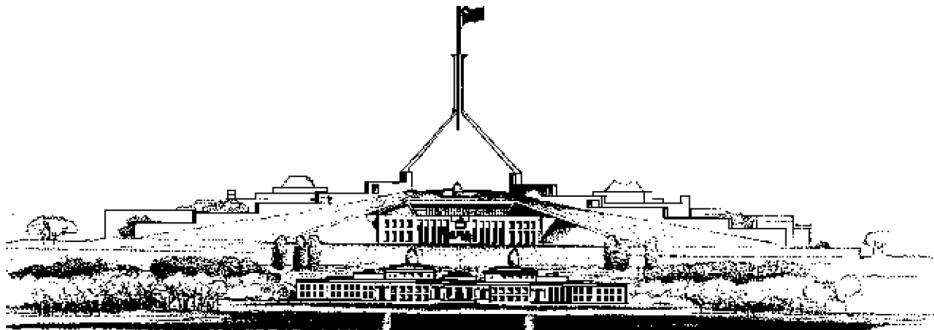




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



# Senate Official Hansard

No. 37, 1903  
Thursday, 10 September 1903

FIRST PARLIAMENT  
SECOND SESSION

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

# PARLIAMENT OF THE COMMONWEALTH.

## GOVERNOR-GENERAL.

His Excellency the Right Honorable **THE EARL OF HOPETOUN**, a Member of His Majesty's Most Honorable Privy Council, Knight of the Most Ancient and Most Noble Order of the Thistle, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of the Royal Victorian Order, and Commander-in-Chief of the Commonwealth of Australia. (Sworn, 1st January, 1901; Recalled.)

*Succeeded by*

His Excellency The Right Honorable **HALLAM, BARON TENNYSON**, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, and Commander-in-Chief of the Commonwealth of Australia. (Sworn as Acting Governor-General, 17th July, 1902. Sworn as Governor-General, 9th January, 1903.)

## BARTON ADMINISTRATION.

(*1st January, 1901, to 24th September, 1903.*)

Minister of External Affairs	...	The Right Honorable Sir Edmund Barton P.C., G.C.M.G., K.C.
Attorney-General ...	...	The Honorable Alfred Deakin.
Minister of Home Affairs ...	...	The Honorable Sir William John Lyne, K.C.M.G. (to 11th August, 1903).
Treasurer ...	...	The Right Honorable Sir John Forrest, P.C., G.C.M.G. (from 11th August, 1903).
Minister of Trade and Customs	...	The Right Honorable Sir George Turner, P.C., K.C.M.G.
Minister of Defence ...	...	The Right Honorable Charles Cameron Kingston, P.C., K.C., (resigned office, 24th July, 1903).
Postmaster-General ...	...	The Honorable Sir William John Lyne, K.C.M.G. (from 11th August, 1903).
Vice-President of Executive Council	...	The Right Honorable Sir John Forrest, P.C., G.C.M.G. (to 10th August, 1903).
		The Honorable James George Drake (from 10th August, 1903).
		The Honorable James George Drake (to 10th August, 1903).
		The Honorable Sir Philip Oakley Fysh, K.C.M.G. (from 10th August, 1903).
		The Honorable Richard Edward O'Connor, K.C.

## DEAKIN ADMINISTRATION.

(*From 24th September, 1903.*)

Minister of External Affairs	...	The Honorable Alfred Deakin.
Minister of Trade and Customs	...	The Honorable Sir William John Lyne, K.C.M.G.
Treasurer ...	...	The Right Honorable Sir George Turner, P.C., K.C.M.G.
Minister of Home Affairs ...	...	The Right Honorable Sir John Forrest, P.C., G.C.M.G.
Attorney-General ...	...	The Honorable James George Drake.
Postmaster-General ...	...	The Honorable Sir Philip Oakley Fysh, K.C.M.G.
Minister of Defence ...	...	The Honorable Austin Chapman.
Vice-President of Executive Council	...	The Honorable Thomas Playford.

## MEMBERS OF THE SENATE.

### FIRST PARLIAMENT.—SECOND SESSION.

*President*—The Hon. Sir Richard Chaffey Baker, K.C.M.G., K.C.

Baker, Hon. Sir Richard Chaffey, K.C.M.G., K.C.	...	South Australia.
**Barrett, John George	...	Victoria.
*Best, Hon. Robert Wallace	...	"
Cameron, Lt.-Col. Cyril St. Clair	...	Tasmania.
Charleston, David Morley	...	South Australia.
Clemons, John Singleton	...	Tasmania.
Dawson, Anderson	...	Queensland.
De Largie, Hugh	...	Western Australia.
**Dobson, Hon. Henry	...	Tasmania.
Downer, Hon. Sir John William, K.C.M.G., K.C.	...	South Australia.
Drake, Hon. James George	...	Queensland.
§Ewing, Norman Kirkwood	...	Western Australia.
††Ferguson, John	...	Queensland.
Fraser, Hon. Simon	...	Victoria.
Glassey, Thomas	...	Queensland.
Gould, Lt.-Col., Hon. Albert John	...	New South Wales.
Harney, Edward Augustine	...	Western Australia.
Higgs, William Guy	...	Queensland.
Keating, John Henry	...	Tasmania.
Macfarlane, James	...	"
§§Mackellar, Charles Kinnaird, M.B., C.M.	...	New South Wales.
Matheson, Alexander Perceval	...	Western Australia.
McGregor, Gregor	...	South Australia.
Millen, Edward Davis	...	New South Wales.
**Neil, Lt.-Col. John Cash	...	"
††O'Connor, Hon. Richard Edward, K.C.	...	"
O'Keeffe, David John	...	Tasmania.
Pearce, George Foster	...	Western Australia.
Playford, Hon. Thomas	...	South Australia.
Pulsford, Edward	...	New South Wales.
†Reid, Hon. Robert	...	Victoria.
‡Sargood, Lt.-Col. Hon. Sir Frederick Thomas, K.C.M.G.	...	"
Saunders, Henry John	...	Western Australia.
Smith, Miles Staniforth Cater	...	"
Stewart, James Charles	...	Queensland.
Styles, James	...	Victoria.
Symon, Sir Josiah Henry, K.C.M.G., K.C.	...	South Australia.
Walker, James Thomas	...	New South Wales.
Zeal, Hon. Sir William Austin, K.C.M.G.	...	Victoria.

