

- I did not say that it was ulterior or hidden. It is on the surface, I think.

Mr BATCHELOR

- Of course it is on the surface. I am taking this action, as I have freely avowed, in the interests of South Australia. That is what I am here for. Our business is to protect the public of Australia. It is in the interests of the public of Australia absolutely that I move this amendment, so that they shall have the advantage which arises from competition between these companies. The object of the ' amendment is merely to lay down that the sender shall have the same right as he is guaranteed all over the world by international agreement to choose which line his message shall travel by. Of course I am aware that, if traffic is congested upon any particular line, the Postmaster-General always has the power to decide by which route a message shall be transmitted. But in all other cases the sender should have that right. I would again invite the attention of the committee to the fact that before long the South Australian land line will belong to the Commonwealth. When the bookkeeping period expires, it will belong to the Commonwealth instead of to one particular State. Therefore, the interests of the Commonwealth in that line will be as great as the£ are in the other line. If that were the present position I should not trouble about submitting this amendment. I am quite sure that the Commonwealth would not attempt to divert messages from one line to another. To suggest that would be absurd. But in the present circumstances South Australia has a right to ask that there shall be no unfair practice resorted to as against her line. She asks only for fair competition, and that the public shall have a right to determine by which line their messages shall travel. She demands that the Postmaster-General shall not have the right to arrogate to himself the power to say that all the messages shall go on one particular line.

Mr JOSEPH COOK

- No Postmaster-General would ever dream of a such thing.

Mr BATCHELOR

- Why, then, does the honorable member ask for that power ? The honorable member claims the right to disregard the request of senders of telegrams in order that the Postmaster-General may be able to force the business on to one particular line. It is to the interest of the general public that there should be the fullest competition in this matter. If not, why did three of the States contract with the Canadian and British Governments with reference to the establishment of the Pacific cable in order to break down a monopoly? The object was undoubtedly to secure competition and cheaper rates.

Mr Deakin

- Do not tie our hands.

Mr BATCHELOR

- I do not want to tie the hands of the Government.

Mr Deakin

- But the honorable member's proposal will have the effect of tying our hands.

Mr BATCHELOR

- I do not see that at all. It is proposed simply to give the public the right to say by which route they will have their cables sent.

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Mr Deakin

- But the honorable member is proposing to do that before we have made our bargain - why do it now?

Mr BATCHELOR

- We should do it now because we are now discussing the question of cables. There will be rival cable routes open in the course of a few months and I think we should make the provision I now propose at this stage. I ask the Attorney-General why this should not be done now?

Mr Deakin

- Because the Government are proposing to take the House into their confidence in regard to the cable services before they make any definite proposals, and the public will not suffer in any way.

Sir Malcolm McEacharn

- Unless the Government bring in another Bill, they must suffer.

Mr Deakin

- No ; before the cable is constructed, or before it can have any effect, we are going to lay before the House proposals for dealing with these cables, and honorable members will have every opportunity and full time for discussing the arrangements.

Mr BATCHELOR

- Of course, the Bill provides that before fresh regulations are brought into operation they must be laid on the table of the House.

Mr Deakin

- Yes, but independently of that we propose to give the House a perfectly free hand in discussing the Government proposals in regard to these cables.

Mr BATCHELOR

- I do not understand why there should be any objection to putting in this provision as proposed now. If it is intended that the public shall have the benefit of the competition between the cable companies, what possible objection can there be to giving the sender the right to choose the route by which his cable shall be sent? I fail to see why the Attorney-General should object to that.

Mr Deakin

- I do not object to that, but I object to saying one thing or the other just now.

Mr BATCHELOR

- The Attorney-General must recognise that the position is a somewhat serious one for South Australia.

Mr Deakin

- It will be, but is not at present.

Mr BATCHELOR

- The position of South Australia is serious now, after the declaration of the Postmaster-General in another place, that he wants power to prevent any loss from being incurred in connexion with the Pacific cable.

Mr Deakin

- The House will have to decide that question.

Mr BATCHELOR

- The declaration of the Postmaster-General means that instead of allowing trade to flow in its natural channels, and permitting the senders of cables to retain the right they have hitherto had, and which they enjoy all the world over, the Postmaster-General wishes to divert the traffic on to a particular cable in which only three of the States are interested. In order to bolster up the revenue derived from that cable and to prevent three of the States from suffering a loss, these cable messages are not to be allowed to flow through their natural channels. Whatever the intention may be, the effect will be to penalize South Australia for the benefit of three of the other States, whilst the general public will suffer through not having the right they have always enjoyed of choosing which line their messages shall pass over.

Mr Page

- What about the guarantee that is given to South Australia by the other States?

Mr BATCHELOR

- That is quite a mistake. There has been no guarantee nor any subsidy paid for years. The honorable member for Parramatta said that South Australia had made 20 per cent. out of the overland telegraph line, and when he was challenged on that statement, he said that some works of construction had been carried out with the profits that had been derived from the line. As a matter of absolute fact, however, South Australia has never made 2 per cent. out of the transcontinental telegraph line. They are at present doing better than ever they did, and yet the profits do not amount to 2 per cent. on the outlay.

Mr JOSEPH COOK

- It seems strange that South Australia should stick to the line so keenly; a man does not generally stick to a losing thing if he can get rid of it.

Mr BATCHELOR

- Surely the honorable member recognises that a man has a right to stick to his own. We do not want any favour for South Australia or for any other State, and the object of this amendment is simply to secure for the public what they have a right to. It does not commit the Commonwealth to anything beyond what they are now pledged to.

Mr Deakin

- Then it does not do any good.

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Mr BATCHELOR

- We have it on the authority of the Attorney-General by implication, that -the reason why -we should not insert this provision -is that the Commonwealth might not desire to keep to the international agreement, but to break faith with the public, and to divert traffic to one particular line for its own purposes.

Mr Deakin

- No, I did not say that.

Mr BATCHELOR

- But that is the position in which we are placed - in- which South Australia and the general public are -placed. If I were making an appeal that "special advantages should -be given to one company as against another, I could understand the objection that has been raised by the Government, but I suggest nothing of the kind. I want absolute fair play, and am -acting solely in the interests of the general public.

