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1901-09-05

HOUSEOFREPRESENTATIVES.

Mr. Speaker took the chair at 3 p.m., and read prayers.

PETITIONS

Mr. HUMECOOK presented a petition from the Victorian Board of Directors of the Australian Natives' Association praying that the Immigration Restriction Bill might be passed into law as soon as possible.

Mr. CHANTER (for Mr. Glynn) presented a petition from residents of Wentworth praying that a scheme for locking, impounding, or otherwise conserving for the purposes of Inter-State commerce and irrigation the waters of the rivers Murray and Darling might be carried out without delay.

Petitions received and read.

QUESTIONS

COMMONWEALTH PAYMENTS TO STATE TREASURIES

Mr WILKS

- I desire to ask the Treasurer a question in reference to a statement made by the State Treasurer of New South Wales in the local Parliament last night. Mr. Waddell said that, pending the transfer to the State of the balance of the revenue collected on behalf of the Commonwealth, it was found necessary to arrange temporarily for a small overdraft for which the Government was paying 1 per cent, interest in excess of the rate allowed by the banks on fixed deposits. I desire to know if the delay mentioned by the State Treasurer of New South Wales has been occasioned by the action of the Commonwealth Treasurer, and, if so, what is the cause of such delay ; and whether the Treasurer will take immediate steps to obviate the necessity of the Treasurer of New South Wales being compelled to make financial arrangements at the expense of the people of that State.

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Treasurer

Sir GEORGE TURNER

- My honorable friend was good enough to intimate that he intended to ask this question. Section 89 of the Constitution Act provides for the 'collection of the money and for crediting and debiting it in a certain way, and then that the Commonwealth shall pay to each State, month by month, the balance, if any, in favour of the State. On the last day of each month each State has received the balance payable to it. Under the existing arrangement the staff of the Treasury, which is a very small one, remain till two or three in the morning of the 28th or the 29th of the month, as may be, in order that the whole of the calculations may be made. Telegrams are sent the next morning to our officers in each State that they are to remit to us a certain sum, being the share of the State in the new expenditure, and to pay over to the State the balance, whatever it may be. I can understand that, without there having been any delay or neglect whatever on the part of the Commonwealth, some little inconvenience may have arisen in the States through their not being able to collect their money day by day as in the past. No communication, however, has been made to me in any shape or form, but, although the Constitution provides that the money shall be paid month by month, if it would be of any convenience to the States . for us to pay it at more frequent periods, I do not see any objection to our doing so. If, for example, it would be of any assistance to the States for us to pay week by week, we could arrange . to pay over what has . been collected, less what has been expended week by week, and at the end of the month the necessary adjustment could be made. If the Treasurer of New South Wales is anxious to have such an arrangement earned out I will consult with the Attorney-General. Honorable members may rest assured that we shall strain every nerve to enable the States to get the money at the earliest possible moment.

As far as the Commonwealth Treasury is concerned there has been no delay in connexion with these payments.

THE ELECTORAL BILL

Mr WATSON

- I desire to ask the Minister representing the Premier whether he can name the date when the Electoral Bill will be introduced ?

Attorney-General

Mr DEAKIN

- I can tell the honorable member that the Electoral Bill is still in the office of the Attorney-General, in process of drafting. It will be impossible to fix the date when the revision by the Cabinet will permit of the Bill being laid before the House, but it will be introduced as early as possible.

Mr Watson

- It is very important.

Mr DEAKIN

-It is ; but if the honorable member understood how many other matters of importance in my department occupy the staff of two draftsmen - which is all we have - he would understand how impossible it is to make better progress.

Mr Glynn

- Might I ask the Attorney-General whether the Electoral Bill will contain any provision for securing proportional representation ?

Mr DEAKIN

- I can only tell the honorable member that it is one of the propositions awaiting the decision of the Cabinet.

POST AND TELEGRAPH BILL

In Committee(consideration resumed from 4th September, vide page 4512.)

Postponed clause 14 -

The Governor-General may make arrangements with the Postmaster-General in the United Kingdom or with the proper authorities of any British possession or of a foreign country with respect to- 9(a) the transmission by land or sea or by both of mails or postal articles between the Commonwealth and the United Kingdom or the British possession or foreign country ;

the appointment, determination and collection of postage and fees or other dues upon postal articles conveyed between the Commonwealth and the United Kingdom or any such possession or country ;
the division or mutual accounting for and payment of . the moneys collected under any such arrangement ;

the purposes above mentioned in the case of postal articles transmitted through the Commonwealth for the United Kingdom or any such possession or country to or from any part of the world ;

the prepayment (in full or otherwise) of the postage payable on postal articles; (/) the transmission to places out of the Commonwealth free of postage or upon such terms as to the amount of postage or time to be collected and paid on delivery, and as to the application and payment thereof as may be agreed upon, of postal articles posted in the Commonwealth, or as to the collection application and payment of postage or fines on postal articles received from places out of the Commonwealth on which no postage or insufficient postage has been paid ;

the payment of compensation for the loss or injury of any registered postal articles.

Upon which Mr. Hughes, had moved -

That the following words be added : - "Provided that no contract or arrangement shall be entered into with any person or corporation that directly or indirectly employs other than white British subjects in the carrying out of such contract or arrangement. Such provision shall not apply to coaling or taking in stores at foreign ports."

Upon which amendment Mr. Crouch had moved -

That the amendment be amended by the insertion of the words "persons the majority of whom shall be " after the word "white."

Amendments, by leave, withdrawn.

Mr DEAKIN

- It might be convenient, as we have to put the finishing touch to the discussion that took place on this clause last night, if the honorable member for West Sydney were allowed to move his amendment as redrafted now, although it takes the form of a new clause instead of an amendment to this clause.

Amendment (by Mr. Hughes) proposed -

That the following new clause stand clause . 15 of the Bill : - " (1) No contract or arrangement for the carriage of mails shall be entered into on behalf of the Commonwealth unless it contains a condition that only white labour shall be employed in such carriage. "(2) This condition shall not apply to the coaling and loading of ships at places beyond the limits of the Commonwealth."

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Mr KNOX

- The principle involved in the new clause which has been submitted for the consideration of the committee is one involving very important considerations indeed. I yield to no honorable member of this House in my desire to see that no alien race is absorbed in our community, and that work which can be efficiently performed by our own kith and kin is done by them, if it can be undertaken without detriment to their health or condition in life. This is the first of the various fences in connexion with this class of legislation which the House has had to take. I do not think that the manner in which the fence has been approached is as satisfactory as it might have been.

Mr Page

- The honorable member is baulking.

Mr KNOX

- I do not baulk as a rule ; I generally take my fences on the stride. Probably it is the intention of the committee to pass this clause upon the voices, but I do not propose that it shall so pass without having given some indication of my own view in regard to the principle involved. I believe that the attempt by the Attorney-General to overcome this difficulty by the insertion of a sub-clause in the clause relating to regulations was an attempt to get rid of considerable trouble. But personally, I prefer always that matters shall be dealt with in a straightforward way, and that there shall be no subterfuge adopted in the consideration of legislation of this character. I decline to believe that this is a question involving the greater question of a white Australia. I regard this Bill as a commercial measure entirely, and to hamper it with the restriction which is now submitted for our consideration is imposing upon those engaged in commercial transactions in an unnecessary obligation. I decline to think that we are studying the best interests of the Commonwealth by this hysterical effort to ' carry out the idea of a white Australia, and to bring about restrictive legislation within the period covered by the first session which is necessarily fraught with much anxiety to the Ministry who have charge of the Bills which are essential to the harmonious working of the Commonwealth departments. My' object in rising is emphatically to enter my dissent from this" prostration before an ideal, however lofty it may be, and against the consideration of this clause on other than broad commercial lines. When the proper time arrives for the consideration t of the question of a white Australia, I shall not be behind any honorable ' member of this House in my desire to see ! that the people of Australia are not contaminated by fellowship with alien races. But I feel that the attempt which is now being made in this direction is .a mistake and a disadvantage to those who introduced it. I regret it very much.

Mr V L SOLOMON

- I am a little bit puzzled to know exactly what is before the committee. So many clauses and amendments have been submitted that it is somewhat puzzling for any one to speak upon this question without entertaining a fear that before he has finished there might be some other alteration of the Government attitude in regard to this matter, and that possibly the proposal which is now before the committee might be withdrawn, as were the three previous amendments, in which case we should have to commence the debate de novo. I was both surprised and grieved at the attitude taken up by the members of the Government upon this question. First of all the Attorney-General' endeavoured to smooth the matter over by suggesting that instead of dealing with it in a direct and straightforward manner, we should attempt to hoodwink those who have the right to veto 'this Bill, namely, the Imperial Government by inserting a harmless little clause in it, giving the Governor-General in Council power to deal with a matter of such vital importance by regulation. He suggested that we should trust to the mere casual way in which some portions of the measure would be skimmed over, for this provision to be passed, instead of declaring in a manly and proper way what really was the policy of the Government. This is a question which has had the attention of the Ministry for some considerable time. Up till a few weeks ago - and I do not see how I can avoid alluding to the treatment accorded- to this Bill by another representative of the Government who is not under the control of this House - we found the Government distinctly and clearly opposing a clause of precisely a similar nature in reference to the employment of coloured crews.

The CHAIRMAN

- Order. The honorable member cannot allude to what took place in another Chamber.

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Mr V L SOLOMON

- Without referring to the other Chamber, sir, I ask your ruling as to whether, in criticising the attitude of the Government in this Chamber upon a Bill which is now absolutely under debate, an honorable member is to be debarred from referring to the attitude of the colleagues of the Government upon the same Bill, and upon the same clause, the discussion upon which has not yet closed, even though it has been dealt with in another place. The Bill is not now in course of consideration in the other place. However, it is not my desire to press this point.

Mr Watkins

- It is a very important point, and ought to be pressed.

Mr V L SOLOMON

- I ask you, sir, to look into the matter, and to give us your decision at a later stage. We have too much serious business to attend to in connexion with this Bill to delay its progress by challenging your ruling, or by placing you in a position which none of us desire to see you occupy. I shall content myself with saying that we do not know from one day to another what position the Government are taking up in regard to this matter. When they are backed by a large majority in sticking to their Bill, they refuse to insert a clause of this sort one day, and a little while after a member of the Government comes down and suggests getting over the difficulty presented by a side wind, and by adopting a course of procedure which I venture to think the majority of this committee would deprecate. The Attorney-General proposed to overcome the difficulty by a system of legislation -which I do not think it is a good thing in this higher Parliament of Australia to commence, namely by dealing with a matter in an underhanded, dodging, sinuous sort of manner. Those words perhaps are too mild to describe the ' position taken up by the Government upon this question. When it was found that there was a determination on the part of a certain section of this House and of a few other supporters of the Government to have this question decided promptly, and to have some such provision as is now before the committee inserted in the Bill, the attitude of the Ministry underwent a change, even though we were told by the Attorney-General only a few minutes before that it was inadvisable that such a provision should be inserted in the way proposed. The inference to be drawn from the remarks of the Attorney-General, carefully as they were couched, was that if such a provision were inserted the Bill would probably be refused the Royal assent. Within an hour after this endeavour on the part of the Attorney-General to "draw a herring across the trail," we had the Prime Minister telling us he had come to the conclusion that there was not the slightest fear of any veto - that this Bill was on an entirely different basis from the Immigration Bill, or from any experiences of Queensland, and that there was nothing to prevent the Bill being passed with this clause.

Mr Watson

- I suppose we are all open to reason.

Mr V L SOLOMON

- Some of us are, and, like the Government, do just what the honorable member suggests. It seems strange to me that we should waste, in two branches of the Legislature, a considerable number of hours debating this question. The Government have had this matter under consideration, and have fought tooth and nail to win ; and yet, in a few minutes, we had the Prime Minister taking an attitude entirely different from that assumed by the Attorney-General on the same clause. . If that is a specimen of the way in which we are going to legislate on these questions, I am somewhat sorry for some of the supporters of the Government. Some of those who thought that the position taken up by the Government on this matter for over two months, and up to as late as four o'clock yesterday, was one that had received the consideration we naturally imagined such a question would receive at the hands of the Cabinet, suddenly discovered that when threatened by a certain section of the committee, the Government climbed down very ungracefully.

Mr Batchelor

- What was the threat?

Mr V L SOLOMON

- I dare say the word " threat " should not have been used, but the Government, on ascertaining what the strong feeling of a certain section of the committee was-

Mr Page

- Name them.

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Mr V L SOLOMON

- I am sure the speech of the honorable member for Maranoa, eloquent with the torrid heat of the district he represents, had great influence with the Prime Minister. My idea is that when the Government advocate a policy, they should advocate it fairly and squarely and take a test vote as quickly as possible. They ought not to dodge until they have carefully counted noses, and then frame the policy of this great Commonwealth accord- I king to the peculiar altered circumstances in this House. I am inclined to compare the attitude taken by some members of the Government on this occasion to those assumed by the spineless lady who sometimes appears at the variety shows ; and I never expected to see the Prime Minister of this Commonwealth emulating such an example. The real point of the question was put very clearly by the honorable member for Wentworth. This is not a question of a "white Australia," and though it may suit some honorable members of the committee to raise that cry, it has very little indeed to do with the case. The question of a "white Australia" will have to be dealt with in a Bill which we hope will shortly be before us. As the honorable member for Wentworth pointed out a large majority of members have been returned pledged to support a "-white Australia." and I say with all due humility that there is no member of this House who has done more for that object during the past sixteen years than myself. I was the first who raised the cry against Chinese immigration, and endeavoured to conduct a crusade against the influx of these aliens at Port Darwin, and to induce the Government of South Australia . to put a stop to it some sixteen years ago ; so that I do not think that my advocacy of a " white Australia " which has been reiterated time after time in the State Parliament, for over ten years, can be questioned. As to the probability of the Imperial Government vetoing the Bill with the proposed clause in it, I do not think there is much danger, considering the form in which the proposal is now framed. When the clause came down to us at first it was proposed that none but British seamen should man any vessel which was under contract to carry Australian mails, and there was a very grave possibility of the Bill being vetoed by the Imperial Government. But the only danger we are running in stipulating that Indian subjects of His Majesty shall be debarred from employment in the stoke-holes of mail steamers, is that of jeopardizing the very handsome contribution which Great Britain at present contributes to our mail subsidy. In round figures I understand that the cost of the subsidized mail services at the present time is £177,000 per annum, of which Australia contributes about £70,000, and Great Britain the balance. Is it likely that Great Britain is going to negotiate these contracts, and submit to Australia placing a bar against her subjects in India working in the stoke-holes of the steamers?

Mr Wilks

- Let us try it, and see.

Mr V L SOLOMON

- That is all very well ; but we know that many of the departments under the Commonwealth are costing a great deal more than was anticipated when some of us stumped Australia from one end to the other, recommending the people to accept the Commonwealth Constitution.

Mr Page

- Who says that ?

Mr V L SOLOMON

- We have had the . figures.