\* Chairman of Committees.

† Deceased reported, 26th May, 1903.

\*\* Temporary Chairman of Committees.

§ Resignation reported 26th May, 1903.

†† Elected by the Parliament of Victoria to fill the vacancy caused by the death of Senator Sargood; sworn in 26th May, 1903.

|| Appointed by the Governor and afterwards elected by the Parliament of Western Australia to fill the vacancy caused by the resignation of Senator Ewing; sworn in 4th June, 1903.

†† Resignation reported 30th September, 1903.

‡‡ Seat declared vacant, 13th October, 1903.

§§ Elected by the Parliament of New South Wales to fill the vacancy caused by the resignation of Senator O'Connor; sworn in 14th October, 1903.

# MEMBERS OF THE HOUSE OF REPRESENTATIVES.

## FIRST PARLIAMENT.—SECOND SESSION.

*Speaker.*—The Hon. Sir Frederick William Holder, K.C.M.G.

Bamford, Frederick William...	...	...	Herbert. (Q.)
†Barton, Right Hon. Sir Edmund, P.C., G.C.M.G., K.C.	...	...	Hunter. (N.S.W.)
†Batchelor, Egerton Lee ...	...	...	South Australia.
Bonython, Sir John Langdon ...	...	...	"
Braddon, Right Hon. Sir Edward Nicholas Coventry, P.C., K.C.M.G. ...	...	...	Tasmania.
Brown, Thomas ...	...	...	Canobolas. (N.S.W.)
Cameron, Donald Norman ...	...	...	Tasmania.
*Chanter, John Moore ...	...	...	Riverina. (N.S.W.)
Chapman, Hon. Austin ...	...	...	Eden-Monaro. (N.S.W.)
Clarke, Francis ...	...	...	Cowper. (N.S.W.)
Conroy, Alfred Hugh ...	...	...	Werriwa. (N.S.W.)
Cook, James Hume ...	...	...	Bourke. (V.)
Cook, Joseph ...	...	...	Parramatta. (N.S.W.)
Cooke, Hon. Samuel Winter ...	...	...	Wannon. (V.)
Crouch, Richard Armstrong ...	...	...	Corio. (V.)
Cruickshank, George Alexander ...	...	...	Gwydir. (N.S.W.)
Deakin, Hon. Alfred ...	...	...	Ballarat. (V.)
Edwards, George Bertrand ...	...	...	Sth. Sydney. (N.S.W.)
Edwards, Richard ...	...	...	Oxley. (Q.)
Ewing, Thomas Thomson ...	...	...	Richmond. (N.S.W.)
Fisher, Andrew ...	...	...	Wide Bay. (Q.)
Forrest, Right Hon. Sir John, P.C., G.C.M.G. ...	...	...	Swan. (W.A.)
Fowler, James Mackinnon ...	...	...	Perth. (W.A.)
Fuller, George Warburton ...	...	...	Illawarra. (N.S.W.)
Fysh, Hon. Sir Philip Oakley, K.C.M.G. ...	...	...	Tasmania.
Glynn, Patrick McMahon ...	...	...	South Australia.
Groom, Arthur Champion ...	...	...	Flinders. (V.)
†Groom, Littleton Ernest ...	...	...	Darling Downs. (Q.)
Groom, William Henry ...	...	...	Darling Downs. (Q.)
Harper, Robert ...	...	...	Mernda. (V.)
§Hartnoll, Hon. William ...	...	...	Tasmania.
Higgins, Henry Bourne, K.C. ...	...	...	Nthrn. Melbourne. (V.)
Holder, Hon. Sir Frederick William, K.C.M.G. ...	...	...	South Australia.
Hughes, William Morris ...	...	...	West Sydney. (N.S.W.)
Isaacs, Hon. Isaac Alfred, K.C. ...	...	...	Indi. (V.)
Kennedy, Thomas ...	...	...	Moira. (V.)
Kingston, Right Hon. Charles Cameron, P.C., K.C. ...	...	...	South Australia.
†Kirwan, John Waters ...	...	...	Kalgoorlie. (W.A.)
Knox, William ...	...	...	Kooyong. (V.)
Lyne, Hon. Sir William John, K.C.M.G. ...	...	...	Hume. (N.S.W.)
Macdonald-Paterson, Hon. Thomas ...	...	...	Brisbane. (Q.)
Mahon, Hugh ...	...	...	Coolgardie. (W.A.)
Manifold, James Chester ...	...	...	Corangamite. (V.)
Mauger, Samuel ...	...	...	Melbourne Ports. (V.)
McCay, Hon. James Whiteside ...	...	...	Corinella. (V.)
McColl, Hon. James Hiers ...	...	...	Echuca. (V.)
†McDonald, Charles ...	...	...	Kennedy. (Q.)
McEacharn, Sir Malcolm Donald ...	...	...	Melbourne. (V.)
McLean, Hon. Allan ...	...	...	Gippsland. (V.)
McLean, Francis Edward ...	...	...	Lang. (N.S.W.)
McMillan, Sir William, K.C.M.G. ...	...	...	Wentworth. (N.S.W.)
O'Malley, King ...	...	...	Tasmania.
Page, James ...	...	...	Maranoa. (Q.)
Paterson, Alexander ...	...	...	Capricornia. (Q.)
Phillips, Hon. Pharez ...	...	...	Wimmera. (V.)
†Piesse, Hon. Frederick William ...	...	...	Tasmania.