Mr. HENRY

WILLIS (Robertson).The statement made by the Attorney-General was to the effect that he wished to obtain freedom for the Commonwealth to transmit messages on either line, but that he would not extend that freedom to the individual.

Mr Deakin

- Oh, no.

Mr HENRY WILLIS

- The object of the amendment of the honorable member for South Australia is to give the public that freedom - to give the sender an opportunity of deciding by which route his message shall go.

Mr Deakin

- What I say is that we ought not to discuss the question whether the sender of cable messages should have that right, or not, just yet, because the whole question as to the way in which these cables should be dealt with will shortly be laid before the House for its decision.

Mr HENRY WILLIS

- But the Attorney-General wishes to retain the right to come down with a proposal that will have the same effect as if the words proposed by the honorable member for South Australia were not inserted.

Mr Deakin

- And the right to come down with a proposal such as is contemplated by the amendment too.

Mr HENRY WILLIS

- It is clear that there is no intention to come down with any such proposal as that, otherwise the Government would not so strongly oppose the insertion of the -words proposed. I maintain that -the senders of cables have rights as well as the Commonwealth, and that it is in the interest of the public that they should have an opportunity of saying which of these lines messages are to be -sent by. There must

be a reason for declining to give them this opportunity, and we know there is a reason, because this matter was discussed in another place. I think the honorable member for Parramatta knows the reason -why the Government wish to retain the right to say over which line these messages shall be transmitted. He has said that a certain company -which has hitherto made immense profits in connexion with cable business may engage with certain people who have large numbers of cable messages to send, to convey their messages at a reduced rate for a long period. If this were to be done, however, the contracts would not be entered into for a period of more than three years at the very outside, because people would expect that with the rival cable in operation at the end of that time the rates would be reduced.

Mr Poynton

- The new cable may be in operation next year.

Mr HENRY WILLIS

- Then it is all the more unlikely that any contracts will be made for a long period. If, however, contracts were entered into for three years, and the new cable were to come into operation within a year, there would presumably be a loss to the Commonwealth, extending over the remaining two years during which the "all-red" cable would be in existence, and that is apparently what the Government are afraid of. Notwithstanding this, there would be no material loss to the Commonwealth, because the reduced rates for transmission of messages would confer an advantage on the whole of the people, and matters would thus be equalized.

Mr JOSEPH COOK

- Not upon the whole of the people.

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Mr HENRY WILLIS

- It will be found that in the ordinary course of business the whole mass of the people will benefit by the reduction of rates, and so, I take it, matters will equalize themselves. But I do not think that is the real reason for opposing the amendment. So far as I can see, it is that an arrangement may be made between the Eastern Company and the American companies if no cutting of rates takes place until the Government assume control over the transcontinental line. If we leave the matter open until then, these companies will put their heads together, and there will be no cutting of rates, but if there be a free choice in selecting the route there will be cutting at once. The Government know as well as the committee how hard it is to raise rates when once they have been lowered. We have been told by the honorable member for South Australia, Mr. Batchelor, that there is not a gain of 20 per cent. on the transcontinental line, but the honorable member for Parramatta, who knows a great deal of the working of that line, has stated in his place, and has not withdrawn the statement, that a very large profit has been made.

Mr V L SOLOMON

- The line does not pay interest on construction.

Mr HENRY WILLIS

- The honorable member for South Australia, Mr. Batchelor, says that the line pays 2 per cent.

Mr V L SOLOMON

- The interest on construction is 3½ per cent. or 4 per cent.

Mr Batchelor

- At present there is a profit of 2 per cent.

Mr HENRY WILLIS

- There is a gain or profit of 2 per cent. over the interest on half-a-million of money.

Mr Batchelor

- Yes, at present; but if the whole period be taken there is a big loss.

Mr HENRY WILLIS

- Of late years more profit has been made than in the early days; and if there is a profit now of 2 per cent. that will bear a reduction of rates such as has been indicated.

Mr JOSEPH COOK

- There have been several reductions of rates in addition to that profit.

Mr HENRY WILLIS

- The Eastern Extension Company could also bear a large shrinkage in their profits. If the cutting of rates

came on at once, knowing its we do that in British North America we have to deal with companies, we can see that it would be very hard indeed to again raise the rates ; and it is to the benefit of the people that the rates should be reduced. At the same time, the Attorney-General has stated that South Australia should be considered, and the enterprise of that State rewarded as much as possible; and I think South Australia will be benefited when we take over the service. In the meantime I do not see that South Australia is likely to gain very much, but she is protected, inasmuch as, if we insert the amendment, she will be enabled for two years at least to gain a fair amount of profitable business which she would not get if there was the opportunity of arranging that cables should be sent by the " all red " route.

Sir MALCOLM McEACHARN

- I am disposed to favour the amendment, but I was more disposed to do so a short time ago. I feel that the honorable member for South Australia, Mr. Batchelor, has been urging a little too much the interests of South Australia, and has made an attack on the Pacific cable which it would have been very much better to leave out of the discussion.

Mr JOSEPH COOK

- South Australia has fought the Pacific cable bitterly ever since the scheme originated.

Sir MALCOLM McEACHARN

- I should be sorry to do anything that would place difficulty in the way of the Pacific cable. We have fought for a long time to get that cable, and now that it is assured, it would be very unfair if anything were done at the present time to cause the promoters to think that we were making arrangements amounting to a virtual breach of faith with them. I can quite conceive that the Minister would not be so anxious to have no amendment in the Bill unless for very good reasons ; and unless I am assured, or can see, that those who desire to send cables are likely to be placed in a difficulty by not having the amendment, I should prefer that the amendment had not been moved. But I want an assurance from the Minister that under the clause as it now stands, the Postmaster-General has not the power to send cables as he may desire. If we have an assurance from the Minister that he will neither promise any arrangement nor make any arrangement in any shape or form by which senders of cables shall not have the right to indicate the route by which messages shall go, I shall be satisfied to leave the clause as it is. I gather from what the Minister has said that that is really in his mind, and he ought to give the committee an assurance on the point before we go to a division.