Mr Page

- Where are the figures?

Mr V L SOLOMON

- We have had them on. the table of the House.

Mr Page

- I have not seen them, nor has any other honorable member. The honorable member must have dreamt of them.

Mr V L SOLOMON

- The honorable member must have been asleep not to know that the expenditure in regard to defence has gone up by leaps and bounds, while the expenditure of other departments has very much grown. I am not blaming the Government for this for one instant, but I say the expenditure we estimated a few years ago has been greatly exceeded, and exceeded in many instances by the actions of the States.

Instead of £300,000 constituting the total expenditure, in some of the transferred departments, the cost will be very much greater than at the time of the estimate.

An Honorable Member. - That is natural development.

Mr V L SOLOMON

- Natural development has nothing to do with the defences, the cost of which has gone up some £200,000 in the last two years. The " jingo " spirit is the only development I can see.

Mr Mauger

- Will the honorable member help to cut the expenditure down ?

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Mr V L SOLOMON

- Undoubtedly I will; I am pledged to do so. I mention the fact of the increased expenditure in order to show how careful we should be that the whole cost of our mail services in two or three years time, when the contracts expire, is not thrown on the Commonwealth in consequence of Great Britain declining to continue her handsome contributions am not going to argue the question whether the steam-ship companies will take the contracts at the same rates as in the past. Possibly even with the stipulation as to the employment of white labour, the companies may be found willing to take the contracts at not much more than at present ; but on the other hand there is the point which I wish to emphasize, that I am very doubtful whether the British Government will be satisfied to negotiate these contracts and contribute at least one-third more than Australia towards the subsidy, while coloured British subjects in India are barred from employment on the steamers. We had a warning in connexion with the Natal Immigration Bill. It was pointed out that Great Britain would be placed in a very difficult position if colour were made a bar to the people of India coming to Australia. In Natal the educational test was adopted, and the Government of South Australia tried to follow the example. Of course, I do not know whether the education test now proposed by the Government may not be put aside and that of colour substituted ; judging from recent events, I should think such a contingency extremely probable. I want the committee to consider whether under the circumstances, with only two or three years to run before the contracts expire it is wise to hamper this purely machinery Bill with a clause of this kind. I do not think the fact that black stokers are not employed on the mail steamers will give one additional man a day's employment in Australia. In addition to the disabilities we have already placed on steam-ship companies in regard to ships' stores in the Customs Bill, the disabilities in another Bill to which I am not going to allude in detail, and also in the Inter-State Bill, are we going to impose another by saying they shall not enter into a contract for the carriage of Australian mails so long as they employ a black man in the stoke-hole? I am not going to argue the question whether white men can work in the stoke-holes in the Red Sea, but I know that in some six or eight trips round the coast of Australia, through the Torres Straits and on to Port Darwin, I have seen the stokehole work on the boats of the China Navigation Company, the Eastern Australian Company, the Netherlands-India Company, and other vessels, as much as the black stokers could stand, and it was sometimes pitiable to see the condition in which they were brought up on deck. In hot climates I have no hesitation in saying the work is absolutely unfitted for white men, and that it is more trying than is the work in the sugar-fields. It is for the committee to consider whether we are not opening the door to too much additional expense in taking up the attitude now suggested. I desire as much as any one to establish a white Australia, but I wish to see it done in such a way as not to unnecessarily hamper our trade relations. I think that a white Australia should be brought about, and I am pledged to assist in bringing it about, but I think that it would have been better to leave the question out of this Bill altogether, and to deal with it by legislation relating purely to the question of the introduction of black people into Australia. We have no right to smuggle the question into this Bill, and I can see no excuse at all for adopting the course which is now advocated by the honorable member for West Sydney. The desire of the labour party is apparently to bind the Government - whom they are at present supporting - to a definite line of policy on this question.

An Honorable Member. - Is not that a good thing to do ?

Mr V L SOLOMON

- Judging from what we have seen I am very much in sympathy with the idea that such a course is necessary. I hope that the proposed new clause will not be passed, but that the committee will see that as a matter of purely financial consideration it would be very much wiser to deal with all questions relating to

the employment of coloured labour on mail steamers, and the introduction of coloured immigrants into Australia, in a separate Bill covering the whole ground fully and fairly.

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Mr CRUICKSHANK

- I have been rather surprised to hear the utterances of the honorable member who has just sat down, and, as one of the supporters of the Government, I must thank him for the very favorable opinion he entertains of us, as if we were some stream that would follow in whatever channel the Government might choose to cut. As far as I can gather, the Government lay down a very clear course. The Attorney-General clearly put it before the House that he could see that a difficulty would probably arise with the British Government if we included in the Bill the principle contained in the proposal of the honorable member for West Sydney, and he proposed that the matter should be dealt with by a provision merely stating that any proposed mail contracts should be brought before the House, and submitted for discussion, before they were accepted by the Government. This would enable honorable members to express their approval or 'otherwise of any proposed agreement 'before any subsidies were paid. A number of questions occur in connexion with this matter which require the serious consideration of the House. We have to consider what we shall have to pay for a white Australia, and we can only arrive at a just conclusion upon this point, when we know what steamers it is proposed to employ, what kind of labour is to be employed, and what subsidy will be required under different conditions. We shall have to go further than this even. We shall have to take into account considerations of trade and commerce not only on our own shores, but with foreign countries; and the time is- not very far distant when we shall have to consider what sort of labour shall be encouraged and paid for on those steamers which carry on our trade beyond the Commonwealth. So far as my own personal feeling goes I would employ not only white people but British subjects as far as it is possible. I believe that white men are quite capable of doing the work in the stoke-holes of these steamers, and I would have gone further than the honorable member for West Sydney has gone, by providing that all men employed in connexion with these steamers, whether for coaling or other purposes, should be white men and British subjects.

Sir William McMillan

- Would the honorable member compel the steamers to use Australian coal, too 1

Mr CRUICKSHANK

- No, I do not go so far as that. I think the Government have been treated rather harshly by members on the opposition side. The Government and those supporting them are doing something which the members of the Opposition do not want them to do, but which honorable members on the other side would, at the same time, like the country to believe that they are in favour of. The Government are taking the proper course in this matter, and the discussion which has taken place will be of the utmost value, because it will show that the feeling of the House is strongly in favour of having this question of the employment of coloured labour on mail steamers fought out at once on high principles.

Sir WILLIAM McMILLAN

- I do not intend to take up the time of the committee more than a 'moment, because I recognise -that we are all-sick' of this Post and Telegraph Bill, and ' I will be glad to see it through the House. I am glad that the result of the debate has been ;to modify somewhat- and in a way that will render it less objectionable - the amendment introduced by the 'honorable member for West Sydney. At the same time! I must again enter my protest against the introduction of this clause into the Bill, because I think it is absolutely unnecessary, and that it will give rise to unnecessary irritation. We have four years ahead of us before the present contracts will expire, and at least two years before they will have to be considered, and there is no necessity to raise a question of this kind and cause a ferment before the occasion arises. After the severe castigation that the Government have received at the hands of the honorable member for South Australia, Mr. V. L. Solomon, I do not think I will - say anything further, except that the Government is the most open minded Ministry that I have ever met ; it has the most elastic conscience, and will be an interesting, psychological study for the future historian. I think that I covered the ground last night as completely as it could be covered, and I do not want to obstruct the proceedings of the committee or take up time now. While the further alteration of the amendment does away with a great deal of the possible obstruction to the practical carrying out of the mail contracts, I think the - whole thing is unnecessary at -this stage.

Mr ISAACS

- I do not intend to enter into a discussion of the merits of this question, because I understand that the majority of honorable members are at one upon it, but I think it would be wrong not to say a word Or two in reply to the observations of the honorable member for Wentworth, for the reason that hereafter- it might be questioned whether this House was really resolved upon having this principle carried out or not. I should be very sorry indeed if any doubt existed on' that question, and I should be also sorry if it were ever understood from observations that might be pointed out in Hansard- 'such as those which have just fallen from the honorable member- that the Government ever- wavered in their ideas on this subject. I listened very carefully to the speech of the Attorney-General, and I did not detect any doubt or 'hesitation in the views he held. I understood him to say that whilst he thoroughly agreed with the views expressed in the amendment proposed by the honorable member for West Sydney, he raised the question as to which was the roost politic and the most certain way of attaining the desired end. Very forcible reasons were brought forward by the Attorney-General, but, on the whole balance of the argument, I agree that the course of inserting this provision in the body of the Bill is the preferable one. After discussion, the Government are prepared to agree to that course, but it is an unfair aspersion on them to say that they have changed their minds on the subject. I think that we all thoroughly understand . that the Government, a majority of the House, and a vast and overwhelming majority of the country are in one accord with the principle embodied in the clause.

New clause agreed to.

Clause 26 (Definition of newspaper and supplement).

Mr DEAKIN

- May I call attention to the clause which it is proposed to substitute for clause 26 ? It reads as follows : -

A publication known and recognised as a newspaper in the generally accepted sense of the word, and printed and published within the Commonwealth for sale, shall be deemed to be a newspaper if - it consists in substantial part of news and articles relating to current topics, or of technical or practical information ; and

it is published in numbers at intervals of not more than one month ; and

the full title and date of publication are printed at the top of the first page, and the whole or part of the title and the date of publication are printed at the top of every subsequent page.

A publication printed on paper and issued as a supplement to a newspaper shall be deemed to be a supplement and to be part of the news- paper if -

it consists in substantial part of reading matter other than advertisements, or of engravings, prints, or lithographs ; and

its letterpress is-printed within the Commonwealth from type set up within the Commonwealth, or from stereotypes or electrotypes mode therefrom ; and

it is enclosed in each posted copy of the newspaper with which it is issued ; and

it. has the title of the newspaper with which it is issued printed on the top of each page ; and

it is not of a size or form which makes it inconvenient for carriage or delivery by post.

The main differences between this provision and the clause as it passed the committee are to be found in an endeavour to render what was somewhat obscure more easy of comprehension. I trust that the subdivision which has been made - particularly in regard to the matter of newspaper supplements will make it much more acceptable to those who have to study it without obtaining legal advice. As far as I have checked the clause - and I have checked it very carefully - I believe it includes everything that was agreed to by the committee in clause 26. The changes are comparatively trifling, but are ' such as were promised. The first change meets the point taken by the honorable member for Barrier, who feared that technical publications published for the purpose of general education might not be included under the definition of a newspaper. Consequently the last part of sub-clause (a) deals with that difficulty. A newspaper is to consist in substantial part of news and articles relating to current topics or of technical or practical information. The " technical information " is intended to cover the magazines to which the honorable member so frequently referred. The " practical information" is intended to cover the cases, of those journals to winch attention was: directed by the honorable member for Gippsland. It has reference to the farming journals which contain the latest price for produce, stock,&c, and which are circulated

in the country. The next alteration made is in the omission of the limitation as to the size of a supplement, and the substitution of a provision to the effect that the size shall not be inconvenient. The further alteration is made that whereas formerly a supplement was a sheet that required to be issued . with every copy of. the paper - a matter of which the Postmaster-General could have no means of proof - an easier proposal has been substituted that it shall be enclosed in every posted copy of the newspaper. We have thus liberalized the clause in that regard.

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Mr Watson

- Will that be taken to imply that there must be in every paper posted week by week a copy of a supplement ?

Mr DEAKIN

- No; but the supplement must be included in each posted copy of the newspaper. I must admit, however, that there was one minor amendment which we undertook to consider, and which does not appear in the printed copy of amendments ; and consequently I shall have no objection to alter paragraphs (a) and (b) of sub-clause (2). In order to put it beyond all doubt, I propose to include " coloured supplements " in paragraph (a). In my innocence I thought that all coloured supplements were lithographs, but I am informed that such is not the case. In order to remove all possible doubt, I propose in paragraph (a) of sub-clause (2), after the word " of," to insert the words " or coloured supplements."

Mr Watson

- Will the word" type " include the matrices of the linotypes 1

Mr DEAKIN

- I will consider that point. As far as my notes serve me, I have fulfilled every obligation to the committee in this regard. The clause as now proposed is not only more intelligible than the original clause, but it embraces all that the committee intended that it should embrace.

Mr Thomas

-Can the Attorney-General explain why paragraph (c) of sub-clause (1) is necessary?

Mr DEAKIN

- It is the old provision. It must be some well-known and recognised newspaper that is in ordinary circulation.

Mr Mahon

- Why does the Attorney-General propose to omit the requirement that the date should be on the supplement ?

Mr DEAKIN

- I cannot tell the honorable member why that was done. I had some discussion with the draftsman of the Bill, but I should not like to rely on my memory for the reason of the omission. I know that supplements are sometimes issued upon the same date by different newspapers.

Mr MAHON

- I think that the clause has been improved by the Attorney-General, but I would point out that he has omitted to take notice of a necessary amendment which was first suggested by the honorable member for Moreton. If a person wishes to register a new newspaper he is confronted with the difficulty presented by the words of the clause - " a publication known and recognised as a newspaper." Seeing that his newspaper does not exist, it cannot be " known and recognised," nor can it placed upon the registered list until it has actually been issued. I think the Attorney-General might make the first line of the clause read - Any publication of a kind known and recognised as a newspaper, &c.

Mr Deakin

- While we are discussing the clause I will try and remove the doubt.

Mr MAHON

- The adoption of such an amendment would enable a person to register a newspaper before it was actually issued. I should like to direct attention to paragraph (a) of sub-clause (1). It seems to me that under that provision no publication will be regarded as a newspaper entitled to registration, unless it contains news as well as articles relating to current topics. Unless I am mistaken, a publication like the English Spectator would, under the operation of this provision, be prevented from passing through the post, because it does not contain news as well as articles.

Mr Watson

- Articles need not be leading articles.

Mr MAHON

- " Articles " are commonly understood to mean leading articles.

Sir Langdon Bonython

- Is not the word "article " intended to cover comment?

Mr MAHON

- That is precisely the point. If the Attorney-General will say that his reading is the correct one, and that a publication which simply published leading articles, or reprinted articles from other newspapers, such, for example, as Public Opinion, will not be excluded from passing through the post, I shall be satisfied.

Mr Deakin

- I do not think that they will be excluded.

Mr MAHON

- The clause provides that the publication must consist in substantial part of news and articles relating to current topics. Would a religious publication, which does not publish news, but discusses, say, purely theological questions, be prevented from passing as a newspaper through the post under this clause?

Mr Deakin

- In my opinion, it would not be prevented.

Mr MAHON

- In any case I would suggest that after the word " practical " the word " religious " should be inserted.

May I ask the Minister where is the necessity for the words "printed on paper," in sub-clause (2)? Is it supposed that a supplement will be printed on calico or silk ?

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Mr Deakin

- This provision was in the old clause, and I am told it is intended to prevent supplements being printed on other material than paper.