\* Chairman of Committees.

† Temporary Chairman of Committees.

‡ Sworn in 25th September, 1901.

§ Sworn in 4th April, 1902.

|| Decease reported 8th August, 1901.

¶ Decease reported 6th March, 1902.

†† Resignation reported 29th September, 1903.

## MEMBERS OF THE HOUSE OF REPRESENTATIVES.

FIRST PARLIAMENT.—SECOND SESSION—*continued.*

Poynton, Alexander	...	...	...	South Australia.
Quicke, Sir John	...	...	...	Bendigo. (V.)
**Reid, Right Hon. George Houstoun, P.C., K.C.	...	...	...	East Sydney. (N.S.W.)
Ronald, James Black	...	...	...	Sthrn. Melbourne. (V.)
†Salmon, Hon. Charles Carty	...	...	...	Lanecoorie. (V.)
Sawers, William Bowie Stewart Campbell	...	...	...	New England. (N.S.W.)
Skene, Thomas	...	...	...	Grampians. (V.)
Smith, Bruce	...	...	...	Parkes. (N.S.W.)
Smith, Hon. Sydney	...	...	...	Macquarie. (N.S.W.)
Solomon, Elias	...	...	...	Fremantle. (W.A.)
†Solomon, Vaiben Louis	...	...	...	South Australia.
Spence, William Guthrie	...	...	...	Darling. (N.S.W.)
Thomas, Josiah	...	...	...	Barrier. (N.S.W.)
Thomson, Dugald	...	...	...	North Sydney. (N.S.W.)
Tudor, Frank Gwynne	...	...	...	Yarra. (V.)
Turner, Right Hon. Sir George, P.C., K.C.M.G.	...	...	...	Balaclava. (V.)
Watkins, David	...	...	...	Newcastle. (N.S.W.)
Watson, John Christian	...	...	...	Bland. (N.S.W.)
Wilkinson, James	...	...	...	Moreton. (Q.)
Wilks, William Henry	...	...	...	Dalley. (N.S.W.)
Willis, Henry	...	...	...	Robertson. (N.S.W.)

\*\* Resignation reported 18th August, 1903; re-elected and sworn in 9th September, 1903.

† Temporary Chairman of Committees.

## OFFICERS.

*Senate*.—E. G. Blackmore, C.M.G., Clerk of the Parliaments; C. B. Boydell, Clerk Assistant, G. E. Upward, Usher of the Black Rod.

*House of Representatives*.—C. G. Duffy, Clerk; W. A. Gale, Clerk Assistant; T. Woppard, Serjeant-at-Arms.

*Reporting Staff*.—B. H. Friend, Principal Parliamentary Reporter; D. F. Lumsden, Second Reporter.

## COMMITTEES OF THE SESSION.

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### SENATE.

**STANDING ORDERS COMMITTEE.**—The President, the Chairman of Committees, Senators Lt.-Colonel Gould, Sir John Downer, Sir W. A. Zeal, Dobson, Higgs, Harney, †O'Connor, Playford. (Appointed 28th May, 1903.)

**LIBRARY COMMITTEE.**—The President, Senators Matheson, Sir J. H. Symon, Keating, Barrett, Millen, Stewart. (Appointed 28th May, 1903.)

**PRINTING COMMITTEE.**—Senators Pulsford, Clemons, Pearce, Charleston, Dawson, Styles, Staniforth Smith. (Appointed 28th May, 1903.)

**HOUSE COMMITTEE.**—The President, Senators Lt.-Colonel Neild, De Largie, Playford, Fraser, Cameron, Glassey. (Appointed 28th May, 1903.)

**COMMITTEE OF DISPUTED RETURNS AND QUALIFICATIONS.**—Senators De Largie, Sir John Downer, Glassey, Macfarlane, Sir Josiah Symon, Walker, and Lt.-Colonel Neild. (Appointed 3rd September, 1903.)

### HOUSE OF REPRESENTATIVES.

**STANDING ORDERS COMMITTEE.**—Mr. Speaker, the Chairman of Committees, the Prime Minister, Mr. McCay, Mr. A. McLean, \*Mr. Reid, Mr. V. L. Solomon, and Mr. McDonald. (Appointed 5th June, 1901.)

**LIBRARY COMMITTEE.**—Mr. Speaker, Sir Langdon Bonython, Sir Edward Braddon, Mr. Isaacs, Mr. Macdonald-Paterson, Mr. Bruce Smith, Mr. Spence. (Appointed 5th June, 1901.)

**HOUSE COMMITTEE.**—Mr. Speaker, Mr. Fisher, Mr. Glynn, Sir Malcolm McEacharn, Sir William McMillan, Mr. Salmon, Mr. Manifold. (Appointed 5th June, 1901.)

**PRINTING COMMITTEE.**—Mr. Ewing, Mr. Fowler, Mr. Harper, Mr. Poynton, Sir John Quick, Mr. E. Solomon, Mr. Watkins. (Appointed 5th June, 1901.)

**ELECTIONS AND QUALIFICATIONS COMMITTEE.**—Mr. Batchelor, Sir Edward Braddon, Mr. Clarke, Mr. Joseph Cook, Mr. Kirwan, Sir John Quick. (Appointed 5th June, 1901.)

\*Resigned 18th August, 1903.

†Resigned 30th September, 1903.