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Mr KNOX

- The amendment which has been moved illustrates one of the many troubles which ensue on the present bookkeeping system, but which will disappear when the bookkeeping period terminates. I came here with the intention, in conjunction with the honorable member for Melbourne, of seeing that an effort was made to secure for the public the fullest advantages that can be gained in the way of reduction of rates by competition amongst the cable companies. Every one will agree that such reduction is expedient and desirable, and I should not be true to my general fiscal principles if I did not believe they should guide our action in this matter. But dominating the position we have the knowledge that negotiations are proceeding which are not altogether based on business principles, but on the sentimental desire that we should have our own cables through British territory. That, I believe, every honorable member will consider a desirable object to attain.

Mr Poynton

- We get that in any case.

Mr KNOX

- We do ; but if those in authority in Victoria had not been judicious and careful in their negotiations, we might not have had that advantage. We have, however, secured that advantage now, and it would be unwise for the committee to obtrude an amendment on the proposals of the Government which might interfere with the negotiations now taking place. I agree with the honorable member for Melbourne that we ought to have from the Attorney-General some specific statement that the advantages of this competition must be secured for the public, and that, before the negotiations are finally concluded, he will give honorable members an opportunity of considering the whole position. That statement, I believe, the Attorney-General is prepared to make ; and so long as that is clearly and definitely understood, I shall not be prepared to support the amendment, though I am entirely in sympathy with its objects.

Mr. POYNTON

(South Australia.) During the discussion two or three honorable members, and also the Attorney-General, have expressed their sympathy with the object of the amendment ; and this is the proper time to give practical effect to that sympathy. In this case there are two parties concerned : and it has been said that the honorable member for South Australia,

Mr. Batchelor,

has put too much of a South Australian aspect on the question. But South Australia has a good deal to say on the subject, and the fact cannot be kept in the background. Certain States have decided to have a rival line, and we of South Australia do not object to that. What we do object to is giving the Postmaster-General power, not only to have this rival line, but to use the whole machinery of the Commonwealth Post and Telegraph department for the purpose of making that rival line pay.

Mr Batchelor

- To send even South Australian messages by the Pacific line !

Mr POYNTON

- Exactly.

Mr JOSEPH COOK

- That is ridiculous.

Mr POYNTON

- With the strong feeling that the honorable member for Parramatta has on the question, there is not much doubt as to how he would decide if he happened to be Postmaster-General.

Mr JOSEPH COOK

- Does the honorable member really think that?

Mr POYNTON

- Is there anything unreasonable in asking that senders shall have the right to indicate the route by which their messages shall be sent ?

Sir Edward Braddon

- The sender pays for the message.

Mr POYNTON

- If there is nothing unreasonable in that proposition, why should it not be embodied in the Bill?

Mr McDonald

- Would the honorable member take up a similar position with regard to " Tattersall's " sweeps?

Mr POYNTON

- This has nothing to do with " Tattersall's " sweeps, which we are not now discussing. I said last night that the other States would lose heavily by the legislation we then passed, because, in my opinion, they will lose even more revenue than Tasmania. I might as well argue that the Railways Commissioner, when a consignment of goods for Ballarat came to him, should have the right to say that they must go by way of Geelong, instead of by Bacchus Marsh. The sender must have the choice. If this line is to be constructed for the very purpose of reducing rates, what advantage will be gained by insisting that the Postmaster-General shall have the right to select the route by which messages are to be sent? The very fact of leaving the choice open to the sender will bring about competition.

Mr. W ilks. - Is the honorable member afraid that the Deputy Postmasters-General would select one particular route ?

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Mr POYNTON

- Most decidedly we are. We do not object to competition, but we do object to the whole machinery of the Commonwealth Postal Act being used in the interests of one line. If the Minister has no ulterior motive behind, why should there be opposition to the amendment? It certainly can do no harm, for it is recognised all over the world that the sender of a telegram has the right to indicate the route by which he desires it to be transmitted. Until the honorable member for South Australia (Mr. Batchelor) moved in the matter I thought we were safe. But it is evident that there is not sufficient protection in the Bill, and that there is a possibility of the recommendation of the International Convention - that the sender of a cable message should have the right to indicate the route - will be overridden. I press the mover of the Amendment not to give it up on any promise, unless it is something more definite than we have had up to

the present.

Mr WINTER COOKE

- I cannot understand how in any spirit of equity or justice this amendment can be refused. The Postmaster-General seems to desire authority to say that the company, whose line is already in existence shall, on the construction of the Pacific cable, be shorn of the right, which it has always possessed, to accept a telegram from any one who chooses to give it to it.

Mr DEAKIN

- There is no such proposal.

Mr WINTER COOKE

- Then what possible objection can there be to the amendment? The honorable member for South Australia, Mr. Batchelor, is under the impression that as the clause stands the Postmaster-General can decide by which route a telegram shall be sent, and, out of abundance of caution, he moves to insert these words. If the Government do not seek the power why should they object to this proposal? It seems to me absolutely clear that, if under the Berne convention there is power to refuse to send a message by a particular route, we ought to put in these words. With regard to the probable date of the completion of the Pacific cable, honorable members will probably be interested to learn that according to The Times of the 16th July, Mr. Austen Chamberlain, in reply to a question in the House of Commons, made the following statement : -

None of the cable has been yet manufactured or delivered, but several cable houses have been sent out and are being erected at the several landing places selected. The surveying ship has already sounded the route over a distance of 1 , 500 miles, and is now engaged, on the same work between Norfolk Island and Fiji. The landing places of the cable in Queensland, Now Zealand, Norfolk Island, and Vancouver have been decided upon, and preliminary arrangements made for the construction of staff quarters and station building. I am informed that the manufacture of the cable begins this week. One instalment of £287,463 due under the contract on 31st March last has been paid to the contractors. I am informed And this is of interest to most of the committee - that the engineers of the Pacific Cable Board are satisfied with the progress made and with the ability of the contractors to complete the work by the end of 1902.

This is the most definite information we have on the matter, and it shows that the line will be completed fifteen months hence. We are told that when Parliament meets next year the Government will come down with certain propositions.

Mr Deakin

- I did not say next year. It may be this session.