Mr MAHON

- These words ought to be omitted as unnecessary, for the restriction is ridiculous. According to the new subclause (b), which was introduced at the instance of the honorable member for Bourke, the letterpress of the supplement must be printed within the Commonwealth "from type set up within the Commonwealth, or from stereotypes or electrotypes made therefrom;" but this provision could be evaded by anybody who liked to take the trouble. There is nothing to prevent the proprietor of a publication from printing his newspaper from stereotype cast from type set up in Europe, while setting up in his own office the local news and embodying it in the supplement. In this way he could evade the object of this paragraph. If the object is simply to protect local labour this clause does not attain that purpose, and some additional words are required in subclause (b). Then in sub-clause (d), after the word "newspaper," the words "and date thereof" might be inserted, because I do not see why the supplement companies should have the advantage in this regard.

Mr Deakin

- I have no objection.

Mr. KNOX(Kooyong).- I understand the Attorney-General desires that both the title of the newspaper and the date should appear on the supplement, but if that amendment be made, all the concession which the Attorney-General has agreed to might become useless, for the reason that when the supplement arrives here from abroad the date of its issue may not have been decided on.

Mr Deakin

- There will be no difficulty, because the title must appear, and the date can be added.

Mr KNOX

- I am talking of coloured supplements, distributed by weekly journals. These would have to be passed through the press again in order to put on the date.

Mr Deakin

- This sub-clause refers to pages, and a picture would not be a page.

Mr KNOX

- Then I understand that coloured supplements will not require any additional printing put on them.

Mr Deakin

- That is my reading of the clause.

Sir LANGDON BONYTHON

-Is that actually so? At the present time in South Australia, coloured supplements have to be imported with only the title of the picture on them, and whatever is added must be added in that State.

Mr Deakin

- What would it be necessary to add ?

Sir LANGDON BONYTHON

- The fact that it is the supplement to a paper, and the date of issue. It is not at all desirable from my stand-point that the South, Australian system should be maintained, but such is the fact.

Mr GLYNN

- This clause is really a definition for the purposes of the next clause.

Mr Deakin

- Yes ; and certain other clauses.

Mr GLYNN

- Then why is it not so expressed 1 The clause leaves it open for the Athenceum and the Spectator to come into the Commonwealth, and be carried at cheap rates under clause 27. I do not say this because I believe in the policy proposed, but merely to help the Attorney-General. I understand that cheap rates are to encourage literature, but the principle of the Government is to encourage local literature, and exclude some of the standard papers like the Spectator, which has existed for generations, and is looked on as perhaps the most polished expositor of liberal opinion in, England. And there are other papers with whose opinions it would do us a great deal of good to be inoculated occasionally. The only wonder is that the Government have not inserted some provision that only pictures locally produced shall be hung on our walls. Legislation with that object was once before a State Parliament some years ago, when it was proposed that only the works of local artists should be placed in the local art gallery, and that a Tariff should be imposed against the introduction of competing works.

Mr Deakin

- I agree with the honorable and learned member, but the clause was taken as it was found in the State Act.

Sir LANGDON BONYTHON (South Australia). - The point raised by the honorable member for Kooyong should be cleared up. We are providing that supplements shall bear the date of the issue of the paper, and that this date shall be printed in the Commonwealth. The honorable member for Kooyong now raises the point as to whether that provision is also desirable in the case of coloured supplements.

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Mr Deakin

- The honorable member for Kooyong is quite clear that it is not desirable.

Sir, LANGDON BONYTHON. - I want to know exactly what the provision is in regard to the honorable member's point. It seems to me that the clause,, as the Attorney-General proposes to amend it, will have the effect of making it necessary to add the date within the Commonwealth; and not allow that to be done with the printing of the picture in England or elsewhere.

Mr Deakin

- I do not think so, because the words I indicated to meet the desire of the honorable member for Kooyong himself, will distinctly relieve the supplement from this obligation.

Clause negatived.

New clause (26) proposed -

General has certainly drafted this clause fairly well in accordance with the ideas of the committee. I was not with the majority of the committee, there being two or three proposals in the old clause, and in the clause now, to which I objected. I would like to see the words " printed and published within the Commonwealth " omitted. A vote was taken on this point, but I know there were some honorable members who voted in the division under a misapprehension. We might very well allow a newspaper to come into the Commonwealth, and be treated so far as the Post-office is concerned, in exactly the same way as a local newspaper. We need not be afraid that such imported newspapers will compete with local newspapers, seeing that under all the circumstances, even the London Times could not be a dangerous

rival to the smallest "rag," in Australia. There are publications which we desire to have in this country as much as possible, such as those, for instance, devoted to technical and scientific subjects. If these publications were imported in bulk, and the postal rates here made a little more than if they were sent direct from England, France, or Germany, the result would be that they would be sent direct to the readers, instead of being ordered through a local bookseller. The consequence of this would be that the postal revenue would be reaped by Australia, and not by those other countries, while a certain amount of work connected with packing and despatch would be lost to persons in Australia. To place a bar against the importation of these publications would not give a compositor in Australia a day's work, and seeing that the papers will come in any case, a little work might be afforded in another direction, and some postal revenue derived. At present, under the States postal laws, these publications come direct from London to the readers, with the result, as I said before, that the English Government get the revenue, and the Post-office in Australia carries them for; nothing.

Sir PHILIP FYSH

- There is reciprocity between Australia and England.

Mr THOMAS

- I admit that England carries our publications for nothing, and under my suggestion England would continue to do so, while English publications would be brought herein bulk, and the postage paid on them in Australia would be to our advantage. The American protectionist Government carry foreign printed and published matter through America on exactly the same terms as they do American papers.

Sir PHILIP FYSH

- Show us the special advantage to any individual of the course suggested ?

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Mr THOMAS

- I think it would come a little cheaper to the reader, and we are here to do what we can for the Post-office. Free-trader as I am, I would give employment to the people of Australia in any way that I possibly could rather than provide work for those outside, but I do not want to go out of my way to drive away trade. When we come to consider the number of these papers that are wrapped up and, addressed and posted in England, and the amount of labour that is involved, we can see that the question is one of greater importance than at first appears, and that we should have that work done here if possible. I desire to be fair in this matter, and I acknowledge that the Government have treated us very fairly, but I am very anxious to have these magazines, and newspapers carried through our own Post-offices instead of through other Post-offices. If a newspaper is posted in London for Tibooburra we have to carry the paper from the seaboard inland for nothing, whereas if the paper were posted within the Commonwealth we should get the benefit of the postage rate for newspapers.

Mr. MAHON (Coolgardie). - I hope the committee will not reverse the decision which has already been arrived at on this point. I can give very good reasons, without touching on fiscal matters at all, why we should retain this definition. In the first place our Post-office might be abused, and the people of the country absolutely taxed for the benefit of people outside, if we do not retain the definition which it is now proposed to strike out. There will be nothing to prevent a large advertiser from going to New Zealand, registering an alleged newspaper there, and publishing advertisements for himself or others, and afterwards sending thousands of papers to Sydney and Melbourne, and having them distributed throughout the Commonwealth by means of the Post-office. There would be nothing whatever to prevent him from fulfilling all the other conditions relating to the definition of a newspaper in this clause. I voted for the retention of these words without having any fiscal motive in my mind, but simply because I did not want to see our Post-office abused by people who contribute nothing to our revenue. But I voted against sub-clause (b), defining a supplement, because I believe it is simply a protectionist dodge.

Mr Watson

- Why should anything that is protectionist be called a dodge ?

Mr MAHON

- Anything that attempts to take away the full value of what I have to spend is a dodge ; any attempt to take away part of my earnings is what I call a dirty dodge.

Mr Watson

- What is an income tax ?

Mr MAHON

- The income-tax is all right, because that is a direct contribution towards the expenses of the government, and does not go to the enrichment of private monopolists. I hope the honorable member for the Barrier will recognise that the omission of the words he has proposed to strike out would lay the Post-office open to great abuse. The benefits that would be derived in such cases as those mentioned by the honorable member would be infinitesimal, and not worth considering as against the disadvantages which would attach to the omission of the words.

Mr DEAKIN

- I would ask the honorable member for the Barrier to kindly withdraw his amendment for a moment, because I have an amendment to move at the beginning of the clause which will remove the doubt raised by the honorable member for South Australia and which will give the clause a little more formal and proper introduction.

Amendment, by leave, withdrawn.

Mr DEAKIN

- I move-

That the words " For the purposes of this Act a newspaper shall mean" be inserted at the beginning of the clause, and that the word "any" be substituted for the word " a. "

Consequent alterations will have to be made further on in the clause. I have considered the point which the honorable member for Coolgardie raised, and am satisfied that any new publication would come within the meaning of this clause, and that there is no necessity to add any further words:

Amendment agreed to.

Mr. THOMAS(Barrier). - I move-

That the words "and printed and published within the Commonwealth for sale," lines 3 and 4, be omitted. I am rather surprised at the remarks of the honorable member for Coolgardie. We have defined what a newspaper shall consist of, and it will be necessary for any newspaper, such as, he has described, as being published in New Zealand and then being brought on and posted in the Commonwealth, to answer the definition which we have inserted in the Bill.

Mr. G.B. EDWARDS (South Sydney). I voted for this amendment as a free-trader, and I will take that course again, but I hope we shall not be dragged into another long fiscal discussion. If we were running the Postal department as a business firm would run it, we should have none of this trouble about definitions at all. We should carry all printed matter in the same way as would a private carrier at so much per pound, and we should make more money and give more satisfaction to the public, and not be the victims of all the devious dodges spoken of by the honorable member for Coolgardie. All these definitions with regard to what shall constitute a newspaper create difficulties which encourage the public to indulge in all sorts of forms of swindling, and it is a pity that we cannot run our Post-office on sound commercial lines.

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Mr WATSON

-I desire to enter a protest against the suggestion of the honorable member for South Sydney that we should look upon the Post-office as a commercial concern. The Post-office affords one of the most valuable means of opening up vast areas of this continent, and if we were to consider it from a purely commercial stand-point we should prevent the development of vast tracts of territory, which it would be impossible to settle at all without offering facilities such as those now enjoyed through the Post-office. It is because of the facilities which the Post-office offers for disseminating useful and interesting publications for the benefit of the people in the outlying districts that we have to define the publications which shall be carried at a low rate of payment. I protest, therefore, against the commercial aspect being imported into the consideration of matters connected with the Post-office.

Mr CONROY

- I certainly agree with the honorable member for Coolgardie that this is not a fiscal matter at all, but I think the committee might very well strike out the words as proposed by the honorable member for the Barrier, because they apply to only a few newspapers from England which are highly educational, and which our people should have every opportunity of receiving through the post.

Mr MAUGER

- It is all very well for honorable members on the other side to express the hope that the discussion on this clause shall not be prolonged from the fiscal stand-point, while they at the same time talk about protectionists being dodgers and monopolists. However, as the sting of a reproach lies in its truth, and as there is no truth in the reproaches directed at us in this matter, we can very well afford to pass them by.

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

Ayes 33

Noes..... 16

Majority..... 17

Question so resolved in the affirmative.

Amendment negatived.

Amendment (by Mr. Deakin) agreed to-

That the words "shall be deemed to be a newspaper," line 8, be omitted.

Amendment (by Mr. Deakin) proposed - .

That after the word " of," line 8, the word " religions" be inserted.

Mr MAHON

- Before the amendment is put I wish again to ask the Attorney-General to look into sub-clause (a). It provides that a newspaper shall consist in substantial part of news and articles relating to current topics. I am informed that this paragraph will prevent such publications as the Spectator and Public Opinion from passing through the Post-office at the ordinary rate of postage.

Mr Deakin

- I read the word " articles " much more widely than does the honorable member. To my mind it covers anything in the nature of comment.

Mr MAHON

- The paragraph states that a newspaper must contain news in addition to articles. '

Mr Deakin

- The leaderettes in the Spectator are practically news mixed with comments.

Mr MAHON

- It appears to me that any publication such as I have mentioned, in order to pass through the Post-office, must contain " news " as that term is generally understood. The editors of some of those publications assume that their readers have read the news, and simply give their own opinions upon that news.

Mr Deakin

- I do not think that the honorable member will find any newspaper shut out under this provision.

Sir Langdon Bonython

- May I ask the Attorney-General if the case would be met by making the paragraph read -

It consists in substantial part of news, comment, and general articles, &c.

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Mr Deakin

- I think it will do as it stands.

Mr THOMAS

- I should be glad if the Attorney-General would extend the period provided for in paragraph (6) of sub clause (1) to three months. I should like to see magazines like the Nineteenth Century and the Fortnightly Review produced locally. That, however, will not be possible if we insist that in order that they may pass through the post they shall be published monthly. Possibly we might be able to publish a fairly good magazine once in three months.

Amendment (by Mr. Deakin) agreed to -

That after the word "lithographs," line 22, the words " or coloured supplements" be inserted.

Amendment (by Mr. Deakin) agreed to -

That after the word "letterpress," paragraph (ft) of sub-clause (2), the following words be inserted, "other than any title or short description, or any engraving, print, lithograph, or coloured supplement."

Mr WATSON

- I move-

That after the word ' ' type. " paragraph (b) of sub-clause (2), the words "or matrices" be inserted.

I move that amendment because it is doubtful whether the word "type" would cover the lines of type which

are produced by the linotype machines.

Mr Thomas

- Could not the honorable member move an amendment which would make the paragraph applicable to all future scientific inventions in printing?

Mr WATSON

- It took several hundred years to invent the linotype. If any further improvement is made we can pass an amending Bill to cover it.

Mr. MAHON(Coolgardie).- The amendment, if carried, will make the sub-clause even more ridiculous, if possible, than it is at present. The paragraph as amended will refer to letterpress printed "from type or matrices set up within the Commonwealth " ; but no one prints from the matrices. We print from lines of type cast from matrices. I suggest that the provision be left as it stands.

Mr Deakin

- Is it worth while to press the amendment? I do not think it can be said that letterpress is printed from these matrices.

Mr Watson

- I shall not press it.

Amendment, by leave, withdrawn.

Amendment (by Mr. Deakin) proposed -

That after the word "title," paragraph (d) of sub-clause (2), the word "and date" be inserted.

Mr. MAHON(Coolgardie).- So far as coloured supplements are concerned, to which the honorable member for Kooyong referred, it would be no hardship to have to print the date at the top, because as a rule they are sent out only with the Christmas issue of a newspaper, and the process would present no difficulty.

Mr Deakin

- I do not want the date to be printed on the top of coloured supplements.

Mr MAHON

- I was about to point out that the provision may press hardly upon the proprietors of weekly newspapers who enclose supplements as a regular thing in each issue of their journals. Sometimes supplements to be issued by various newspapers over a period of four or five weeks are printed at one time, and if it were necessary to put the date at the top of each page it would involve unnecessary handling of the "formes."

Mr Deakin

- I put the words in because the honorable member asked for them.

Mr MAHON

- That is not quite correct. I asked why they were omitted, seeing that they were in the original clause, but I did not want them to be inserted. If the Attorney-General presses the amendment, I shall raise no objection to their insertion.

Amendment negatived.