## ACTS OF THE SESSION.

### APPROPRIATION ACT (No. 14 of 1903)—

An Act to grant and apply a sum out of the Consolidated Revenue Fund to the service of the year ending 30th June, 1904, and to appropriate the supplies granted for such year in this session of the Parliament. [Initiated in House of Representatives by Sir George Turner, 21st October, 1903. Assented to 22nd October, 1903.]

### APPROPRIATION (WORKS AND BUILDINGS) ACT (No. 16 of 1903)—

An Act to grant and apply a sum out of the Consolidated Revenue Fund to the service of the year ending 30th June, 1904, for the purposes of Additions, New Works, and Buildings. [Initiated in House of Representatives by Sir George Turner, 29th September, 1903. Assented to 22nd October, 1903.]

### COMMONWEALTH PUBLIC SERVICE AMENDMENT ACT (No. 19 of 1903)—

An Act to Amend the Commonwealth Public Service Act 1902. [Initiated in House of Representatives by Mr. Deakin, 15th October, 1903. Assented to 22nd October, 1903.]

### DEFENCE ACT (No. 20 of 1903)—

An Act to provide for the Naval and Military Defence and Protection of the Commonwealth and of the several States. [Initiated in House of Representatives by Sir John Forrest, 30th June, 1903. Assented to 22nd October, 1903.]

### ELECTORAL DIVISIONS ACT (No. 9 of 1903)—

An Act relating to Elections. [Initiated in House of Representatives by Sir William Lyne, 27th August, 1903. Assented to 11th September, 1903.]

### EXTRADITION ACT (No. 12 of 1903)—

An Act relating to Extradition. [Initiated in Senate by Senator Drake, 1st October, 1903. Assented to 22nd October, 1903.]

### HIGH COURT PROCEDURE ACT (No. 7 of 1903)—

An Act to regulate the Practice and Procedure of the High Court. [Initiated in House of Representatives by Mr. Deakin, 9th June, 1903. Assented to 28th August, 1903.]

### HIGH COURT PROCEDURE AMENDMENT ACT (No. 13 of 1903)—

An Act to amend the High Court Procedure Act 1903. [Initiated in Senate by Senator Drake, 8th October, 1903. Assented to 22nd October, 1903.]

### JUDICIARY ACT (No. 6 of 1903)—

An Act to make provision for the Exercise of the Judicial Power of the Commonwealth. [Initiated in House of Representatives by Mr. Deakin, 26th May, 1903. Assented to 25th August, 1903.]

### NATURALIZATION ACT (No. 11 of 1903)—

An Act relating to Naturalization. Initiated in Senate by Senator Drake, 24th June, 1903. Assented to 13th October, 1903.]

### NAVAL AGREEMENT ACT (No. 8 of 1903)—

An Act to approve of an Agreement relating to the Naval Force on the Australian Station entered into by the Commissioners for executing the office of Lord High Admiral of the United Kingdom and the Governments of the Commonwealth and of New Zealand and to appropriate moneys for the purposes of that Agreement. [Initiated in House of Representatives by Sir Edmund Barton, 2nd July, 1903. Assented to 28th August, 1903.]

### PATENTS ACT (No. 21 of 1903)—

An Act relating to Patents and Inventions. [Initiated in Senate by Senator Drake, 26th June, 1903. Assented to 22nd October, 1903.]

### RULES PUBLICATION ACT (No. 18 of 1903)—

An Act for the Publication of Statutory Rules. [Initiated in House of Representatives by Mr. Deakin, 20th October, 1903. Assented to 22nd October, 1903.]

### SENATE ELECTIONS ACT (No. 2 of 1903)—

An Act to make further provision for the Election of Senators. [Initiated in Senate by Senator Drake, 26th May, 1903. Assented to 15th July, 1903.]

### SUGAR BOUNTY ACT (No. 4 of 1903)—

An Act to provide for a Bounty to Growers of Sugar Cane and Beet. [Initiated in House of Representatives by Sir George Turner, 10th June, 1903. Assented to 30th July, 1903.]

### SUGAR REBATE ABOLITION ACT (No. 3 of 1903)—

An Act to abolish the Rebate of Excise Duty on Sugar. [Initiated in House of Representatives by Sir George Turner, 10th June, 1903. Assented to 30th July, 1903.]

**ACTS OF THE SESSION—*continued.*****SUPPLEMENTARY APPROPRIATION ACT 1901-2 AND 1902-3 (No. 15 of 1903)—**

An Act to grant and apply out of the Consolidated Revenue Fund a further sum for the service of the year ended 30th June, 1902, and a further sum for the service of the year ended 30th June, 1903.  
[Initiated in House of Representatives by Sir George Turner, 1st October, 1903. Assented to 22nd October, 1903.]

**SUPPLEMENTARY APPROPRIATION (WORKS AND BUILDINGS) ACT 1901-2 AND 1902-3 (No. 17 of 1903)—**

An Act to grant and apply out of the Consolidated Revenue Fund for Additions, New Works, and Buildings, a further sum for the service of the year ended 30th June, 1902, and a further sum for the service of the year ended 30th June, 1903. [Initiated in House of Representatives by Sir George Turner, 1st October, 1903. Assented to 22nd October, 1903.]

**SUPPLY ACT (No. 1) (No. 1 of 1903)—**

An Act to grant and apply out of the Consolidated Revenue Fund a sum for the service of the year ending 30th June, 1904. [Initiated in House of Representatives by Sir George Turner, 1st July, 1903. Assented to 4th July, 1903.]

**SUPPLY ACT (No. 2) (No. 5 of 1903)—**

An Act to grant and apply out of the Consolidated Revenue Fund a sum for the service of the year ending 30th June, 1904. [Initiated in House of Representatives by Sir George Turner, 28th July 1903. Assented to 30th July, 1903.]