Mr WINTER COOKE

- At all events the cable will not be finished before the end of next year. I want to get at the real object of the amendment. Is it because the Government want to have the whip hand over this company, and to force them to make some arrangement as to what the rates shall be? I think the illustration given by the honorable member for South Australia, Mr. Poynton, is a particularly good one. Suppose that a private railway to Ballarat via Geelong is already in existence, and that the State builds a railway to the same place via Bacchus Marsh ; what would be said if the commissioner had power to determine by which particular route a man should send his goods ? Yet that is the position in this case. I do not think anything ought to be done in violation of the compact with the Eastern Extension Company.

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Mr A McLEAN

- I do not think that any one will deny that the proposal of the honorable member for South Australia, Mr. Batchelor, is a reasonable one. I must confess that I have the greatest sympathy with the representatives of South Australia, and if there was any proposal on the part of the Government to deprive them of the object they desire, I should be found voting with them. As I understand the Attorney-General, however, he is making no such proposal. What he says is that this Bill is not the place to deal with matters - which we shall necessarily have to deal with - affecting the Pacific cable line. We are legislating now for the line in existence. There will be a great many considerations other than this to receive attention before the Pacific cable is opened. It appears to me that if the Attorney-General, from his place in the committee; will promise that nothing will be done to prejudice the interests of our friends in1 Strath Australia, or to

prejudice the right of the public to have the best possible service and the freest possible, choice until the Government come down to Parliament with a full and complete statement of the whole of their proposal - and Parliament will then be able to deal with the matter with a full knowledge of all the surroundings - nothing will" be lost: On the contrary, something will be gained, because we will be able then to deal with the whole question with the fullest knowledge. That we have not got at the present time. My honorable friends from South Australia must see that this is eminently reasonable. Their position will not be weakened in any way. They have a good case, so far as it is possible for us to judge, and if, when we come to deal with it, their case is prejudiced, then I have no doubt I will be found voting with them. But I would much prefer to deal with the whole question at one time, instead of dealing with it piecemeal. I think my honorable friend, Mr. Batchelor; deserves credit for having directed public attention to this matter at the present time; but if he receives the promise which I believe the Attorney-General is prepared to give him, then I think he will have attained all that he ought to desire at the present time.

Mr. DEAKIN

(Ballarat- Attorney-General). - Perhaps- I ought- to tell' the committee something which previously I thought it was unnecessary to state, because it might appear to be throwing an obstacle in the way of the consideration of this question. As a matter of fact, the establishment of the Commonwealth and the construction of the Pacific cable, taken in connexion with the Eastern Extension Telegraph Company and its private rights, whatever they are, have involved what might be termed the, creation of some legal difficulties, as to which a solution has not yet been found. It is only within the last few days that I have received some of the papers for which I had been applying for some weeks, in order to be in a position to give the Prime Minister definite legal information upon the present position which the Commonwealth Government holds in regard to both cables: I have not yet been able to inform him of the actual position in regard to them. I do not wish to say anything more at the present time, but it may help to explain my attitude when I state that until our legal position is determined it would be extremely difficult for us to deal with these cables at all. When the time comes, what these difficulties are will be explained to the House. To explain them now would be to introduce further irrelevant matter. I have been applied to by the honorable member for South Australia, .

Mr. Poynton,

and the honorable member for Wannon, to give reasons, for the position I have taken up. I have now given those reasons which weigh with me personally. I am placed in a position of considerable difficulty by the fact that up to the present time I have not obtained all the original papers, which I must necessarily see before advising the Prime Minister as to the part which the Government can take, in relation to either of these cables. But for this fact the Government would have been prepared to present an outline of their proposals, not only in relation to this minor proposal, but generally in regard to the cables: The present position is unsatisfactory. In some States one policy has been adopted, and in other States another policy, and it has been the desire of the Government from the first to substitute a uniform policy for the present divided practice. There are several other issues which require to be settled in connexion with these cables; but through no fault of our own, we have been unable to settle them. But I give this committee a distinct undertaking that nothing will be done to prejudice the right, of the senders of telegrams to determine by which line their messages shall go. or to jeopardize the interests of South Australia, until the Government proposals have been put before Parliament, and the House has had an opportunity of determining the course, to be followed in all these respects.

Mr. JOSEPH

COOK (Parramatta).- I have a great deal of sympathy with the position of South Australia in connexion with her land line. In my judgment, that line should be taken over by the Commonwealth at the very earliest moment, and treated as a special matter. If that were done, and if the South Australian Government were credited with all the expenditure, which they have incurred in connexion with it, I think that substantial justice would be done. But the singular thing is that South Australia stands out of any arrangement which has anything to do with the Pacific cable. We tried to persuade her to come into that scheme some time ago. The remainder of the States said that if she would come into that scheme they would take over her landline.

Mr Batchelor

- How good of them, after we have made a payable thing of it.

Mr JOSEPH COOK

- The honorable member for South Australia objects instantly. He wants to be left alone. He is influenced by a motive which has always operated with South Australia, namely, to do everything possible to destroy the Pacific cable scheme.

Mr Batchelor

- Nonsense !

Mr JOSEPH COOK

- It is not nonsense. I know more about this matter than does the honorable member.

Mr Batchelor

- More about my attitude ?

Mr JOSEPH COOK

- I know more about the Pacific cable question than does the honorable member.

Sir Langdon Bonython

- South Australia was quite prepared to be fair, provided that she was treated fairly.

Mr JOSEPH COOK

- I can assure the honorable member that the other States have always promised to treat South Australia fairly. But the latter State will not consider any proposal at all. She never has done. That has been the position of South Australia. Her interests for the time being in connexion with the land line are antagonistic to the proposal for the Pacific cable. Therefore quite legitimately she has always fought that scheme. The question to my mind is - Do we need to still further tie the hands of the Postmaster-General in connexion with these cable messages? That is what the honorable member for South Australia, Mr. Batchelor, proposes in his amendment. If I thought that the Postmaster-General would use his power over these cables in a way that would result in South Australia being unfairly treated, I should vote for the amendment. But no Postmaster-General would dare to do anything which was not strictly fair, and which he could not come down and submit to this House with the greatest confidence.