Amendment (by Mr. Deakin) agreed to-

That after the word. " page," paragraph (d) of sub-clause (2), the words "of letter press " be inserted.

Clause, as amended, agreed to.

Clause 27 -

No action shall be brought against the Postmaster-General or any officer of the department for anything done under the provisions of this section, but any person aggrieved by anything done by the Postmaster-General or a Deputy Postmaster-General under this section may appeal to a Justice of the High Court, or until the establishment of such Court to a Judge of a Supreme Court of a State by, summons or petition in a summary manner, and the decision of such Justice or Judge shall be final.

All unregistered or irregularly posted newspapers, and all newspapers having any matter which is not a supplement accompanying them shall be treated as packets.

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Minister (without portfolio)

Sir PHILIP FYSH

- The honorable and learned member for Tasmania, Mr. Piesse, called attention to the desirability of redrafting clause 26, so as to provide that the supplement of a paper should be regarded as part of the

paper, and he pointed out that if that clause were not amended in that way, there might be some difficulty under clause 27 in regard to the registration and transmission of newspapers containing supplements. Now that it has been made clear that the newspaper and the supplement run together, there is no need to further amend clause 27. Of course the amendments already carried still stand.

Mr GLYNN

- I should like to point out that if sub-clause 5 is passed as it stands, there can be no appeal after the establishment of the High Court to any tribunal but that court ; but surely it is not intended that a litigant who may wish to appeal against the act of a postmaster done in Western Australia must go to the High Court, which will be located at the seat of Government, perhaps in the heart of New South Wales. I move

-

That the words "until the establishment of such court " be omitted.

Mr ISAACS

- Will the Chairman read the clause as, amended ?

Clause read.

Mr MAHON

- The honorable member for Tasmania, Sir Philip Fysh, must have forgotten what he said on the evening of the 21st of August. It will be remembered that I moved an addition to sub-clause (5) to provide that if an appeal were allowed damages and costs might be given. On that occasion the honorable member said - This particular clause will, at a later time, be subject to reconsideration. That has been promised already in respect of some other purpose. Therefore, if we pass the various proposals which have been suggested by the Prime Minister, We shall see the clause in print in its amended form when it is recommitted.

We have not had the clause in its amended form. The honorable member on that occasion went on to say-

I would inform the honorable member for Coolgardie that it is proposed to add after the word "Judge" the words "and such Justice or Judge may decide whether the action taken by the Postmaster-General, or a Deputy Postmaster-General, under this section was justified in law or in fact, and may award damages and costs at his discretion."

The CHAIRMAN

- I find that the amendment just read has been inserted in a slightly altered form.

Mr MAHON

- The amendment promised by the honorable member for Tasmania (Sir Philip Fysh) has not been read out by you, sir, when reading clause 5.

The CHAIRMAN

- The amendment is there, but in a slightly altered form.

Mr MAHON

- Does the Chairman mean to say that he gave to the committee an incorrect reading of the clause?

The CHAIRMAN

- I read the amendment as it appears in my copy of the Bill.

Mr. GLYNN(South Australia).- As the clause is now drafted, it refers to newspapers within the definition of the preceding clause, and it seems to me that any paper, however indecent, not published in the colony may be sent through the post, and cannot be stopped.

Sir Philip Fysh

- The Postmaster-General is not obliged to forward them through the post-

Mr GLYNN

- It seems, however, that the absurdities of this clause may be counteracted by subsequent clauses.

Mr. ISAACS(Indi).- There is power for the Postmaster-General, or a Deputy Postmaster-General, to remove from the register a newspaper, but there is nothing to prevent immediate re-registration. It seems that a new offence would have to be committed before a newspaper could be again removed from the register ; and what newspaper would go to the trouble of appealing, when there is power to re-register on tendering a fee of 5s. ?

Mr Watson

- Damage might be suffered through losing an issue.

Mr ISAACS

- That is only a small matter.

Mr Mahon

- It would amount to about £4,000 in the case of the Bulletin.

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Mr ISAACS

- At all events, there would be very little punishment in many cases. There are degrees of offences, and to say that a paper is to be removed absolutely for some of the offences is too great a punishment, and there might be provided some power of suspension or other lighter penalty. This clause errs - first, in the direction of a penalty, which is far too severe, and secondly in its ineffectiveness to inflict a severe punishment for a serious offence. According to the amendment moved by the honorable and learned member for South Australia, Mr. Glynn, there would, for all time, be an appeal from the federal authority, the Postmaster-General, to either a justice of the High Court, when that court is established, or to a Judge of the Supreme Court of the State. The last words of the sub-clause must be altered, because we cannot allow the decision of a State Supreme Court Judge to be final as to the rights of the Federal Postmaster-General.

Mr Glynn

- Will the Judiciary Act not provide for that?

Mr ISAACS

- But this clause provides that the decision of such Judge shall be final. There may be a conflict between the decisions of judges in the different States on some matter, and we must have the right given to the Commonwealth to go, sooner or later, whether by original jurisdiction or appeal, into the High Court. I do not disagree with the suggestion that we should have the power to go to a State Judge, but I think that this ought to be accompanied by the right to go to the Federal High Court if the Commonwealth or the other party is not satisfied with the finding of the State Judge.

Mr. GLYNN(South Australia).--I find it is dangerous to take things for granted. Some honorable members have assured me that clause 41 makes provision for stopping, obscene matters contained in newspapers from passing through the post, and that that provision will cover the cases of papers published outside the Commonwealth. I find, however, that clause 41 does not affect my argument. It is true that newspapers are specified as coming within the definition of a postal article, but the Attorney-General has now defined newspapers for the purposes of this Bill as meaning a particular thing, that is, a newspaper published in the Commonwealth, and therefore clause 27 will have to be read as only attaching newspapers that are published in the Commonwealth, and clause 41 does not help us at all.

Mr McCAY

- It seems to me, that a paper which is not a newspaper within the meaning of this Bill would be a postal article. By excluding newspapers published beyond the Commonwealth from the definition of a newspaper under this Bill, we bring them within the definition of articles transmissible by post. Then, again, the Customs Act, in the list, of prohibited goods, includes indecent or obscene articles and publications.

Mr DEAKIN

- I would ask the honorable member to withdraw his amendment, so as to permit of an amendment being made earlier in the sub-clause.

Amendment, by leave, withdrawn.

Amendment (by Mr. Deakin) agreed to -

That the words "on purporting to be done" be inserted after the word "done," in lines 3 and 5.

Amendment (by Mr. Glynn) agreed to -

That the words "until the establishment of such court," be omitted.

Amendment (by Mr. Isaacs) proposed -

That all the words after the word "manner," sub-clause 5, be omitted.

Mr. MAHON(Coolgardie). - I think the interests of the public will be best served by allowing the clause to stand as it is. It would be a great hardship for a newspaper proprietor, if, as pointed out by the honorable member for South Australia, Mr. Glynn, he were to be dragged a long distance in order that he might be

brought up before the High Court of the Commonwealth, and it would be far better in the interests of both parties to allow the Supreme Court of a State to finally decide the matter. If the words are struck out, a Government with a big majority behind it might spend any amount of money in appeals rather than allow a newspaper to obtain a victory over it, and I prefer the clause in its present form.

Mr Watson

- The right of appeal will allow us to secure uniformity of interpretation.

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Mr Deakin

- Hear, hear. That, is an important thing.

Mr. HIGGINS(Northern Melbourne).I would point out to the honorable member for Coolgardie that in most cases there would be no appeal, and that in the framing of the rules of the High Court steps would probably be taken to limit the number of appeals by fixing a large amount as the sum necessary to be involved before an appeal could take place. The only object which the honorable and learned member for Indi has, is to give an, opportunity for appeal to the High Court, as an ultimate authority to decide in cases of conflict between the court's of the different States, and the advantage of this would be reaped just as much by a newspaper proprietor as by the Commonwealth.

Amendment agreed to.

Mr. GLYNN(South Australia). - I would like to ask the Attorney-General whether anything will be done as regards petitions of rights, and I would also ask whether there is anything in this. Bill to bind the Crown? I do not think, that the provision in this clause authorizing the Judge to give damages for anything wrongly done would have any effect, because the Postmaster-General would represent the Crown, and this Bill does not bind the

Crown. I would ask the Attorney-General to consider whether it would not be better to have some uniform legislation providing that the petition of right shall lie in tort as well as in contract against the Crown in all cases where one citizen would be entitled to sue another citizen 1

Mr DEAKIN

- The Government have under consideration a measure of the kind indicated by the honorable and learned member. They have not made any provision in this or any other Bill upon the point mentioned, because it is a matter that requires to be dealt with separately.

Mr Glynn

- The Attorney-General acknowledges that this Bill would be of no use without some such provision.

Mr DEAKIN

- Not if the Crown submitted to the jurisdiction of the court. Public opinion would not allow the Government to shelter itself behind a technicality.

Clause, as amended, agreed to.

Clause 78 -

The Postmaster-General shall have the exclusive privilege of erecting and maintaining telegraph lines, and of transmitting telegrams or other communications by telegraph within the Commonwealth, and performing all the incidental services of receiving, collecting, or delivering such telegrams or communications except ,as provided by this Act or the regulations :

Provided that the Government railway authorities of each State shall have authority to erect and maintain within the railway boundaries telegraph lines required for the working of the railways, but except by authority of the Postmaster-General no such telegraph line shall be used for the purpose of transmitting and delivering telegrams for the public. Where such authority is obtained, the revenue derived from such telegrams shall be divided between the department and the railway authorities in such proportions as may be mutually arranged. sir malcolm McEacharn. - This clause gives the Postmaster-General the exclusive power to maintain and erect telegraph lines provided that the Government railway authorities shall have power to erect and maintain within the railway boundaries telegraph lines required for the working of the railway. Now, several of the Acts passed in Queensland relating to the construction of private lines provide that the companies may and shall establish and maintain on or alongside of their railways such telegraph and telephone communication as the Postmaster-General shall approve. That is the nature of the provision in the Gladstone and Callide Railway Act, and a similar provision, in a slightly different form, appears in the Albert River and Bourketown Tramway Act, and other similar measures. I move -

That the words "or any private railway or tramway already constructed or in course of construction " be inserted after the word "State," line 10.

I have four different Acts here relating to lines which are already in existence. This clause provides that no such line shall be used for the purpose of transmitting an(delivering telegrams for the public. In the case of one tramway which I know of, a telegraph line is already in existence. It is erected on the poles of the tramway company, and the men carry instruments with them, so that in case of accident they can. attach them to the telegraph line and send for assistance.

Sir PHILIP FYSH

- In the absence from the House of the technical electrical authority, who has been advising the Minister in respect to all these clauses, I am not in a position to accept any such amendment. I know that the electrical authority - having been in conversation with him and the Postmaster-General on two or three occasions - strongly urges the position that the complete control of all. systems of telegraphy, and indeed of everything connected with the use of electricity, shall be under the supervision of the Post and Telegraph department. I understand the honorable member for Melbourne to say that there is in existence at the present time a tramway which is the property of a private company. On the, poles of that private company there are wires stretched for the use only of that company. In country districts similar provision might be made to that set out in paragraphs («) and (6) with respect to telegraphs and telephones, which are used on private estates. In the city,' however, the electricians urge that all the. restrictions contained in this Bill should absolutely apply. ,

Mr Isaacs

- Has any reason been given for the taking away of existing rights 1

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Sir PHILIP FYSH

- Only such reasons, as are given in the Electric Light and Power Act of London, which imposes all these restrictions with respect to' private lines, and places them under some regulations which the chairman of the Board of Trade controls. As we have no Board of Trade here the Postmaster-General wishes to step in, and acting under the advice of his electrical authority, to lay down regulations and1 establish practice with regard to the user of these particular lines, especially when they are within cities. It seems to me that where there are lines which may interfere with public lines there should be some special power in the hands of the Postmaster-General to exercise control over them. I must leave the matter in the hands of the committee, and if the honorable member should be successful in his endeavour to insert these words, it must remain for the electrical authority to show cause why they should not be retained.

Sir MALCOLM MCEACHARN

- The objection raised by the honorable member seems to be that he wants certain authority vested in the Postmaster-General. I have no desire to take away from the Postmaster-General any authority whatever over the lines. I merely wish to retain to these individuals, or companies, certain rights which the)' now enjoy under certain Acts of Parliament.

Sir Philip Fysh

- Would the honorable member limit himself to existing lines of railway 1

Sir MALCOLM MCEACHARN

- I am quite prepared to do that.

Mr WATSON

- I think that the Government would do well to consider this matter carefully before consenting to the amendment. I have no objection to private railway companies being allowed to transmit their own messages over their own lines. They may very well have telephone or telegraphic lines to facilitate the general working of their railways, but in regard to tramways it seems to me that the position is very different, because the matter of erecting a separate set of poles for telephonic communication in Brisbane, Perth, Adelaide, or Melbourne might be a very serious one.

Sir Malcolm McEacharn

- The lines are on the companies' own poles.

Mr WATSON

- But I would point out that there sire tramway companies in the Commonwealth other than electric companies. Whilst I am prepared to allow any private railway company in country districts to have

telephone or telegraph lines to facilitate the transaction of their own business I do not think we should go any further. In a Queensland Act there is a section which actually allows a private company to receive and transmit messages for the public. That is a matter which I hope the committee will never tolerate here. The main object of these private companies is to run railways and not to conduct telephonic or telegraphic communication. I ask the Government to carefully consider the matter before giving way.

Mr ISAACS

- I think' this is a matter which the Government and the committee ought to weigh very seriously. I am quite with the honorable member for Bland in refusing to extend privileges to companies in relation to federal jurisdiction. As a matter of principle I should be against granting any privileges to companies to establish telegraph lines. But in the Queensland Act to which the honorable member for Melbourne has referred, I find sections which lead me to suppose that we must be very careful before we take away grants which have already been made, and rights which have been given in consideration of public duties and services performed. I find, for instance, that in the Albert River and Bourketown Tramway Act, section 13 provides -

The company may and shall establish and maintain on or alongside the tramway such telephone and telegraphic communication as the commissioner directs and approves, and such communication when established shall be deemed to be part of the tramway.

Apparently in consideration of the right to build a tramway, the company are compelled to relieve the State of the functions and expense of establishing telegraphic and telephonic communication.

Mr McDonald

- The Government have power in all. those Acts to run a line on the poles belonging to the company.

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Mr ISAACS

- But the Government may direct the tramway company to go to the expense of erecting a telegraph line. The section further provides that they shall have a right to receive and demand rates for the despatch of telegraphic messages. Now, because we have collected into one hand the powers, rights, and duties of the various States in relation to these particular matters, are we going to be so unjust as to take away from persons or corporations rights which they have, in consideration for compulsory duties performed? I think that we ought to hesitate, and look into this matter thoroughly, before we take a step which may be unjust, and which, therefore, this Parliament ought not to countenance. I ask the Government to delay the consideration of this matter, and to look into the various Queensland Acts which have been referred to.