**SUPPLY ACT (No. 3) (No. 10 of 1903)—**

An Act to grant and apply out of the Consolidated Revenue Fund a sum for the service of the year ending 30th June, 1904. [Initiated in House of Representatives by Sir George Turner, 17th September, 1903. Assented to 29th September, 1903.]

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## BILLS OF THE SESSION.

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### APPROPRIATION BILL (No. 1)—

[Initiated in House of Representatives by Sir George Turner, 29th September, 1903; Order of the Day discharged, bill laid aside, 21st October, 1903.]

### CLAIMS AGAINST THE COMMONWEALTH ACT AMENDMENT BILL—

[Initiated in Senate by Senator Neild, 28th May, 1903; Order of the Day discharged, 19th August, 1903.]

### CONCILIATION AND ARBITRATION BILL—

[Initiated in House of Representatives by Mr. Deakin, 28th July, 1903; lapsed at prorogation.]

### CONSTITUTION ACT AMENDMENT BILL—

[Initiated in House of Representatives by Mr. V. L. Solomon, 19th August, 1903; lapsed at prorogation.]

### FEDERAL TERRITORY BILL—

[Initiated in Senate by Senator Higgs, 8th October, 1903; lapsed at prorogation.]

### PAPUA (BRITISH NEW GUINEA) BILL—

[Initiated in House of Representatives by Sir Edmund Barton, 16th July, 1903; lapsed at prorogation.]

### PAPUA CUSTOMS TARIFF BILL—

[Initiated in House of Representatives by Sir Edmund Barton, 24th July, 1903; lapsed at prorogation.]

### PARLIAMENTARY EVIDENCE BILL—

[Initiated in Senate by Senator Neild, 28th May, 1903; Order of the Day discharged, 19th August, 1903.]

### POST AND TELEGRAPH ACT AMENDMENT BILL—

[Initiated in Senate by Senator Dobson, 25th June, 1903; lapsed at prorogation.]

### SEAT OF GOVERNMENT BILL—

[Initiated in House of Representatives by Sir William Lyne, 1st October, 1903; lapsed at prorogation.]

# P A R L I A M E N T   C O N V E N E D.

FIRST PARLIAMENT—SECOND SESSION.

(*Gazette No. 14, 1903.*)

Parliament was convened by the following Proclamation :—

## PROCLAMATION.

A U S T R A L I A   T O   W I T.

(Sgd.) TENNYSON,  
Governor-General.

By His Excellency the Right Honorable HALLAM, BARON TENNYSON,  
Knight Commander of the Most Distinguished Order of Saint  
Michael and Saint George, Governor-General and Commander-  
in-Chief of the Commonwealth of Australia.

W H E R E A S by the Commonwealth of Australia Constitution Act it was amongst other things enacted that the Governor-General might appoint such times for holding the Sessions of the Parliament as he thinks fit, and also from time to time by Proclamation or otherwise prorogue the Parliament: And whereas on the thirty-first day of March, One thousand nine hundred and three, the Parliament was further prorogued until Twelve o'clock noon on Tuesday, the twenty-sixth day of May, One thousand nine hundred and three, then to meet for the despatch of business: Now therefore I, the said HALLAM, BARON TENNYSON, do hereby further announce and proclaim that the place for the meeting of the said Parliament for the despatch of business as aforesaid shall be the buildings known as the Houses of Parliament, situated in Spring-street, in the City of Melbourne, and the Members of the Senate and the House of Representatives respectively are hereby required to give their attendance at the said time and place accordingly.

Given under my Hand and the Seal of the Commonwealth of Australia aforesaid, this seventeenth day of April, in the year of our Lord One thousand nine hundred and three, and in the third year of His Majesty's reign.

By His Excellency's Command,

EDMUND BARTON,  
Prime Minister.

G O D   S A V E   T H E   K I N G !

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**THURSDAY, 10 SEPTEMBER 1903**

### **CHAMBER**

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**Senate.**

*Thursday, 10 September, 1908.*

The President took the chair at 2.30 p.m., and read prayers.

**SOUTH AFRICAN WAR.**

Senator McGREGOR (for Senator PEARCE) asked the Minister for Defence, *upon notice*—

Will the Government procure from the Government of the United Kingdom supplies of the report of the Royal Commission on the conduct of the late war in South Africa for the information of members?

Senator DRAKE.—The answer to the honorable senator's question is as follows:—

The Government expects to receive copies of the report in question, and will make them available to honorable senators. If they are not so received a request will be made to the Imperial authorities.

**HIGH COURT.**

Senator HIGGS asked the Minister for Defence, *upon notice*—

1. Whether, in view of the motion carried in the Senate on Tuesday, and the adverse vote carried against the Government in the House of Representatives on the same date, the Government intend to proceed with the appointment of the High Court Judges?

2. Is it the intention of the Government, before appointing the said Judges, to ask in both Senate and House of Representatives for a motion of confidence?

Senator DRAKE.—The answers to the honorable senator's questions are as follows:—

1. Yes.
2. No.

**ELECTORAL DIVISIONS BILL.****THIRD READING.**

Motion (by Senator DRAKE) proposed—  
That the Bill be now read a third time.

Senator Lt.-Col. GOULD.—I think the Senate should divide.

Senator DRAKE.—It is very unusual to call for a division on the third reading.

Senator Lt.-Col. GOULD.—We consider it necessary and desirable to divide. We are not going to give the Bill our blessing.

The PRESIDENT.—Order. Honorable senators ought not to discuss a question across the Chamber unless they rise in their places.

Question put. The Senate divided.

Ayes ...	...	...	14
Noes ...	...	...	6
Majority	...	...	8

AYES.