Mr Batchelor

- Then there can be no objection to the amendment?

Mr JOSEPH COOK

- There can be no reason for the insertion of these words.

The honorable member apparently assumes that the Postmaster-General is some outside autocratic power over whom this Parliament has no control. But this Parliament decides what shall be done by the Postmaster-General before he can do anything' at all. This is not the time or place in which to discuss such a proposal. I submit that we may trust this House to do substantial justice to the interests of South Australia. I believe that we shall do substantial justice to the Eastern Telegraph Company themselves. Believing as I do, that this House will be fair and, just, both to South Australia and to the Eastern Extension Telegraph Company, I decline to consent to the further tying of the hands of the Postmaster-General with regard to the conditions under which competition shall take place. We have already tied his hands in some respects. We have bound him to give the competing company notice of what is to be done, and also privileges which it has never asked for in its existence before. Now it is proposed by this amendment to still further tie his hands in regard to the competition which shall take place. I am prepared to trust Parliament to lay down the conditions under which those lines shall compete. Entertaining that view, I must oppose the amendment.

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Sir LANGDON BONYTHON

- In justice to South Australia it is only fair that the facts should be put upon record in regard to the transcontinental telegraph line. As everybody admits, the enterprise of South Australia in the construction of that line entitled her to the highest possible praise, but as a matter of fact her enterprise resulted in, a very great loss. The honorable member for Parramatta will probably tell me that of late that has not been the case ; but extended over the whole period of the existence of the line, a large loss has resulted. Even during the last ten years there has been a considerable loss. I will give the facts so that there may be no further question; As many honorable members know, prior to ten years ago there was a constant loss in regard to the line. During the past decade the working expenses amounted to £204,324, and the interest on an expenditure of £603,434 to £265,977, making a total of £470,301. The revenue amounted to

£462,306, leaving a loss of £7,995 for the ten years. The following table shows in detail, omitting shillings and pence, the capital cost, working expenses, interest, and revenue for the past ten years : -

The sum of £3,5fH) represents bonds redeemed as follows : -

I think that the attitude which South Australia has taken up is a very reasonable one, but at the same time I am of opinion that we shall be acting wisely in accepting the assurance of the Attorney-General that no injustice will be done in this matter.

Mr. BATCHELOR

(South Australia). - If the Attorney-General means that before any definite action is taken the whole matter will be placed before both Houses of Parliament, and that it is not the policy of the Government to do anything to prevent absolute fair play by giving special privileges to one company as against another, I am prepared to accept his assurance. All I want is fair play. There cannot really be any objection to the insertion of these words in the Bill, unless the contention is that if they be not placed in the Bill they may be used as a lever over the company in the negotiations. I prefer that no such lever shall be used. I should like to see the public for all time placed in the position of being able to say over which line their messages shall travel. But in the circumstances, if the Attorney-General ' will assure me that that is the policy of the Government, I am prepared to withdraw the amendment.

Mr DEAKIN

- I cannot say that what the honorable member has said is the policy of the Government. The whole matter will come before Parliament before the Government commits the country in any way. The policy of the Government will then be announced, and it " will be for Parliament to say whether it approves or disapproves of it.

Amendment, by leave, withdrawn.

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Mr MAHON

- It seems to me that under this clause the ordinary citizen who pays his money for the transmission of a telegram will have to wait a long time, because of the priority which is given to urgent telegrams, for which an increased price is paid. Suppose, for example, that a citizen lodges a wire at a telegraph office. Before his communication is despatched, some person having more money to spend, may come in with an urgent telegram. The urgent telegram would, of course, take precedence. Then the ordinary telegram may be further delayed by a wire respecting the arrest of some criminal, and still further by a telegram respecting the discovery of or prevention of crime. It may also be delayed by a wire concerning the administration of justice. But this is not all. A telegram on public service may also take precedence over the ordinary citizen's wire, for which he has paid good money. This system of urgent telegrams has been tried in Western Australia, where it certainly was not a success. On the contrary, it provoked an outcry, which at one time led to the abolition of the system, and although it was re-established subsequently, that course was not adopted because of any public demand for it, but simply because the small number making that demand were sufficiently powerful and influential to enforce compliance with it. Now, what is the effect of this system on the mining fields of Western Australia ? When a mining boom is on and the Adelaide share market is brisk, the ordinary telegrams, at the rate of ten words for 2s. to Adelaide, or 3s. to Melbourne, are delayed so that the messages of brokers who are buying and selling shares may be transmitted without any interruption. That is to say, that if a miner wishes to send a telegram to his wife, or his wife desires to send a telegram to him, stating that one of the children is dying or that some friend is ill, the message is delayed so that the broker, who merely wants to make money, > can set his telegram through. Thus, simply because the broker can pay 6s. and the other man can only afford to pay 3s., the broker's message has the preference. I admit that this offers a premium for the promotion of what is called business, but it is a premium which gives wealth an advantage over poor men or those with only moderate means. I will give the committee an opportunity of pronouncing on this policy, which, on the whole, has worked badly in Western Australia. Taking the matter broadly, no doubt it has worked all right in the interests of a small clique of sharebrokers, who have been able to afford to pay extra in order to get their wires through; but I submit that it is not in the interests of the general community. If the same system is to be adopted generally, it should be carried out under very stringent regulations. I move - That the words " urgent telegrams, that is to say, telegrams for which the prescribed increased rate is paid, and," be omitted.

Mr FOWLER

- I am sorry to "have to oppose this amendment. The case which the honorable member for Coolgardie has stated may be put in such a form as to constitute a very powerful argument against himself. We may assume that in a gold-fields township there are a large number of telegrams to be despatched, and that a miner wishes to send a very urgent telegram on a matter of life and death. I consider that there should always be some arrangement by which a telegram such as this should take precedence of those regarding which there is not so much urgency. There are many occasions on which telegrams are sent for which early despatch is a matter of the gravest importance, and this the public should be able to secure by making an extra payment.

Sir PHILIP FYSH

- I observe that the practice of sending urgent telegrams on payment of an increased rate is followed in four of the States of the Commonwealth - Western Australia, Queensland, South Australia, and Victoria.