Sir MALCOLM McEACHARN (Melbourne). In reply to the honorable member for Bland, I may say that it is almost essential, in the case of tramways, that there should be telephonic communication. It may be a matter of life or death at times. If an accident happens at a distance from the head-station, the drivers of the car have instruments with them which they can connect with the telephone wire, and they are thus able to ask for the electric current to be cut off, whereas if a messenger had to be sent back, it might be a quarter of an hour before the disconnection could be made, and in that time death might be caused to some person who might come into contact with the heavily-charged traction wire. Not long ago there was a death in Melbourne through some one coming into contact with a wire which had fallen.

Mr Watson

- I have not argued that the companies should not be allowed telephonic communication, but I think that it should be arranged for through the postal authorities.

Sir MALCOLM McEACHARN

- That has not been found workable. These telephone lines are used only for the purposes of the company, and on occasions such as I refer to. It is really in the interests of the public that the existing rights of the companies should not be taken away.

Mr McDONALD

- I think that the Government should give the matter serious consideration. This Parliament must respect the rights which have been given to private companies, such as the private railway companies in Queensland, though I maintain that those rights should never have been given, and I fought against the passing of the measures by which they were given. It is probable, however, that similar measures will be introduced into the Queensland Parliament this session, and I wish to know, therefore, if the Queensland

Legislature will have power to grant concessions in regard to telephone and telegraph communications to future companies.

Sir Malcolm McEacharn

- Clause 79 will give the Postmaster-General the necessary power.

Mr McDONALD

- I should like to see a provision inserted enabling the Postmaster-General to resume these lines after due notice. A measure introduced last year into the Queensland Parliament would have given a private company the right to control nearly 700 miles of telegraph line.

Sir Malcolm McEacharn

- Merely for its own use.

Mr McDONALD

- No. That company would have had control of one-sixth of the telegraph lines of Queensland. We should watch these matters very closely, and provide definitely that the Postmaster-General may resume telegraph and telephone lines after due notice has been given. If a mining field becomes a large centre of population, big profits may be made out of these private lines, upon which, in some cases, the companies are allowed to charge 50 per cent. more than the Government rates.

Attorney-General

Mr DEAKIN

. - I do not feel competent to discuss the question now before the committee, but I would suggest to the honorable member for Melbourne that, if we passed this clause, we might, in the clause which gives the Postmaster-General power to make regulations, authorize him to make regulations providing for the use of these lines by any private railway or tramway company upon such terms and conditions as might be prescribed.

Sir Malcolm McEacharn

- I do not think that such a provision would meet the case. The honorable and learned gentleman is suggesting now what he suggested last night - that we should provide by regulation what it is desirable to do by direct enactment.

Sir PHILIP FYSH

- I propose to limit the provision to existing lines, leaving the matter to be dealt with by the electric authority when the clause is amended.

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Mr KNOX

- I am a believer in the Commonwealth retaining the control of great undertakings, such as those to which the clause applies, but if private enterprise is to be hampered by unnecessary restrictions, I am afraid that the development which there is the strongest justification for expecting in the northern parts of Queensland will be interfered with. I agree with the honorable member for Melbourne that the committee should exercise caution and see that restrictions are not placed in the Bill which will interfere with the expansion of private enterprise. Where the Commonwealth will not undertake the responsibility of providing and maintaining telegraphic or telephonic communication, unnecessary restrictions should not be imposed to prevent private enterprise from doing the work.

Mr Higgins

- The amendment must be confined to railways and tramways already constructed, and which now have these rights.

Sir Malcolm McEacharn

- With the permission of the committee I should like to alter my amendment so that it will read " any existing private railway or tramway."

Amendment amended accordingly.

Mr. HIGGINS(Northern Melbourne).The amendment should apply only to existing railways and tramways which have these rights at the present time. It is not intended to give these rights to companies which do not already possess them.

Mr DEAKIN

- Perhaps it will be better to postpone the clause.

Clause postponed.

Clause 82 - Provided that every wire or cord crossing a road or water above the surface shall be at least eighteen feet from the surface.

Amendments (by Mr. Deakin) agreed to-

That after the word " or," line 2, the words " commonly used waggon track or " be inserted. That the word "eighteen " be omitted with a view to the insertion of the word "twenty."

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 twenty 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.

Sir MALCOLM MCEACHARN

- I move -

That after the word " line," line 10, 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."

I submitted this amendment when the clause was last before the committee, and the proposal is in accordance with other Acts. I do not see why the Commonwealth should not give the same protection as is guaranteed within a State.

Mr DEAKIN

- The Government recognise that the honorable member made out so strong a case for his amendment, that we have done what the Post-office officials strongly object to, namely, struck out sub-clause (2) and left the whole of the clause subject to subsequent provisions which set forth that if the Postmaster-General does any damage he must pay adequate compensation. The Post-office officials say that the danger lies in boughs of trees which project over without actually touching the telegraph lines, and which when saturated with moisture, affect the lines to such an extent as to greatly impede their working. All the officials require is that these particular branches should be lopped off.

Mr Willis

- They very often destroy ornamental trees.

Mr DEAKIN

- Hitherto they have done so under indemnities which allowed them to do as they pleased, and they say that the alteration we have consented to will almost destroy their authority, because to make them liable for damage done to valuable ' trees will add greatly to their difficulties. In the opinion of these officials, we have already gone too far in making this concession, and we ought not to be asked to go further.

Sir MALCOLM MCEACHARN (Melbourne). Sub-clause (2) was struck out, not in connexion with my amendment, but in connexion with the cutting down of trees with the consent of municipalities.

Mr Deakin

- But it was largely in consequence of the strong case made out by the honorable member in regard to private

Sir MALCOLM MCEACHARN

- I do not think the Post-office officials ought to have the right to go on to private property, and cut down trees.

Mr Watson

- The trees will be paid for.

Sir MALCOLM MCEACHARN

- A man cannot be paid for trees which he may have planted twenty or thirty years before. There is no value in money as against a thing of beauty.

Mr Deakin

- The officials maintain that they cannot afford to pay for these private trees, which will not be interfered

with except in extreme cases.

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Mr WATSON

- While I agree that there are circumstances in which money can be no compensation, still, where the public are willing to offer compensation, there should be power to take possession of anything in the public interest. If a railway is projected, and a house and a tree stand in the way, that house and tree have to go. If the honorable member had a tramway proposal and a house stood in the road, the house would have to be removed.

Sir Malcolm McEacharn

- But it would have to be paid for.

Mr WATSON

- Of course, and the Commonwealth will pay for trees removed by the Post-office department.

Sir Malcolm McEacharn

- I know that when the honorable member for Bland speaks in opposition to a proposal there is no occasion for me to speak further in support of it.

The CHAIRMAN

- Does the honorable member move the amendment %

Sir Malcolm MCEACHARN

- No, I withdraw it.

Amendment, by leave, withdrawn.

Clause agreed to.

Clause 93 (Regulations).

Mr GLYNN

- I see that this clause commences by saying that the Governor-General may make regulations, but there does not seem to be any power given to alter or rescind them. I am not sure whether the Acts Interpretation Act covers what is required. I know that it does with regard to Acts of Parliament, but regulations can be regarded as equivalent to an Act of Parliament only for certain purposes. In the latter part of the clause mention is made of the alteration of regulations, and it, therefore, seems necessary to refer to alterations, although there is no mention of any such thing in the principal part of the clause. Furthermore, I fail to see the use of providing that regulations shall be laid on the table of the Houses of Parliament, unless power is given, as in some of the States, to the Legislature to alter or vary the regulations in part, or to reject them in toto. There are all sorts of different procedures adopted with regard to regulations. In some cases power is given to amend or alter, and in some instances to reject or accept the whole, whilst in still further cases there is merely an obligation imposed upon the Executive to place the regulations upon the tables of the Houses, and no power is given to Parliament beyond that. I think the Government will do well to adopt some uniform procedure in regard to all regulations, and I would suggest that power to alter or amend, or reject should be given to Parliament within a certain time, and that instead of requiring that a motion relating to these regulations should be passed within a certain time, it should simply be necessary to give notice of motion within a certain time. It is sometimes utterly impossible to get a motion passed within a certain time, but it is a comparatively easy matter to give notice of a motion and so secure one's position.

Mr DEAKIN

- If the honorable member looks at section 33, sub-section (3), of the Acts Interpretation Act, he will find that the point to which he referred with regard to the alteration of regulations is fully provided for. I agree with the honorable and learned member for South Australia, and also with the honorable and learned member for Indi, who raised a similar point previously, that it is highly desirable that the regulations in all our Acts should, as far as possible, be dealt with by the same procedure, have the same authority, and be enforced in the same manner. As it is, under the State Acts, when reference is made to a regulation under an Act, one is obliged in each case to look up the Act in order to ascertain the force given to the regulation, or the manner in which it can be challenged. It is desirable that there should be uniformity in all these matters, and my attention has been directed towards it, although I do not know that I can promise to make a beginning with this particular clause.

Mr WATSON

- I understood that the necessary provision with reference to privately-owned telegraph lines along private railways was to have been made in this clause.

Mr DEAKIN

- On looking up some of the private Acts passed in Queensland, I find that the matter cannot be very well dealt with in this clause, and that we shall either have to frame a separate clause or insert an additional paragraph in clause 78 or one of the neighbouring clauses.

Clause agreed to.

Clause 126 (Injuries to telegraphs).

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Mr DEAKIN

- This clause required to be recommitted, because of the omission of some words, which it is intended to insert in order to meet the wishes of the honorable member for Maranoa, providing for the determination of cases in a summary way before a justice of the peace, and for a reduction of the penalty. I move - That the following words be added to the clause: - " Provided that if it appears to a justice of the peace, on the examination of a person charged with an offence against this section, that it is not expedient to the ends of justice that it should be prosecuted as an indictable offence, the case may be heard and determined in a summary way, and the offender shall be liable to a penalty not exceeding £25 or to imprisonment for any term not exceeding three months."

Mr. WATSON(Bland).-I would like to know if the term "justice of the peace " is sufficiently clear. We have no justices of the peace under the Commonwealth law at present, but is it clear that this will refer to the State justices ?

Mr DEAKIN

- We have been using the words " justice of the peace " throughout as meaning State justices of the peace. In the Acts Interpretation Act we use the words " justice of the peace " as applying to those who are at present acting in any State in that capacity, or to those who may be appointed under the Commonwealth.

Mr Watson

-Would the term also cover a stipendiary magistrate ?

Mr DEAKIN

- Yes.

Mr Glynn

- Have not the existing State Courts jurisdiction in all federal matters until we deny them?

Mr DEAKIN

- Exactly ; they have now.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 137 -

Any telegraph line of the Postmaster-General shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is in any manner affected by the work or by any use made of the work.

Mr WILKS

- I move-

That the following words be added to the clause: - "Provided that in the case of an electric tramway the electric authority using such tramway shall not be held responsible for its lines or works affecting the lines of the Postmaster-General on which an earthed return is used if such electric authority has adopted all known and reasonable precautions to avoid such injurious affection and has complied with the regulations."

I am proposing this amendment, which was temporarily withdrawn last night, on behalf of the honorable member for Tasmania, Sir Edward Braddon. This proviso will afford the necessary protection to a number of electric enterprises in Sydney and Hobart, and other parts of the Commonwealth. The municipal council of Sydney have recently secured the passing of an Act" which will enable them to carry out a comprehensive scheme of electric lighting for the city, and their electrical experts fear that the Bill will seriously interfere with their enterprise unless some such amendment as this is made.

Sir MALCOLM McEACHARN

- I would point out that the addition of the words " subject to their having complied with the regulations," may mean that the Postmaster-General may be desirous of getting over the difficulty of the telephone wires not being up to date and having an earthed return, by stipulating that the State tramways in New South Wales shall be provided with a metallic return. I do not know whether that is intended.

Mr Deakin

- It is not competent for him to do anything of that kind. The only regulations proposed are those of the Board of Trade, with which we are all familiar.

Sir MALCOLM McEACHARN

- There is no objection to that of course.

Mr WATSON

- I move-

That after the word "tramway," of the amendment, the words " or electric lighting system " be inserted. I do not think that the various lighting systems will be sufficiently protected unless my proposal is adopted. The position of course as to any material dispute will be governed by the subsequent clause in the Bill which sets up arbitration as between the Postmaster-General and any electric authority. But at the same time the adoption of my proposal will be a sort of guide to the arbitrator as to the lines upon which he is to work in arriving at a decision.

Mr. HIGGINS(Northern Melbourne).I have listened carefully to what the honorable member for Bland suggested, and though I agree that his proposal is in the right direction, I venture to think that this clause is not the place in which it should be inserted. This particular clause is simply one of definition.

Mr Watson

- That applies to the whole amendment, and not to my amendment of the amendment.

Mr HIGGINS

- It was only by way of provisionally warning the honorable member that I think he will be faced with the position that this particular amendment "as a whole will not fit in here, that I rose.

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Mr Watson

- We might make the amendment which I have proposed, and then argue whether the whole amendment is relative to the clause later on.

Mr Deakin

- I think it will have to be a separate clause, as far as I can see.

The CHAIRMAN

- In the absence of an instruction to the committee a new clause cannot be considered now.

Mr Watson

- If we cannot insert it as a new clause, the amendment had better be moved when we reach clause 137.

Sir MALCOLM McEACHARN (Melbourne). - Would it be in order to move that the words be added to clause 136?

The CHAIRMAN

- The committee has no instructions with regard to clause 136, and therefore cannot deal with it.

Mr. Watson's amendment, by leave, withdrawn.

Amendment (by Mr. Wilks) agreed to -

That the words "provided that" at the beginning of the amendment, be omitted.

Amendment (by Mr. Watson) proposed -

That after the word "tramway," the words " or electric lighting system " be inserted.

Mr ISAACS

- May I ask if this amendment is to apply to all future electric tramways ? Is it intended that any electric tramway which may be created in the future by State authority is to enjoy these rights ? If not, we shall need to limit them.

Mr. WATSON(Bland).- The contention of the honorable and learned member for Indi is against the amendment, as a whole, and this is not the moment to argue that matter.

Mr Deakin

- It would be fatal to the honorable member's object, which is to protect the Sydney electric-lighting

system, which is now in progress.

Mr WATSON

- After all, this paragraph is governed by the subsequent clauses of the Bill, which set forth that arbitration must be resorted to in order to decide the extent to which the lines of the Postmaster-General are injuriously affected, and what compensation shall be paid for the injury inflicted.

Mr PAGE

- I wish to ask the Attorney-General what effect this provision will have upon the telegraphic and telephonic system of the Commonwealth. It seems to me that we are giving away all our rights.

Mr DEAKIN

- In this matter I am acting, after consultation with the electrical officers of the department. They point out that they will be satisfied if these undertakings are carried out subject to their regulations, and that is provided for in the clause ; but the amendment possibly goes further than that, by providing that all known and reasonable precautions are to be taken.