Baker, Sir R. C.	Drake, J. G.
Barrett, J. G.	McGregor, G.
Best, R. W.	Playford, T.
Cameron, C. St. C.	Stewart, J. C.
Charleston, D. M.	Styles, J.
Dawson, A.	Teller.
Dobson, H.	O'Keefe, D. J.
Downer, Sir J. W.	

NOES.

Gould, A. J.	Walker, J. T.
Macfarlane, J.	
Neild, J. C.	Teller.
Smith, M. S. C.	Matheson, A. P.

Question so resolved in the affirmative.

Bill read a third time.

### DEFENCE BILL.

*In Committee* (Consideration resumed from 3rd September, *vide* page 4585) :

Clause 60—

1. The Governor-General may establish and maintain Military and Naval Cadet Corps, consisting of—

(a) Boys over twelve years of age who are attending school; or

(b) Youths between fourteen and nineteen years of age who are not attending school.

2. Cadet Corps consisting of youths who are not attending school shall be called Senior Cadet Corps.

3. Cadet Corps may be furnished with such arms, ammunition, and accoutrements as are prescribed.

4. Cadets shall not be liable for active service.

5. Officers and non-commissioned officers of Cadet Corps may be appointed as prescribed without regard to the age limit or other conditions set out in sub-section 1.

6. All military Cadet Corps in a military district shall be under the orders of the District Commandant of that district.

7. Service in a Senior Cadet Corps shall be deemed to be service within the meaning of section 11 of this Act.

Senator DOBSON (Tasmania).—There is no excuse for allowing this Bill to leave our hands unless it is in a somewhat perfect condition. With all respect to the military authorities and other persons who have been concerned in its preparation, I think it contains one very radical defect. I take it that the training for our military system should be like the training of a boy for the battle of life. Education has been described as a ladder. We all know the consequences which ensue when one or two rungs of

the ladder are absent or weak. In the States Government after Government have not only directed their attention to primary education, but have dealt elaborately with secondary education. We all know that the educational system of each State is a ladder by which boys may rise in life. Has that principle been applied to this Bill? I think not. This clause provides for a voluntary system of military and naval cadets. Ten or seventy per cent. of the boys in a school might join the cadet corps, and the others might not. The movement might be proceeding with all rapidity at one moment, and languishing at another moment. To neglect the training of our boys between the ages of twelve and eighteen years—the latter being the age at which a youth generally becomes a volunteer or a militiaman—is a very great mistake. We all know that in another place a heroic effort was made to establish a system of compulsory drill for young men between the ages of eighteen and twenty-one years. Although we might only ask these youths to drill thirty-two times a year, and to present themselves fourteen times a year for continuous drill in camp, still it would make a considerable demand on their time. It appears to me also that we should be dealing with our raw material a little too late in life. If we are to have any system of compulsory drill do not let it be given to the young people between the ages of eighteen and twenty-one years, but let it follow closely upon the training which they have received in the cadet corps in the schools. Let us deal with the boys between the ages of fourteen and seventeen years. If this rung is absent from the ladder, the Bill will be passed in a most imperfect form. It reminds me of a cartoon in *Punch*, which was suggested by a quotation from the *Times*—"The War Office must be put on a business like footing." It represented the furniture in the War Office upside-down, and the papers strewn about the room, with General Muddle holding up his hands in horror and saying—"Put the War Office on a business footing! Begad, has it come to this at last?" The Military and Naval Defence of the Commonwealth should be dealt with in the same way as a man deals with his own affairs. We should see that some efficient training is given to the boys from the age of twelve years up to the age of seventeen years, when they will be in a position to judge for themselves.

I propose to move that this clause be postponed, with the understanding that, if postponed, the Minister will prepare, with the assistance of his experts, a provision for the compulsory training of these cadets. Is it not absolutely necessary to teach our boys the use of the rifle, so that they may be able by-and-by to perform their duties as citizens, in defending the Commonwealth? Although we are providing in this Bill for a force of 900,000 men, which can be called out to defend our shores, yet we do not find any provision in it for teaching our boys the use of the rifle. I desire to express my utter astonishment that, after all the talk in the press and from the Labour Party on the subject of a citizen soldiery, this Bill does not contain one little provision which would give us that force automatically, for all time to come.

Senator GLASSEY.—Is the honorable and learned senator's proposal to apply to the naval as well as military cadets?

Senator DOBSON.—I am more anxious about the military than the naval cadets, because it is so easy to drill a boy and to teach him the use of the rifle. It is not quite so easy to put thousands of youths on a war-ship and teach them naval duties. I agree with Senator Glassey that my suggestion ought to apply to both naval and military cadets. Whenever the word compulsion is used, conscription is at once suggested. But there is just as much difference between conscription in France and Germany and the system I suggest, as there is between a blood horse and a half-starved donkey. This system would only be compulsory until the boys arrived at man's estate. I should like to know what the Germans would think of our Bill in its present form. If we are losing relatively in the race with Germany it is owing to the superiority of its educational system, combined with thoroughness. I desire to steer quite clear of its wretched system, under which a man is dragged away from his home, his business, or his trade, to serve for three years in the army. Switzerland furnishes an object-lesson to us. The cost of its army is less than that of any army that I know of. I shall quote a passage from Mr. Vincent's book, *Government in Switzerland*—

In Switzerland a standing army has never been a recognised institution. . . . On the other hand, every citizen is liable to military duty, and the Federal Government makes the regulations

under which he serves, establishes the system of instruction, drill, clothing, form of weapon, the formation of divisions, and in time of war takes exclusive command. . . . The organization of the Federal Army is carried out with elaborate exactness. As stated above, every able-bodied citizen not otherwise engaged in specified Government service must be enrolled in the militia, and continues in some form to the age of fifty a part of the national defence. For this purpose the quarters are divided into three general sections, according to the age of the men composing them. On coming of age every young man is entered on the list of recruits, and if after medical examination he is found available, is sent to one of the schools of instruction for about six weeks of his first year. . . . Education for military duties begins in reality when a boy has reached his tenth year; for gymnastic training under competent teachers is obligatory on all sound youths, whether attending school or not, until fifteen years of age.