Sir Edward Braddon

- Also in Tasmania.

Sir PHILIP FYSH

- They have power to send urgent telegrams in Tasmania, and for very good reasons. Whatever may have been the experience in Western Australia regarding these urgent messages, I have found it of the utmost advantage to be able to secure prompt despatch for messages, and I have known cases in which doctors and nurses have been summoned by urgent telegrams in cases of serious illness. I am fully aware that urgent messages are more frequently sent in connexion with mining speculation, and I think I am right in saying that in Western Australia the arrangement for sending urgent telegrams was once rescinded, but shortly afterwards re-enacted by special resolution of the State Parliament.

Mr Mahon

- Yes ; that is right.

Sir PHILIP FYSH

- The Telegraph department has derived a very large amount of extra revenue from these telegrams, and I think it right that the department should be run on business lines, and that there should be an arrangement by which special despatch can be secured by the payment of a higher rate.

Mr. KNOX

(Kooyong) - I hope the honorable member for Coolgardie will withdraw his amendment, because he must be personally aware of the great convenience that is afforded under arrangements which permit of the despatch of urgent messages. Even in such a case as he has mentioned - that of sickness or death - it is very desirable that the public should have an opportunity of securing special despatch for their messages by paying an increased rate, and I think it would be very unwise to curtail the facilities now afforded.

Amendment negatived.

Sir EDWARD

BRADDON (Tasmania). - I would point out that in sub-clause (1) urgent telegrams are spoken of as being paid for at an increased rate, whilst in subclause "(2) delayed telegrams are spoken of as being paid for at reduced rates. It seems to me to be necessary to have three rates, in order to make sense of the clause, because if there is to be an increased rate and a reduced rate, there must also be an ordinary rate.

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Minister for External Affairs

Mr BARTON

- I think the reduced rate should be mentioned as the lower rate. I have no experience of any delayed rate, and I should be very glad if any honorable member would inform me on this point. I know of increased rates for urgent telegrams, and of ordinary rates for ordinary telegrams, but I suppose that telegrams which are delayed so that those on which higher rates are paid may be sent first would pay ordinary rates. If there is a delayed rate there is reason for mentioning a reduced rate.

Mr V L SOLOMON

- I do not know whether the practice of sending deferred telegrams obtains anywhere now.

Mr Piesse

- Yes ; in New Zealand.

Mr V L SOLOMON

- Up to very recently the rates for telegrams between Port Darwin and all stations north of Alice Springs on the transcontinental telegraph line in South Australia were from 3s. to 6s. per word, but the public were allowed the privilege of sending messages which were termed deferred telegrams, at half the ordinary rates. These deferred telegrams were sent along the line after all telegrams at ordinary rates had been sent, and the line was clear; but a little while ago, when the ordinary rate was reduced to what had been the deferred rate, the sending of deferred telegrams was abolished.

Mr PIESSE

- A similar provision is in operation in New Zealand, and applies to cases in which a person, having missed the mail, overtakes it by sending a telegram, which is delivered as part of the mail next morning.

Sir PHILIP FYSH

- Regulations may be made, and if regulations are made to permit of delayed telegrams paying a reduced rate, it would be advisable to retain the clause. But in order to make the provision quite clear, I move - That after the word "rate," line 4, the words "to be" be inserted.

Mr. KNOX

(Kooyong). - This amendment removes the objection which I had to the clause. The plan has been used in New Zealand, but it will have to be very closely safeguarded by regulation, or I am disposed to think the revenue will suffer considerably.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 92 -

Any person employed in a telegraph office may refuse to receive or transmit a telegram containing blasphemous indecent obscene offensive or scandalous matter in its contents address or signature.

Telegrams which appear to contain seditious language shall be submitted to the Deputy

Postmaster-General in the State of origin before being transmitted.

Mr CLARKE

- As indicated by the Attorney-General last night, this clause presents a suitable opportunity for submitting an amendment which I then indicated. The committee have already laid down the principle very emphatically that the Post-office is not to be used for carrying letters relating to gambling; and I desire honorable members to show their consistency by adopting an amendment, which will have the effect of intercepting telegrams relating to gambling. I move -

That after the word "telegrams," the following words be inserted: - "Addressed to any bookmaker, turf commission agent, tote-shop keeper, or any other person, relating to a wager or bet on any horse race or other race, or any fight, game, sport, or exercise or telegrams."

Mr THOMSON

- I suppose the honorable member desires to accomplish in regard to telegrams what has been accomplished in clause 55 in regard to letters. If that be so, the amendment he has submitted will not obtain his object.

Mr Clarke

- I have not had time to frame a complete amendment, but surely the Government will put my proposal into shape.

Mr THOMSON

- If the honorable member wishes to test the sincerity of the committee he should adopt the provision in clause 55 and apply it to telegrams. If he does so, I for one will show my sincerity by supporting the amendment.

Mr. CLARKE

(Cowper). - Honorable members may think I am submitting this amendment in a spirit of pique or spite; but I am doing nothing of the kind. I have expressed my disapproval of giving power to the Postmaster-General to intercept and open letters; but if we stop one particular form of gambling we should be consistent, and put a check on all other forms: or, at any rate, not allow the Post-office to be made the medium of carrying them on. The intention of the amendment must be evident to the committee.

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Mr CRUICKSHANK

- The principle that has been adopted in clause 55 should be carried to a logical conclusion by passing the amendment now submitted. If such principles were carried to their logical conclusion, we should have a general rising throughout the States, and the clause which last night was carried by such a large majority would have to be expunged from the Postal Bill. I believe that in each of the States a very large proportion of the population are in favour of this lottery system. If that be so, why on earth are those taxpayers not to be allowed to use the postal service for sending correspondence where they wish, and to whom they wish ? Such legislation seems to me an unwarrantable interference with the rights and privileges of the subject. I object to this interference, and would like to see the legislation pushed to its logical conclusion, with the result of compelling Parliament to eat its own words, and remove from this Bill a great injustice.

Mr REID

- There is a great deal to be said for the position which the honorable member for Cowper has taken up, but I am afraid there is no chance of carrying the amendment, seeing that the committee cannot be convinced that the honorable member wishes it carried.