Mr. HIGGINS(Northern Melbourne).The honorable member for Maranoa has asked a very reasonable question. The effect of clauses 136 and 138 is that before an electric lighting or traction plant can be erected, the promoters must give notice of their intention to the Postmaster-General, who may authorize the work subject to compliance with certain requirements. If the requirements of the Postmaster - General are considered unreasonable, the matter may be referred to arbitration. What more is wanted than that? It seems to me that the honorable member for Dalley has moved the amendment in compliance with the very natural but excessive anxiety of the Sydney electric authorities.

Mr Wilks

- I have moved it rather to please the right honorable member for Tasmania, Sir Edward Braddon.

Mr HIGGINS

- Who is to say what are " reasonable precautions " ?

Mr Watson

- Will not that provision be like a finger-post to the arbitrator ?

Mr HIGGINS

- No. I think it will rather throw everything into confusion. As the clause stands we obtain finality as to the determination of what are " reasonable precautions " by the decision of the arbitrator. The arbitrator would have no power to define " reasonable precautions " as referred to in the amendment ; he can deal with " reasonable precautions " only as they are to be ascertained from the provisions of clause 138.

Mr Watson

- The provision for arbitration has been taken out of clause 138, and put into a separate clause.

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Mr HIGGINS

- Yes, but there can be no application of that provision to the amendment.

Mr. WILKS(Dalley).- The Minister accepted this amendment some days back, on the suggestion of his professional advisers. The electric advisers to the Post and Telegraph authorities of New South Wales suggested that the conditions which we wish to embody here should be inserted in a measure to empower the Municipal Council of Sydney to erect electric lighting plant for the illumination of the city. I think that the amendment should be agreed to, if only to make it doubly sure that the large interests of the State of New South Wales in electric lighting and electric traction should not be injuriously interfered with.

Mr PIESSE

- The point of the honorable and learned member for Northern Melbourne was that the acceptance of the amendment will not help the honorable member for Dalley in achieving his object, and may perhaps put him in a worse position. It seems to me that we should be very cautious in this matter, because we must remember that in the future, when undertakings of this kind ask for legislative sanction, the Postmaster-General will not be a party to the legislation. We must therefore put into this Bill all the provisions that are necessary to protect him.

Mr Isaacs

- If the Government accept the amendment and retain clause 138 it will still be necessary to obtain the consent of the Postmaster-General to the reasonable requirements before the work is done. This will be adding another obligation upon the electric authorities.

Mr GLYNN

- I read the amendment the other way. Clause 138 provides that certain proceedings must be taken before a line may be constructed. But no matter what may be done with the consent of the Postmaster-General under clause 138, if his lines are not necessarily injuriously, but in any way affected, within the meaning of clause 137, the electric authority will be responsible. The honorable member for Dalley wishes to make an exception in favour of tramway companies which have complied with certain requirements.

Amendment of the amendment agreed to.

Amendment, as amended, agreed to.

Clause, as amended, agreed to.

Clause 146 -

Offences against this Act or the regulations not declared to be indictable offences are punishable upon summary conviction.

Amendment (by Mr. Deakin) agreed to-

That the following words be added to the clause - "By a police, stipendiary, or special magistrate."

Clause, as amended, agreed to.

Clause 149 (Arbitration).

Sir Malcolm McEacharn

- Does the Minister intend to make provision that arbitration shall not be delayed 1

Mr Deakin

- The State Acts, so far as I have been able to inquire into them, make provision in that regard.

Clause agreed to.

Mr Piesse

- Is there a general arbitration clause ?

Mr Deakin

- If the honorable member will look at the printed list of amendments he will see there the proposed new clause, which contains a general arbitration provision following the arbitration provision already in the Bill. The two go together.

Mr Piesse

- I would point out that, in the schedule, the Tasmanian Act 49 Vic., No. 30, is wrongly described as 1885, No. 30.

Mr Glynn

- I would also point out to the Attorney-General that clause 41 will have to be recommitted for the omission of the words " upon the establishment of such court," that being a consequential amendment, rendered necessary by an amendment in clause 27, to which the committee agreed this evening.

Mr Deakin

- I will have that amendment made.

Bill reported with further amendments.

Motion (by Mr. Deakin), with concurrence, agreed to -

That the Bill be recommitted for the reconsideration of clauses 26, 41, 42, 66, 78, 137, schedule 1, and new clauses.

In Committee(recommittal) :

Clause 26 (Definition of newspaper and supplement).

Amendment (by Mr. Deakin) proposed -

That in sub-clause (6), as amended, after the word " supplement " the words " or the title and date of the newspaper thereon " be inserted.

Mr MAHON

- Will not the amendment which the Attorney-General made in sub-clause (b) cover that ?

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Mr DEAKIN

- I thought it would, but there is a doubt, and I insert these words in order to make perfectly sure.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 41 -

No action shall be brought against the Postmaster-General or any officer of the department for anything done under the provisions of this section, but any person aggrieved by anything done by the Postmaster-General or a deputy Postmaster-General under this section may appeal to a Justice of the High Court, or until the establishment of such court, to a Judge of a Supreme Court of a State by summons, or petition in a summary manner, and the decision of such Justice or Judge shall be final.

Amendments (by Mr. Deakin) agreed to-

That; in lines 7 and 8 the words "until the establishment of such court " be omitted, and that all the words after "manner," line 10, be omitted.

Clause, as amended, agreed to.

Clause 42-

The Postmaster-General or any Deputy Postmaster-General may refuse to transmit or deliver any newspaper, packet, or parcel, containing any picture or advertisement, or any printed or written matter in the nature of an advertisement, which picture advertisement or matter is of an indecent or obscene nature, and may cause any such newspaper, packet, or parcel to be destroyed.

Mr PIESSE

- In this clause we give power to the Postmaster-General to deal with certain articles, and I desire that he should also have power to enforce State laws where there is any power at present to deal with indecent advertisements and so on. I move -

That before "picture," line 4, the words " article, book" be inserted.

Amendment agreed to.

Amendment (by Mr. Piesse) proposed -

That the following be added to stand as subclause (2) : - The provisions of this section shall extend to authorize the Postmaster-General, or any Deputy Postmaster-General, to refuse to transmit or deliver through or in any State any newspaper, packet, or parcel containing any article, book, picture, or printed matter which within the intention and meaning of any Act of that State for the time being in force is of an indecent or obscene nature, and to cause the same to be destroyed.

Mr. GLYNN(South Australia). It would be a great mistake to insert this subclause, which draws a distinction in immorality between one State and another. This is using the federal power to suppress as immoral in one State what is moral in another. So long as a State declares a certain thing to be immoral or obscene, the Postmaster - General, under this subclause, may stop its circulation in that State, thus introducing into federal matters a spirit of diversity, and doing that in the region of morals. There is another objection to the amendment. The words "obscene" and "indecent," as used generally in the Bill, may be held to be obscene or indecent within the meaning of the State Acts. It may be held that these words should not have a loose terminology depending upon the ipse dixit of the Postmaster-General, and that they should not be subject to one interpretation with a liberal Ministry in power and another interpretation with a conservative Ministry in office, so that for the sake of uniformity the High Court would declare indecency or obscenity to be as so declared by law. The possible limitation of the interpretation of these words " obscene or indecent " to the meanings given by the State Acts may be abrogated by putting in this provision, because it will really be an acknowledgment that the words " indecent or obscene " have a general significance, and the courts will refuse to consider anything as indecent or obscene unless it is so declared by a State Act of Parliament.

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Mr DEAKIN

- I hope the honorable member who has proposed this sub-clause will not press it. It deals with an important proposition, the object of which I entirely sympathize with. But I doubt if it would be possible to compress within the limits of the sub-clause, or even a clause, all the powers and provisions that will be necessary to give effect to the honorable member's purpose. It aims at the very desirable end of, at all events, assisting, with the consent of the Executive of the Commonwealth, each State to carry out its own legislation within itself to a further degree than would otherwise be possible. It need not see its own intentions under its own acts defeated by the overriding power possessed by the Federal Post-office to carry into the State articles which the State laws prohibit. As the honorable member has drawn up this clause, however, he casts upon the Postmaster-General the duty of determining what is, within the

intention and meaning of any Act of the State, an indecent or obscene book or picture. That is a serious obligation which I think cannot be too lightly undertaken, and the subject is too large to be dealt with in a sub-clause as now proposed.

Mr. PIESSE(Tasmania).- I think that this is one of those important matters in which we should endeavour to help the States. If a State has on its statute-book a law which enables the Postmaster-General of that State to refuse to pass certain matter through the mails, I think it would be very unfortunate if, by handing over the control of the mails to the Commonwealth, the State should lose the control which the statute gave, and I do not see why we should not pass this sub-clause. All that it is now proposed to do is to assist the.

States to carry out the powers which are now conferred by their own laws.

Mr Deakin

- Under the State laws the State postmaster was called upon to take a State responsibility, but now the honorable member is asking the Federal Postmaster-General to undertake the responsibility of carrying out State laws.

Mr PIESSE

- I do not see why we should shirk that responsibility. The question is whether this. Parliament can legislate in the direction in which the States have already legislated to protect themselves.' If we cannot, then by handing over the control of the post-offices to the Commonwealth the States will have deprived themselves of one of those elements of administration that are necessary for the enforcement of local laws. If the States are not to have continued to them the advantages they have hitherto possessed, because they have handed over 'certain powers to the Commonwealth, they ought to know their position at once. I hope the committee will consider the matter, and that if there is any way of meeting the objections raised we shall have them removed. I cannot consent to withdraw the amendment, as I desire that the committee should take the responsibility of dealing with it.

Mr SALMON

- I think the contention of the Attorney-General would be a correct one if the sub-clause were to apply to every State, but as has been pointed out, the provision will apply only to those States in which Acts have been passed prohibiting the transmission of certain objectionable articles as mail matter.

Mr Kennedy

- "Would . it not be an awkward matter for the Postmaster-General to be called upon to administer five different State Acts ?

Mr SALMON

- I do not see where the difficulty comes in. I understand the scope of the amendment reaches only as far as the Acts already passed. I do not understand the honorable member for Tasmania to contend that his amendment would apply to Acts passed in the future.

Mr Piesse

- It would apply.

Mr Deakin

- It would enable any State to throw an indeterminable responsibility upon the Federal postal authorities.

Mr SALMON

- If the amendment had reference only to Acts which had been passed, I should support it. I think we have no right either to diminish the revenue of any State or to interfere with any domestic law in a State, and if a State ' has passed a law with a view to prevent the transmission through the Post-office of literature defined to be of an objectionable character, we ought to do nothing which would render that law ineffective. The provisions of this Bill deal with the subject to a certain, extent, and I think the honorable member for Tasmania would be well advised if he altered his amendment so as to make it apply only to Acts passed prior to the Postal department being taken over by the Commonwealth.

Mr MAHON

- Where a similar power of interference with news-: papers or other postal articles has been conferred on the Postmaster-General in other parts of the Bill, a right of appeal is provided for against anything that may be done by the Postmaster-General, and if the honorable member for Tasmania presses his amendment I shall certainly endeavour to alter it on the lines of the amendment already carried in clause 27, providing that any person aggrieved may appeal to a Supreme Court Judge.

Mr BATCHELOR

- I intend to support the amendment. In some of the States certain enactments have been passed providing that newspapers containing particular kinds of advertisements shall be destroyed by the Postmaster-General ; and, so far as South Australia is concerned, the Acts there relating to this matter would be rendered inoperative, unless protected, as proposed here. I do not think that the provision should be extended to legislation that may be passed in the future, because the State might throw all sorts of duties upon the Federal Postmaster-General. If the honorable member makes the sub-clause apply only to the Acts which have already been passed, I will support him.

Mr Deakin

- A great deal more than this provision will be required in order to obtain the object the honorable member has in view.

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Mr BATCHELOR

- However that may be, I shall take every opportunity of upholding the laws of South Australia, which are directed to the suppression of a certain class of advertisements. These advertisements will be suppressed in South Australia until this Bill is passed. But when this measure has passed there will be no legislation in force for their suppression. The words have a special meaning in the South Australian statute. I intend, therefore, to support the honorable member, though I believe that he ought to make it clear that the amendment applies only to Acts at present in force. More machinery than appears here requires to be inserted for the carrying out of the provision.

Mr KENNEDY

- I shall vote against the proposal, because it seems to me that by its adoption we should be creating a most extraordinary position. We should have the Postmaster-General attempting to administer the Acts of the different States, although those Acts might vary to a very considerable extent. It would be utterly absurd to ask the Postmaster-General to attempt in the slightest degree to administer State laws. Moreover, the States have full power to protect themselves in regard to all publications issued within their own territory.

Mr O'MALLEY

- I wish to ask if there is anything in the Constitution that enables my honorable friend to move this amendment with a view to giving the States the power proposed. It seems to me that the amendment is an invasion of the Commonwealth powers and of the Postmaster-General's rights. Under its operation each State could set up and run the Commonwealth under a sort of split division. Tasmania would exercise one power, Western Australia another, and so by-and-by we should have a lot of Postmasters-General. There is thus no telling where the matter will end. For that reason I must vote against the honorable member.

Sir WILLIAM McMILLAN

- It seems to me that this proposal is absolutely inconsistent with the conclusion at which we arrived a short time ago in dealing with the " Tattersall " clauses. The principle which we then laid down was that we were to deal with the powers of the Post-office as a Federal service without any regard to the laws of the States. We are now contravening our former conclusion by attempting to pass this amendment.

Amendment negatived

Clause, as amended, agreed to.

Clause 66 verbally amended and agreed to.

Clause 78 (Postmaster-General to have exclusive rights in respect of telegraphs).

Mr WINTER COOKE

- It will be recollected that the committee amended paragraph (a) of this clause by adding the words - " Except for the purpose of connecting with such lines." I move - That after the word " with," the words " or crossing " be inserted.

Sir MALCOLM McEACHARN

- Do I understand that this clause will be recommitted in order that honorable members may deal with the matters which were discussed earlier in the evening ?

Mr Deakin

- Matters in relation to railways and tramways will be dealt with either under this clause or under a

separate clause.

Amendment agreed to.

Clause, as amended, agreed to.

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Mr MCDONALD

- I desire to move the insertion of a new clause to follow clause 88. Clause 88 gives power to the Postmaster-General to resume any telegraph or any telephonic lines that have been constructed by private persons in the event of their non-compliance with the regulations. I think that power should also be given to the Postmaster-General to resume any telegraphic or telephonic lines at any time after due notice has been given. I therefore move -

That the following new clause be inserted to follow clause 88 : -

The Postmaster-General may, after giving six months' notice, resume any private telegraph or telephone line.

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

I would point out that in some States concessions have already been given to certain companies to run railways. Not only have they been allowed to construct telegraph lines for the successful management of those railways, but they have also been permitted to send public telegrams. It is just possible that upon some of the mining fields of Northern Queensland, one or two places like Charters Towers, with a population of 26,000 or 27,000 inhabitants, may spring up, in which case these concessions would become very valuable. The concessions were given merely to enable the companies to facilitate the transaction of their business, and it was never intended that they should undertake the transmission of telegrams for the public. I therefore think that the Postmaster-General should have power to resume such lines if it is thought desirable so to do.