So that honorable senators will see that all citizens have military gymnastics and training to fit them for a soldier's life hereafter. This takes place between the ages of ten and fifteen. All I desire to provide is that such military training shall be given between the ages of twelve and fifteen, or such other ages as the Committee may prefer.

The method and scope of instruction is carefully presented by Federal law, and is carried out by the cantonal administrations. In 1896, all but about 10 per cent. of school children were taught military gymnastics. Thus, without maintaining a large standing army, great care is taken in the instruction and exercise of the militia, a record being kept of every available man and where he may be found, so that when troops are wanted they may be instantly called together.

I would specially call attention to this—

Yet, after all, the mainstay of the Swiss Republic will be the sturdy patriotism which has been for centuries the bulwark of its liberties. It is the judgment of competent observers that the soldier of Switzerland is particularly gifted with that spirit which makes all the difference between a fighting machine and a man at war. It is hoped that no occasion will occur for its display; but when the time arrives, this robust love of country, infused through citizens in arms, will make a small force great.

That passage describes the system under which in Switzerland every boy is taught to take a part in the defence of his country. They commence with boys of ten, and train them until they are fifteen; and then again, at the age of twenty, the youths join the militia, and engage in certain drills and training. The objections made to this system, are, first of all, that it savours of conscription. I have dealt with that. I do not desire to hear it said that the system which I advocate would mean interfering with

the genius of the nation. I understand that it is the genius of the English people to be practical, common-sense, and business-like. All I ask is that this Bill should be framed on those principles. The next objection I expect to hear is that of the expense. We are told that there are in Australia 108,000 men between the ages of eighteen and twenty-one. I suppose that the number of boys between the ages of fourteen and sixteen would be greater than that. But there is no occasion to buy 108,000 rifles in order that one may be placed at the disposal of every cadet. I take it that under regulations it could be prescribed that the boys in their tender years should not deal with the rifle at all. Afterwards, a few rifles could be supplied to them in order that they might learn to use that weapon; and when they became members of the senior cadet corps they would be taught to shoot. If any objection is raised on the score of expense I would ask honorable senators to consider whether they want our defence expenditure to be applied to the foundation of our military system, or to leave that in a rotten and inefficient state, and apply the expenditure to the top of the tree. To draft a clause would be to some extent a difficult matter. There would need to be a conference of experts. I am perfectly prepared to draft a clause, but it might involve the recasting of several other clauses. I suggest that the necessary clause should be prepared by the draftsman, who is familiar with all the provisions of the measure. I would also point out that the cost can to a large extent be minimized. The boys need not all be drilled at the same moment, and there could be travelling inspectors and instructors to look after their training. I am quite certain that in some way or another we ought to insist that our boys at school shall be drilled, and I am absolutely certain that when they reach the age of fourteen years, and leave school, their training will have been wasted unless there are some means of continuing it. A few join the militia, but the rest simply become part of the 900,000 odd people who are to be called out if ever a time of danger arrives. I am satisfied that nineteen-twentieths of those who will be called out under those circumstances, will be ill-equipped for a contest. Is that right, fair, and just to ourselves? Is it doing justice to the citizens of the Commonwealth, or to the object which this Bill is introduced to promote? The

measure has been before Parliament for nearly three years, and has had devoted to it an enormous amount of thought and ability. I feel very strongly upon the point, and hope that the Minister will give me a sympathetic reply. If he does not, I trust that honorable senators will express plainly what they think, and not be driven away from the point by any bogey of conscription. They should insist on the young people of Australia being trained to defend the Commonwealth just as they are trained to read and write, so that they may become valuable citizens of Australia.

Senator DRAKE (Queensland—Minister for Defence). — I can certainly give the honorable senator a sympathetic reply. I am glad to find him bringing the matter forward. I have no doubt that there is in his proposal the germ of a very good idea which in the future will be carried out. But the honorable and learned senator has done wisely in saying that he proposes simply to move the postponement of the clause under consideration, with a view of allowing some one else to give effect to his desire. He will see on consideration that the difficulties in the way are in a different direction altogether from those which he has pointed out. He has referred to Switzerland. In that country, I believe I am right in saying, the population is closely settled, and the educational system is in the hands of the central Government. Where that is the case, it is comparatively easy to insist upon military service. The Government have only to put that subject into the educational curriculum. By the machinery which they control, they can impart military drill and training.

Senator DOBSON.—Does the honorable and learned senator anticipate any difficulty with the States?

Senator DRAKE.—Yes; in this way. Seeing that the education of the people of Australia is in the hands of the States Governments, it is questionable whether it is desirable for us, as a Federal Government, to at present pass Federal laws imposing upon the children attending States schools certain obligations.

Senator STANIFORTH SMITH.—Would it not, in any case, be expensive?

Senator DRAKE.—I am not dealing with the expense at present. The educational system is in the hands of the States, and it would be difficult for the Federal

Government to take power to undertake part of the education of the children. In addition to that, the system advocated by Senator Dobson would only be applicable to the densely-settled portions of Australia, under any circumstances. How could it apply to the bush? In the administration of the Education Department in Queensland, I found it very difficult indeed—in fact, the difficulty was insuperable sometimes—to provide for giving even the smallest modicum of education to the children throughout the State. It is only by means of having innumerable little schools dotted all over the face of the country that the majority of the population can be reached. While I was in office there, I initiated a system of travelling school teachers, with the object of carrying some limited amount of education to the children in the parts of the bush where the population was scattered.