Mr Clarke

- I do wish the amendment carried.

Mr REID

- I do not think it is fair, however, that the Minister in charge of the Bill, who had made so many painful sacrifices in connexion with it, should be asked to make any more. I feel that he has gone to the very utmost, and I intend to stand by him.

Sir EDWARD BRADDON

- It appears as if the committee would consent to be virtuous only by very small instalments. Honorable members have expressed their hatred of gambling only in one particular, and that the very smallest particular. By assuming a virtue, if they have it not, the committee have very effectually tried to do away with the lotteries conducted by " Tattersall"; but to follow that up by doing away with the larger evil of gambling through the bookmaker, seems to be too much for them to digest. The amendment is a logical sequence of what was done last night, and I, at any rate, shall support the honorable member to the bitter end, in being virtuous to the fullest possible extent.

Mr MAUGER

- It is quite apparent that our honorable friends who support the amendment do not want to exterminate gambling, but to exterminate the decision which the committee arrived at last night.

Mr. Clarke. - Is the honorable member in order in imputing motives in this way?

The CHAIRMAN

- The honorable member is not in order in imputing motives.

Mr MAUGER

- I was not imputing any motive, Mr. Chairman. I was only accepting the assurance of the honorable member for Gwydir, who said that he wanted this amendment adopted in order to defeat the decision which the committee came to last night. The honorable member has really given the whole show away. I am one of those who believe that reforms of this kind, in order to be effectual, must be slow, and while I would be quite prepared to support the amendment if I thought it would bring about good, I am quite sure that it will defeat the very object which we have in view.

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

The committee divided -

Ayes 11

Noes 35

Majority 24

Question so resolved in the negative.

Amendment negatived.

Sir EDWARD BRADDON

- I move -

That the word "blasphemous," be omitted.

Mr Barton

- What ! Are not blasphemous telegrams to be refused?

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Sir EDWARD BRADDON

- It was bad enough to have the Postmaster-General or a Deputy Postmaster-General proposed as a judge in matters of this kind in an earlier clause, but here it is provided that even a telegraph operator may refuse to transmit a message in which in his opinion, blasphemy is found. Surely the terms " indecent, " " obscene, " " offensive," or " scandalous " are sufficient to protect the public.

Mr CROUCH

- I would ask the Government to accept this amendment.

Mr Barton

- No; honorable members must take the responsibility of voting upon it.

Mr CROUCH

- The Prime Minister himself, when he gave the House a definition of the term the other day, showed that it is only applied after Coleridge's decision to such blasphemy as is offensive. Therefore, blasphemous telegrams are covered by the term "offensive," which is used in the clause.

Mr Barton

- A majority of the committee would not have the words " grossly offensive" in an earlier clause, and they must now take the responsibility of voting on this question.

Mr CROUCH

- The committee has already struck out the word blasphemous as applied to newspapers going through the post, and we certainly ought to strike it out here. Press telegrams are often very lengthy and important, and it may be necessary sometimes to send a telegraphic report containing words that a telegraph operator might possibly regard as blasphemous. We have already refused to give such a power in respect to postal articles to the Postmaster-General or a Deputy Postmaster-General, but we now propose to give it to "any person employed in a telegraph office."

Mr. O'MALLEY (Tasmania).- I regret that we are again to have a battle on these words. To me, the words " seditious" and "blasphemous" are a firebrand. These very words have in all ages poisoned the very fountains of liberty, love, and law. These words have absolutely subverted justice, and they have polluted human conscience. Not only have they done that, but they have filled the gaols with the innocent, and in all ages they have acted as a bulwark behind which masked hypocrites have shot down the soldiers in the great army of democracy.

Mr SALMON

- I trust that the amendment will be rejected. I think we have a stronger reason for vesting this power in the department than we had in proposing to allow the Postmaster-General to refuse to pass through the post newspapers containing blasphemous matter. In transmitting a telegraphic message the operators of the Telegraph department become participants in the use of the language employed by the sender. We have to remember that not only may these servants consider that for conscience sake they cannot transmit a telegram which is of a blasphemous character, but that we have a number of female operators in the department whose feelings would be outraged if they were called upon to transmit such messages. I believe that there are stronger arguments in favour of the retention of this word than those which actuated us in arriving at a certain decision on a previous occasion.

Mr TUDOR

- I trust that the word will be struck out. When we debated this matter previously the Deputy Postmaster-General had the power to prohibit the transmission of any telegram containing blasphemous, indecent, or obscene matter, but this clause confers that power upon any person employed in a telegraph office.

Mr Barton

- If the honorable member will move to substitute the word "postmaster " in lieu of the words " person employed in a telegraph office " I shall be quite satisfied.

Mr TUDOR

- If the Government will adopt that course I think the difficulty will be overcome.

Mr Barton

- If the amendment of the right honorable member for Tasmania, Sir Edward Braddon, is withdrawn, I am ready to move in that direction.

Mr PAGE

- I hope that the Government will adhere to the clause. Those of us who have not wives at least have mothers and sisters. We all know the rubbish which passes through the Telegraph office. For that reason I shall vote for the retention of the word.

Mr KING O'MALLEY

- I find that I am unable to get a definition of this word "blasphemy." The position is this. You go up to a boy or young lady, with some word in your message which they have never seen before, and then you have to persuade them that it does not mean what they think it means. As a result, I plead that we shall have some authority to which we can appeal for an interpretation. I am a living martyr to this retrogression. I will accept the suggestion of the Prime Minister, but I am not going to let the words contained in the clause pass. The O'Malleys and the O'Briens have suffered too much.

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Sir MALCOLM McEACHARN

- I would point out to the committee that in country districts the postmaster is not always upon the premises. When he is absent he leaves somebody in charge, and, if the suggestion of the Prime Minister is accepted, it seems likely that messages will be unduly delayed. I think that the clause should remain in its present form, although I admit that my experience with some telegraph officials has almost provoked me to blaspheme in my telegrams.