Sir MALCOLM MCEACHARN (Melbourne).[^] - I think that the proposed amendment is a very reasonable one, although it will require some alteration so as to provide for the payment of compensation. Instances have arisen in Western Australia, where railways which were constructed by contract were not taken over by the Government till twelve or eighteen months after their completion, during which period the contractors were making very large sums of money. I think that, if a concession of this kind does prove to be valuable, those who possess it should, when it is taken away from them, be paid reasonable compensation - say 10 per cent, above the cost of construction.

Mr DEAKIN

- Another omission in the amendment is that it ignores the conditions under which these telegraphic or telephonic lines were constructed, inasmuch as the agreements relating thereto contain conditions under which resumption can take place. It would be arbitrary to propose that, the Postmaster-General should be able to ignore the express terms of an agreement in which the power, of resumption is given under certain conditions.

Mr McDonald

- We do not say that the Postmaster-General shall resume them.

Mr DEAKIN

- But, as a Parliament, we should have to take the responsibility of any use which the Postmaster-General might make of this power. I understand that some of these lines have been constructed under State Acts. Under those Acts there are certain powers of resumption. The Government has a certain amount of control over them. -

Mr McDonald

- After 50 years.

Mr DEAKIN

- In a hurried consultation with the Postal authorities I was informed that they favoured the amendment since it enlarges their powers, although they rather hesitate at the absolute form which it takes. They are perfectly prepared to accept the power of resumption, coupled with a recognition of existing conditions. Except in that general way, I have not been informed upon the matter.

Mr. MCDONALD (Kennedy). - I would point out that the clause does not say that the Postmaster-General shall take over these lines. I do not think that the Ministry would be foolish enough to authorize the Postmaster-General to take over certain lines contrary to existing agreements. It appears to me that

power of resumption should be given, so as to provide for a contingency arising such as I have previously suggested. Sooner or later I believe that the Government will have to come down and deal with the State Acts, to which reference has been made. There are some places where these concessions have been given, which within a few years will have a very considerable population - probably 20,000 or 30,000 inhabitants. It is not right that any private company should have control of the telephonic or telegraphic communication in such centres. It is a fair thing that if the Government desire to resume such lines, say at 10 per cent, above the cost of construction, they should have the power to do so.

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Mr McCAY

- I think that we are all agreed that it is eminently proper that the Commonwealth should have power to resume these means of communication where that is deemed advisable in the public interest. The choice which the honorable member for Kennedy places before us is not between resumption and non-resumption, but between resumption as an executive act, of which Parliament may not be fully informed, and resumption as an act of the Commonwealth Legislature. As a representative of the people, I am very loath to part with the control of Parliament in these matters. If the resumption is an executive act, Parliament will have the choice, not between approval or disapproval of it, but between approval of it and the dismissal of the Ministry for making it, so that, instead of being able to deal directly with the question, we shall be able to deal with it only indirectly. A 50 years' concession of rights such as the honorable member for Kennedy referred to is not a thing which I should have supported if I had been in the House in which it was proposed, but I think that Parliament should have all proposals for resumption definitely before it, and should not allow resumptions to be made without its sanction even by so trusted an Executive as that now in office.

Mr. HIGGINS(Northern Melbourne).The honorable member for Kennedy has made a proposal which is novel, but I do not think that the objections which may be raised against it are sufficient for rejecting it. When it is said that we must abide by agreements which have been made, it must be remembered that the State continually breaks agreements by resuming land for public purposes, and even allows private companies to do so. In England railway companies for many years have regularly been given power to take land upon payment of compensation.

Sir Malcolm MCEACHARN

- For public purposes.

Mr HIGGINS

- For the purpose of private profit, though, no doubt, the public interest is subserved, or otherwise the power would not be given. The honorable and learned member for Corinella objects to the power of resumption being given to the Executive instead of to Parliament," but if each resumption had to be authorized by special Act, it would be an exceptional and invidious procedure. What we want is a general rule. We are providing now for the regulation of the post and telegraph services of the Commonwealth. Certain companies and individuals - especially in Queensland, where they have done some queer things - have been given special concessions. I understand that in some cases private companies have obtained concessions in regard to telegraphic and telephonic communication which extend over 50 years. It is not going too far, however, to say that the Postmaster-General may take over those lines on payment of reasonable compensation, if he thinks it necessary to do so in the public interest. It is our duty to recognise contracts within reasonable limits, even if they have been wrongly made, but it is not necessary for us to be pedantic in the matter, when there are precedents for compulsory resumption which go back for years. I think that the principle of the amendment should be embodied in the Bill, though I admit that it requires to be moulded into proper shape. That can best be done by the Minister in charge of the Bill.

Mr ISAACS

- We must recognise rights and concessions which have already been granted, but where it is thought advisable to acquire private property for public purposes, it is the duty of the State to do so, paying at the same time a fair equivalent for it to the persons from whom it is taken. I do not think, however, that we are at present in a position to say what are the terms upon which this should be done under the Bill. The Commonwealth cannot resume a private telegraph or telephone line which never belonged to it. This is not a mere technical difficulty, it is a practical difficulty. One can understand the Postmaster-General saying to a private company - "You shall no longer have the control of your lines. I intend to take them

over,' and to pay you compensation for them "; but if he takes over a line he must take land, or right of access, with it.

Mr Watson

- Right of access, but not -land. ' The Commonwealth does not pay anything now for the right to erect telegraph poles in a private paddock.

Mr ISAACS

- He must take an easement. We must be ' more definite than the wording of the clause as drafted, and no final bargain should be made merely by executive act. It has been found in Victoria, and I have no doubt in other parts of Australia also, that when the construction of a railway is contemplated the value of the land through which it will pass is enormously increased. Therefore, I think it would be well, if we give power to the Postmaster-General to give notice of intention to take over a line, to provide that the compensation shall be based upon the value at the date of the giving of that notice, and that it shall be finally agreed upon before the matter is placed before Parliament; and that the Postmaster-General should not be allowed to commit the Commonwealth without the sanction of Parliament. The desire of the honorable member for Kennedy is a right one, but his amendment will require very careful drafting for the protection of the interests, not only of private companies, but also of the Commonwealth.

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Mr A McLEAN

- I indorse the view that, where the interests of a private company or a private individual may be found to clash with those of the general public, they must give way, but, at the same time, we should see that the private company or 'private individual whose property is taken for public purposes obtains fair compensation for it. No new principle is involved in the amendment. Every time that the State resumes land for a railway or any other public purpose it violates an existing contract, but it does so in the interests of the public, and the individual suffers no loss, because he receives fair compensation. It appears to me that if we fail to insert any such provision as this in the Bill, rights may hereafter accrue. Concessions which have been received may become more valuable, and, therefore, this amendment or the principle involved in the amendment, is a proper one. . At the same time, I quite agree with the honorable and learned member for Indi, that the Government, before adopting the amendment should look carefully into it, and so frame it as to meet all the exigencies of the case : and if that be done the committee may very well affirm the principle.

Mr WATSON

- I do not know what is the attitude of the Government so far, but I would suggest that if they have not yet been able to draft an amendment to surmount the difficulties suggested, and which I quite appreciate, it may be possible to meet the case by adopting the suggested clause in its present shape, with a view to subsequent alteration. It will not be possible to insert a new clause in another place, but a clause sent from here could be amended.

Mr DEAKIN

- As a matter of fact, the Government are passing through another place a measure giving the widest powers to the Government, on behalf of the Commonwealth, for the acquisition of land and property of all kinds, with elaborate provisions for arbitration, cost, and other matters.

Mr Watson

- Is the title of the Bill not the Land Acquisition Bill ?

Mr DEAKIN

- It relates to land and property : and the measure is drawn in the most general terms. From my recollection of the Bill as it entered the Chamber, I believe it provides amply for carrying out the intention of this clause. I am aware that it has been amended in some respects, but I have not undertaken to follow the discussions elsewhere. I cannot say whether its efficiency in this direction has been impaired by amendments, but I think not in any respect. If the principle of this clause, which is a familiar principle, is again indorsed in relation to telegraph and telephone lines, as the honorable member for Kennedy desires; and if, when we again examine the Bill, which is about to be sent down to us, it is found not to cover the case, we can consider whether such a provision may not be more properly introduced there than here. If it be not provided for there, it may be as well to leave it in this Bill. It is unnecessary to have a double discussion of the same principle. If the committee, as I understand they do, accept the principle, I

will examine the Bill, and consider the best procedure.

Mr Glynn

- Cannot a few words be put in now 1

Mr DEAKIN

- I prefer not to do that at the table, especially when the Bill is to leave us so soon and there are a number of other matters to be considered. The honorable and learned member for South Australia, Mr. Glynn, has followed the debate, and he must have noted several matters which need a good deal of consideration. Sir MALCOLM MCEACHARN (Melbourne). - I have the Queensland Acts, and I find the Postmaster-General has amply protected himself, excepting in so far as purchase is concerned. The companies must take telegrams for one-third of the rates charged by the Postmaster-General, and- all telegrams on public service must be carried free. It is also provided that after 50 years - which I think in the case of telegraphs is wrong - there should be option at any time on the part of the Government to purchase.

Mr McDonald

- That should also be done in the case of railways.

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Sir MALCOLM MCEACHARN

- I do not agree with the honorable member. In the case of a railway considerable risk has to be taken, and a railway may be worked for years without any profit. It would not be just for the Government .to have the option of coming in at any time, and taking the works over for one-tenth more than they cost. Under the Queensland Act the Postal department had the right to buy, after 50 years, under certain conditions, the purchase money to be not more, under any circumstances, than one and one-tenth of the actual cost of construction. The same principle will apply to the case of telegraphs.

New clause agreed to.

Mr. BATCHELOR(South Australia.)I move -

That the following new clause be added to the Bill. - " Any electric authority which hereafter constructs any electric line, or does any other work for the generation, use, or supply of electricity, so as to injuriously affect any telegraph line connecting a cable with a telegraph line or Post-office of the Postmaster-General, shall pay to the owner of the telegraph line so injured all expenses reasonably incurred by such owner in making any alteration required for its protection."

The object of the new clause is the same as that of the amendment which was submitted last night by the honorable member for South Australia, Sir Langdon Bonython, but the proposal is now made in a form which I understand is much more agreeable to a number of honorable members, who have made that intimation to me. Some of the main objections which were raised to the amendment submitted last night are removed altogether. For instance, objection was taken to the amendment that it altogether prohibited the construction of certain telegraph lines, whereas in the proposed new clause, there is no prohibition at all. The new clause simply provides that where there is injury to an existing telegraph line, the expense of protecting the line shall be borne by the authority who does the injury.

Mr Isaacs

- Injury to a Commonwealth telegraph line ?

Mr BATCHELOR

- Injury to lines connecting a cable with the Postmaster-General's office.

Mr Isaacs

- That is still the old question of a private company's privilege.

Mr BATCHELOR

- An objection was raised to the amendment that it gave priority over any State undertaking. That was not a very sound objection as it appeared to me, but, in any case, it does not apply to the new clause. The sole object I have in view is to protect the cable communication, and to do that in a way to which I am sure no one, who is not inclined to be prejudiced against a certain company, can take the slightest objection. The suggestion that the proposal is in favour of any particular company is quite ridiculous, the only object being to protect international cable communication.

Sir MALCOLM MCEACHARN (Melbourne). - I last night opposed an amendment having the same object, because, to my mind, the amendment would have precluded tramway or electric light supply in various

quarters. The proposed new clause simply provides that if a cable company have their communication with the Post-office established prior to any other electric authority crossing their line, that authority shall be responsible for putting their line upon the metallic return.

Mr Watson

- That is the present law.

Sir malcolm Mceacharn

- That is not the present law, and it certainly would not be the law under this Bill as introduced. In the case of an electrical authority being there before the cable company are connected with the Post-office, the cable company would have to protect themselves against induction. That is a different proposal from the amendment submitted last night. It is only fair that a cable, on which we depend so much for getting our messages with as little delay as possible, should be protected where another electrical authority may come in and ruin the cable connexion for a considerable period, unless the metallic return be adopted.

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Mr DEAKIN

- I also was compelled to oppose the amendment submitted last night, because it appeared to place a private company in a position of apparent superiority to a State-owned system. Neither a State, nor municipality in a State, which desired to establish electric trams or electric lighting in the neighbourhood of the junction between the cable and the Postmaster-General's office, should be placed in a position of inferiority to a private investment. But I am now compelled to re-echo the remarks of the honorable member, for Melbourne. The proposed new clause is of a very different character from the amendment of last night, and maybe regarded without apprehension. The connecting line can only be a short line, and no right is conferred on a private company which is not conferred throughout the Bill upon the Postmaster-General in all cases in which his lines are affected by any more recently constructed work. As I had occasion, in discussing the general question, to point out last evening, this being a telegraph line, it cannot possibly injuriously affect any other line, seeing that it is constructed on the low-current system. But if by any possibility there should be on the shores of South Australia, where this cable will land, any electric trams or system of electric lighting, the utmost burden imposed on the new venture is to either pay the small cost of moving the telegraph line - which might be the cheaper course - or adopting the metallic circuit, or some other device to meet the case. We have consistently throughout the measure provided that the last comer in matters electrical is to be responsible for putting the previously established system to any extra expense. That is not unreasonable, and is all that is proposed. The new clause gives neither the Eastern Extension Company nor the Pacific Cable Company any new rights or privileges, but simply puts this position - that a new company may be put to the expense of rendering their system impervious against leakage or induction from the more powerful systems used for tramways or electric lighting. Under the circumstances, I think the proposal is not an unreasonable one.

Mr WILKS

- Last night I opposed an amendment to the same intent, proposed by the honorable member for South Australia, Sir Langdon Bonython. Apparently the honorable member for South Australia, Mr. Batchelor, has modified the proposal then made ; but has the Attorney-General considered the effect in the near future of the Eastern Extension Company opening offices in New South Wales ? Under these circumstances, it will be not only a line connecting the cable with the Post-office, but a distinct line altogether, running a considerable distance to the company's own offices. If that point be explained satisfactorily, I may be able to vote for the amendment. The Eastern Extension Cable Company have power in most of the States to open their own offices, and they will have their own lines - which are not limited as to length - connected with the cable end, placed under the same protection as the State lines under the control of the Postmaster-General.

Mr DEAKIN

- The point raised by the honorable member for Dalley is a very important one, and I should like to know whether the honorable member for South Australia, Mr. Batchelor, could give any idea as to the length of the line that would be required to be protected.

Mr. BATCHELOR(South Australia).It is intended that these lines should extend only from the shore end of a cable to the Post-office at which the connexion is made, or to a line under the control of the Postmaster-General. In the case of Port Darwin the honorable member for South Australia, Mr. V. L.

Solomon, would probably be able to inform us of the distance.