Mr F E McLEAN

- I think that one important aspect of this matter has been overlooked by the Prime Minister. A great many of the telegrams transmitted are press messages. It is quite possible to imagine the report of an address being considered blasphemous. Of course we are all opposed to blasphemy in its most gross and offensive form, but it is possible for the mere report of a public lecture to be considered by some censors as blasphemy. Seeing that so much of our telegraphic business consists of press messages, I think we shall be taking the side of liberty by eliminating this word, and that all the grosser offences which can be imagined will be covered by the words that will still remain in the clause.

Minister for External Affairs

Mr BARTON

. - The committee yesterday afternoon decided to strike out the words "grossly offensive" because it was thought that they were too broad and general to be sufficiently specific. We have agreed in clauses 38 and 41 to retain this word because of the difference between those postal articles which are open and those which are secret. A newspaper, for example, may contain an article of a certain character which may reach nobody but the particular subscriber. But surely in the case of telegrams the position is different. A telegram may have to pass through two or three hands before it reaches the postmaster. It is that difference which really influenced the committee in refusing to insert the words "blasphemous and seditious" in a prior part of the Bill, and in retaining them in these other cases in which the possible openness of the communication renders it a far more gross thing to send matter of that kind. That applies to a telegram. The secrecy, as we know, is only in the Post-office itself. It is not the Post-office, but the public, whom we want to protect. The public will not be protected if we allow telegrams of this offensive character to be transmitted. If the committee desires to protect the public interest in this respect, it will follow the decision arrived at in respect of clauses 38 and 41, which passed unamended, and contain this word. If my right honorable friend will temporarily withdraw his amendment, I shall be enabled to move in the direction which I have already indicated by interjection.

Amendment, by leave, withdrawn.

Amendment (by Mr. Barton) agreed to -

That the words "person employed in a telegraph office" be omitted, with a view to insert in lieu thereof the word "postmaster."

Amendment (by Sir Edward Braddon) proposed -

That the word "blasphemous" be omitted.

Mr WILKS

- I wish to say a few words in reply to the remarks of the Prime Minister, who has stated that a telegram was open whilst a newspaper was secret.

Mr Barton

- We have already stopped the transmission of newspapers if upon their outside they contain offensive matter.

Mr WILKS

- A telegram may, as the Prime Minister said, offend three or four persons, but I would point out that a newspaper may offend 500. There is a great deal of doubt about what really constitutes blasphemy. What may be accepted as " blasphemy " by a large section of the population may not be regarded as such by another section. Not many years ago the Prime Minister and Mr. Deakin were very prominent in matters of theosophy.

Mr Barton

- I took the chair at a lecture once, if that is what the honorable member means.

Mr WILKS

- Theosophy might be considered by some people to be gross blasphemy.

Mr Barton

- It might offend a lunatic, but no one else.

Mr WILKS

- Owing to the difficulty of defining the term " blasphemy " I think it would be dangerous to apply it to the transmission of telegrams.

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Mr HIGGINS

- I see that this clause is taken from the Queensland Act. I do not know whether the conditions in that State are so exceptional as to require any such provision, but certainly, so far as the first sub-clause is concerned, I do not think there is any necessity for it. If honorable members will look at clause 152, they will see that a postmaster or postmistress may refuse to send any message. I do not like the word " blasphemous," and I think the best thing would be to strike out the whole of the first sub-clause.

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

The committee divided-

Ayes 28

Noes 13

Majority 15

Question so resolved in the affirmative.

Amendment negatived.

Mr A McLEAN

- There must be something wrong with the division bells. Three or four honorable members, including myself, were in one of the rooms and started to come into the chamber immediately we heard the bells ringing, and although we could not have been more than a minute, or a minute and a-half at the outside, on our way to the chamber, we found the doors already locked.

Mr Salmon

- I was in the garden and thought I heard the division bells ringing, but as I came through the building I could not hear them, and I was in doubt until I reached the chamber as to whether my first impression was right or wrong.

Mr. Wilkinson. - I can indorse what has been said in regard to the defective ringing. It will be rather a serious matter if the divisions are to be influenced by the vagaries of our electric bells.

The TEMPORARY CHAIRMAN (Mr Piesse

- I may mention that a little longer time than usual was allowed, as the sand in the glass had run down some little time before the doors were locked. I can only report the matter to Mr. Speaker.

Mr Barton

- I am officially informed that there is some correspondence now going on about the removal of the difficulty that has been referred to. A . good deal of the wiring in connexion with the electrical fittings of the House requires to be renewed, and this work will, very shortly, be taken in hand.

Mr THOMSON

- I think sub-clause (2) is quite unnecessary. Telegrams which might be considered as coming within the scope of the sub-clause would have to be referred perhaps from some place in the back-blocks to the central office, in order to ascertain whether the supposed seditious words were really seditious. Many

messages are sent in cypher which might appear on the face of them to be seditious but which at the same time would be perfectly innocent. Supposing, for instance, the words "murder" and " King " were used in conjunction. I move -

That sub-clause (2) be omitted.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 93 (Regulations) -

Mr BARTON

- I propose to insert as a paragraph, to follow paragraph (f), words which will enable us to frame regulations providing for the payment by the receiver, instead of by the sender, of the rate payable on any postal article.

Mr THOMSON

- Subclause (b) allows the Postmaster-General to fix the rates payable to masters of vessels for carrying mails in cases not provided for by contract, while other provisions compel masters of vessels to carry mails on the demand of the Postmaster-General. These two provisions taken together seem rather arbitrary ; and I should like to know whether the rates fixed by the Postal Convention bind the Postmaster-General ?

Sir PHILIP FYSH

- I never heard of any difficulty arising between the Postmaster-General of a State and the master of a ship in this matter.

Sir Malcolm McEacharn

- I have known of difficulty arising.

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Sir PHILIP FYSH

- A ship is bound to carry mails, and the matter is here left to mutual contract ;but I understand that convention rates are observed.

Progress reported.

STANDING ORDERS COMMITTEE

Motion (by Mr. Barton) agreed to -

That the honorable and learned member 'for Corinella be a member of the Standing Orders Committee in place of Mr. W. H. Groom, deceased.

PAPER

The Clerk laid on the table the following paper : -

Return of imports of maize, tobacco, sugar, and timber.

Ordered to be printed.

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16:25:00

House adjourned at 4.25p.m.