Mr V L SOLOMON

- The connecting line between the cable and the land lines at Port Darwin extends only a few hundred yards.

Mr BATCHELOR

- In the case of the Pacific cable I believe the connecting line will extend for some few miles, and in connexion with the Cape cable there will be about six miles of line, extending from the Grange along the Henley Beach road to the Adelaide Post-office. In no case could any of these lines be used for any purposes other than those for which their construction is authorized.

Mr. WILKS(Dalley).- There may not be much danger in connexion with this 13 u z matter at the present time ; but we know that certain concessions have been granted to the Eastern Extension Company in connexion with the opening of their own offices in New South Wales, a concession that, in my opinion, should not have been granted. And there should be a distinct limit as to the length of line, when we accord the company's lines protection equal to that granted to the State-owned lines.

Mr. ISAACS(Indi).- Although different words have been used in this amendment, it is precisely the same as that upon which we voted last night. Either the ordinary law permits what I may call the second electrical authority to do the acts contemplated or it does not. If the law permits it to do that act we should not take that right away, because we should take a right away from somebody by imposing obligations for the benefit of any private authority. We have no right to show preferences to any private individual. If the law does not permit that second electrical authority to do the work then the ordinary law can stop them or make them pay the penalty if they act contrary to the law, but why we in this, which is a paramount act, should override the existing rights of all other companies for the sake of one company is more than I can understand, and I say that we should be grossly inconsistent if we, by supporting this amendment, were to reverse the vote which we gave last night.

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Mr KNOX

- I hope that reason will prevail in this matter, and that the amendment, although not so direct and clear as that submitted last night, will be carried. The lines contemplated in the amendment form the connecting links between us and the outside world, and the private considerations involved are as nothing compared with those which affect the whole community. The mere incident that these lines belong to private companies should not deter us from protecting them as essential links in our lines of communication with the world beyond the seas.

Mr. WATSON(Bland). - I do not see that the alteration in the amendment has in any way affected the main point that was at issue last evening, namely, that we were not justified in giving any special privileges to one set of private individuals as against another.

Sir Malcolm Mceacharn

- The amendment does not refer to one company, but to any cable line.

Mr WATSON

- We know that the lines of the Eastern Extension Company are contemplated. I have no objection to that company, but I have just the same regard for any potential company which may come into existence for the purpose of carrying out any tramway or electric lighting scheme, and for the State tramways and the municipal electric lighting schemes. Each and every one of these authorities have to take their chance under present circumstances, and if they clash with one another under the law of the State in which they are operating, why should we single out any one for specially considerate treatment? His main objections which were urged against the amendment in its original form have not been removed, and I shall certainly oppose it in its present shape.

Mr. A.McLEAN (Gippsland).- I voted against the amendment that was proposed last night to achieve the same object as the honorable member for South Australia now has in view, and although I sympathize with the honorable member I have heard no reasons urged that would justify me in reversing the vote I gave last night. If the Bill proposed to take away any of the rights now enjoyed by the cable companies, it would be right and proper to insert some such provision to protect them against any possible injuries, but it is not proposed to subject them to any risks that they do not incur at the present time, and I see no reason why we should go out of our way especially to provide for the protection of certain companies

when we refuse to give the same consideration to the States or to any other companies. If we went so far as to do this, in order to be consistent and fair, we should provide that when any electrical authority has constructed a work it should be entitled to compensation from any authority who might interfere with and injure that work. It is not, however, proposed to go so far as that, and therefore I think we should pause before agreeing to the amendment now proposed.

Mr G B EDWARDS

- The position that was taken up last evening that we cannot give such special protection to any one company as we decline to give to the States, appears to me to be incontestable. No one can set bounds to the purposes to which electricity will be applied, and the Commonwealth Government would do a very great wrong if it created any vested rights in favour of any one company. We do not know how far the interests of the various States might be prejudiced by such a provision as that now suggested, and I hope the committee will not waste any further time over this matter, but decide to reject the amendment once and for all.

Mr. O'MALLEY(Tasmania). - Last night the honorable member for South Australia, Mr. Batchelor, moved an amendment and I had to vote against him. It seems to me that we have now before us in this amendment the same dear sister that was with us last night ; the only difference being that whilst she appeared in her_ ballroom dress on a former occasion, she is now before us in her bathing costume.

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Mr DEAKIN

- I think it is only just that I should call the attention of the committee to the fact that this is not as some honorable members have put it, an instance of giving to a private company certain rights that we are refusing to the States. None of the States can own telegraph or telephone lines, and no private corporation can be affected except the Eastern Extension Company, the Pacific Cable Company - if that can be considered a private corporation - or any other cable company that may construct a cable and land it on our shores. It is only in these instances that we can have connexions made between cable ends and the lines of the Postmaster-General. It cannot be said that we are granting to a private company what we are refusing to a State, because these cable companies furnish exceptional instances of which there can never be more than two or three in Australia. The question as to State rights cannot very well arise. These connexions must be very few and very short. Although the States cannot construct telegraph or telephone lines, they can authorize the carrying out of certain forms of electrical enterprise, but as has often been pointed out, these enterprises must always take the form of using electricity at a higher power than it is used in connexion with telegraph or telephone lines. These enterprises cannot suffer from the telegraph or telephone lines, but the high power works may have an absolutely disastrous effect upon a telegraph line or cable. The telegraph lines require protection, because nearly every other form of high electrical power can damage them without damaging itself. The honorable member for South Australia has put his case very clearly, and without over-stating it in the least, It appears to me that the language of the clause is capable of improvement, and if it be approved by the committee it will be necessary to revise it. It might be rendered perfectly innocuous, if the mover sees no objection to that course, by coupling with it a general power of control by the Postmaster-General. That is to say the Postmaster-General shall approve the length of the line to be deemed a connexion, and shall be the arbitrator in the event of any electrical authority coming into such close proximity with that line as to cause injury.

Mr Batchelor

- I do not object to that being done.

Mr DEAKIN

- I understand that the honorable member consents to the clause being amended so as to provide that the Postmaster-General shall determine the length of line to form a connexion between the cable and his Post-office, and in the event of any electrical authority coming into play in the neighbourhood so as to effect the cable, to decide what compensation shall be paid. That would retain the paramountcy of the Post-office, and render the clause perfectly innocuous.

Mr. ISAACS(Indi).- Under this proposed amendment would not a State Parliament be prohibited from having a traction service which might injure this company's telegraph line ?

Mr Deakin

- Unless they were prepared to pay a sufficient sum for duplicating this line, so as to give a metallic circuit.

Mr. HIGGINS(Northern Melbourne").I shall vote against this proposal. I think that it is more a question as to whether the Eastern Extension Telegraph Company will be put to expense or not.

Mr JOSEPH COOK

- There is the New Caledonia cable as well.

Mr HIGGINS

- The principal company concerned is the Eastern Extension Cable Company. The question here is " Are we to give that company a privilege which it does not enjoy at present, and which no other company enjoys, and without receiving any quid pro quo " ? We are not interfering with the Eastern Extension Telegraph

Company which has its rights. If that company be interfered with by a traction company, it will have to go to a little expense in order to protect its service. Surely that is not a matter in which we are called upon to interfere 1

Mr HENRY Willis

- Should not the person injured be paid ?

Mr HIGGINS

- But supposing that a person is injured by the legitimate act of another party' why should the other party pay? If I have a shop upon one side of the street for the purpose of selling groceries and a man establishes himself on the opposite side, and also sells groceries, thereby injuring me, I have not the least right to compensation. 'It is for the State law to deal between the Eastern Extension Company - where its cable touches its shores - and other companies. Let us suppose that a State law enacts that it is perfectly lawful for a traction company to lay down its lines in a certain place. If by laying those lines in that place the Eastern Extension Company's lines are interfered with, thereby involving that company in a little expense, that is a matter between the traction company and the Eastern Extension Telegraph Company. Surely it is not for the Federal Parliament to interfere and to give the same lights to the Eastern Extension Company as it gives to its Postmaster-General. Although I think it is more a matter of principle than of practical importance, I shall have to vote against the proposal.

Mr. PIESE(Tasmania).- This would be a fair restriction to insert in a Bill granting a concession in the future. The clause deals with the future. We are the controlling power with regard to telegraph and telephone lines. There is no inconsistency in making this provision, which we admit would be a fair one if the State were to properly consider the difficulties between the parties.

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Mr POYNTON

- The honorable and learned member for Northern Melbourne seems to have altogether missed the point at issue. The question, as I understand it, is that the Eastern Extension Company's cable ought not be regarded as a private concern at all. The public has a very great interest in it. Next to the Postmaster-General's own lines, if there is anything that we should protect it is the shore end of that cable system. In the proposal before the committee we are trying to prevent a private company from doing injury to a line in' which the public are very greatly concerned at the present time. We merely ask that if a company does injure that line they shall be bound to pay compensation to the extent of the injury. The honorable member for Kooyong put the position very clearly. I shall support the clause.

Mr. BATCHELOR(South Australia).I shall gladly accept the suggestion of the Attorney-General, because my object is simply to give to the Postmaster-General some control, at any rate, in regard to international communication.

Mr PAGE

- I look at this matter from a Commonwealth stand-point. It is merely an accident that this cable lands in South Australia instead of one of the more populous States of New South Wales or Victoria. We all benefit by the cable running from South Australia, and it is not a very big concession which is asked for. South Australia merely asks the Commonwealth to protect a little piece of land line from being spoiled by a company which is likely to start there with electric traction. They do not ask for any special legislation on the matter, but merely for a little protection. By all means let us extend to South Australia a little Victorian protection on this particular occasion. I hope that the clause will be carried.

Mr. JOSEPHCOOK (Parramatta).The point raised by the honorable member for South Australia has not practically been met yet.

Mr Deakin

- He has agreed to give the Postmaster-General paramount power.

Mr JOSEPH COOK

- That does not leave us very much to complain of, I admit, but there is still the question between the Postmaster-General and the electrical authority concerned. Is it fair that the Postmaster-General should be made the arbitrator in a matter of this sort? We are not merely dealing with the South Australian end of the Eastern Extension Company's cable, but with other cable ends also. For example, there is a cable end which comes into Queensland from New Caledonia. I have a decided objection to giving special privileges to a company like that, which is entirely a foreign company, and which has overreached various Governments to an extent to which it ought never to have been allowed to do. In New South Wales we have to pay this foreign company £2,000 a year for 30 years for a line over which we have not the slightest control, and which produces practically no revenue at all.

Mr Page

- We get a good deal of news over it.

Mr JOSEPH COOK

- We get no news over it of a public character. It is used only by a few merchants. I really think we ought to allow the matter to rest upon its merits. Both these cable companies will still have their tights, and if any other company injures them, they will be able to protect themselves. The Eastern Extension Cable Company is sufficiently rich to be able to look after itself, if we continue to give it the opportunity of so doing. But if we buttress it up by giving it special concessions, it will continue to ask for them.

Mr V L SOLOMON

- What special concessions has that company had ?

Mr JOSEPH COOK

- We have paid for all the cable ever put down between London and here. Surely that is one slight concession.

Mr V L SOLOMON

- No one had the courage to compete with them for 30 years until the line was made to pay.

Mr JOSEPH COOK

- I am surprised to hear honorable members speaking of this company in the way they do, as if it were the only public-spirited company in the world.

Mr V L SOLOMON

- It was the only one that in 1870 would construct that cable line.

Mr JOSEPH COOK

- That is perfectly true, but the company have been handsomely paid for all they have done for Australia.

Mr V L SOLOMON

- They deserved it for the risk they ran.

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Mr JOSEPH COOK

- I do not dispute that they did deserve it, but the question is whether we should give them these further concessions for which they are asking. I, for one, think we should not, and I hope the committee will vote as it did last night, and let this company stand upon its merits for once in its existence, without being buttressed up by these special considerations.

Mr GLYNN

- I quite agree with what has been said against this clause, and the reason I am going to support it is this : We have, I think illogically and wrongly, given to the Government certain rights. We have put the Postmaster-General in a preferential position, and, since we have done that, it is only right, if we want to be consistent, that we should allow something like the same protection to the portion of the line that connects the Government's system with the cable. We can only regard the cable as a matter of convenience and utility.

Mr Wilks

- What about the further extension they have power to make

Mr GLYNN

- I do not know what further extension the honorable member refers to. I am looking at this cable as a

convenience to the Postmaster - General, because it connects his system with the outside world. We have given the Postmaster-General certain rights, and to be consistent we should grant the same rights to the Eastern Extension Company. If the question was whether the Postmaster-General should have these rights, my vote would be against it, and then if this proposal were made I would vote against it also.

Mr JOSEPH COOK

- Would the honorable and learned member give this company all the rights he would give the Postmaster-General ?

Mr GLYNN

- I would undoubtedly. The Postmaster-General is entitled to no special privilege at all.

Mr Deakin

- I do not think that any one agrees with the honorable and learned member.

Mr GLYNN

- I think he is entitled to no royalty and no paramountcy. He is entitled to ask only for what is necessary to make the telegraph system effective.

Mr Deakin

-That covers everything.

Mr GLYNN

-It may be necessary, to render effective the connecting links between the Postmaster-General's lines and the cables, that this protection should be granted, and the logic which justified the committee in extending these immunities to the Postmaster-General justifies me in giving them to the private company.

Question - That the new clause proposed to be inserted be so inserted - put.

The committee divided -

Ayes 21

Noes 24

Majority 3

Question so resolved in the negative.

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Mr PIESSE

- I would like to ask the Attorney-General if he would consider the matter which was raised on the clause in regard to the Indecent Advertisements Acts. Although there was a very strong chorus of disapproval negating the proposal which was made, I understand it was not so much directed against the principle as the manner in which it was attempted to be carried out. I suggest to the Attorney - General that he might be able to insert a definition in this Bill which would cover the definitions in the Acts of Victoria, South Australia, Tasmania, and other States which have adopted this legislation. A portion of the provisions of those Acts will be inoperative, unless the Post-office can be used as it has been used for the purpose of preventing indecent publications coming into the States from abroad. If the Attorney-General accepts the suggestion, he can introduce into the Bill a provision which will cover the definitions already in the State Acts, such as that "indecent" shall mean what is understood by the common law of England, or what it is interpreted to mean by any such Act. I hope the Attorney-General will seriously weigh the matter, which is one of considerable importance.

Bill reported with further amendments.

ADJOURNMENT

Order of Business : Hour of Meeting

Minister for External Affairs

Mr BARTON

. - I move -

That the House do now adjourn.

The business with which we shall begin tomorrow will be the Immigration Restriction Bill, and I hope we shall proceed with it as far as possible.

Mr CONROY

- I would like to ask the Prime Minister if he has any objection to the House meeting about 11 o'clock.

Mr BARTON

- - I am afraid we must meet at 10 o'clock on this occasion. After the present pressure is removed, we

may possibly reconsider the hours of Friday sittings', but not yet.
Question resolved in the affirmative.

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22:15:00

House adjourned at 10.15p.m.