Senator DOBSON.—Unless a certain number of children can be gathered together there can be an exemption.

Senator DRAKE.—I am pointing out the impossibility of providing for every child having some military education. As the voluntary system, to which the honorable and learned senator can have no objection, is embodied in the Bill, it will provide a means whereby children of the ages of from twelve years upwards can have some amount of drill, and they can be senior cadets from the ages of fourteen to nineteen. It just overlaps the period of enlistment for men of the Defence Force, and we make provision for military training from twelve years, until those being trained are of full military age. The scheme of the Bill is this, and I do not know how we can go further at the present time: that while we recognise that we should do all that we possibly can to provide for these corps, and everything necessary for the training of children, we do not take the step which we believe would interfere with the work of education undertaken by the various States, of making this training absolutely compulsory. Under the voluntary system, efficient cadet corps have grown up in the States, and good progress has been made with the movement. I have not had as much time as I should have liked to inquire into the matter, but it is one in which I take a very deep interest, and I hope, when I have a little spare time, to be able to investigate

it thoroughly, and to discover how the movement is progressing throughout the States.

Senator GLASSEY.—And how it can be further developed.

Senator DRAKE.—I believe that since the movement was initiated good progress has been made, and that in most of the States cadet corps are to be found in a fairly satisfactory condition. I hope the movement will be continued, and that the present condition of the corps, though satisfactory, will be very much improved, and the system expanded. I ask Senator Dobson not to press his proposal to make the system compulsory.

Senator Lt.-Col. NEILD.—I desire to raise the point of order whether it is competent for us to include the present clause in this Bill. I think that its inclusion is outside the four corners of the Constitution, which distinctly provides that education is not one of the subjects with which we can deal. The clause before the Committee provides for the training of cadet corps, and these cadet corps are clearly no portion of the Defence Force. This clause has nothing to do with the defence of the Commonwealth, but simply with the question of education and training, and whether the education be military or classical, in my opinion, does not matter.

Senator DRAKE.—But this is for the purpose of defence.

Senator Lt.-Col. NEILD.—I hope it will be understood that I am entirely in favour of the cadet system, and I only raise the point whether we can legally include this clause in the Bill.

Senator DOBSON.—From the authorities I looked up in connexion with Tattersall, I think we can.

Senator Lt.-Col. NEILD.—The Constitution does not grant to the Federal Parliament any right of interference in the subject of education. My second point is that the clause deals with education and not with defence, inasmuch as the cadet corps are not part of the Defence Force, which has been defined in the preceding clauses. The Defence Force is defined in this Bill under Part III., and it consists of permanent forces, militia forces, volunteer forces, and reserves, including rifle clubs. There is absolutely no line or phrase in this Bill, as it is before the Committee, which can possibly include cadets in the Defence Force.

Senator McGREGOR.—They can be taken to be part of the volunteer forces.

Senator Lt.-Col. NEILD.—That may be so; but that does not happen to be provided for by this Bill. I am not dealing with what we can do, but with the Bill as it is before the Committee. I submit that clause 60, now under consideration, distinctly deals with the training of youths, and that is education, and not military service. There is no pretension that it is military service. It is not pretended that these cadets are to be part of the military service, and being simply an aggregation of youths for purposes of education, the provision, in my opinion, is in conflict with the Constitution, which does not empower us to interfere in the subject of education. I ask for the ruling of the Chairman on the point, and I hope I shall not be trespassing upon any rule if I indicate that if he should be against me, I consider the question of so much importance that I think it might be desirable to have the opinion of the President, who is a constitutional lawyer.

Senator O'KEEFE.—The honorable senator is splitting straws.

Senator Lt.-Col. NEILD.—I do not think so. There is a great difference between a training for educational purposes, no matter what the ultimate end of the training may be, and the enrolment of persons for naval and military service. There being no pretence that clause 60 provides that these cadet corps are to be members of the Defence Force, it is clear that it is merely a provision for bringing youths together for purposes of education, and that is a subject with which the Commonwealth Parliament is not, under the Constitution, competent to deal.

Senator DRAKE.—I do not think that any difficulty can possibly arise in this connexion. This is a Bill to provide for the naval and military defence of the Commonwealth, and although the composition of the Defence Force is described in the Bill, the description is not exhaustive. There is no reason why, for the naval and military defence of the Commonwealth, we should not have a Defence Force such as is described in this Bill, and cadet corps as well. The cadet corps are not included in the Defence Force, technically speaking, but there is no reason why we should not have a force of cadets for assistance in the naval and military defence of the Commonwealth.

Senator Lt.-Col. GOULD.—Are they established for that purpose? There is nothing to show that in the Bill.

Senator O'KEEFE.—They are the material for building up the Defence Force.

Senator DRAKE.—It is true that they may not be called out. But they are there in preparation for the time when they may be required. I do not think that Senator Neild has in any way proved his contention that the training of cadets is education in the ordinary sense of the word. There is nothing in the Constitution that I know of with regard to education, except that it is not included in the powers given to the Commonwealth Parliament under section 51. Education, in the sense in which the term is used, clearly means the ordinary primary education carried on by the different States. My contention is that there is nothing whatever in the Constitution to prevent the inclusion of this clause in the Bill.

Senator Sir JOHN DOWNER.—We used the broadest words in the Constitution, so as to permit of the broadest interpretation. The expression "naval and military defence" will cover anything which might come under that head, and there can be no military or naval defence without education. That is a portion of defence. I hope the Chairman will not sustain the objection taken.

Senator KEATING.—I point out that if we include in this clause 60 such provisions as have been indicated by Senator Dobson to be the subject of an amendment he intends to move later on, obviously the intention will be to train these cadets for no other purpose than to be ultimately utilized for the defence of the Commonwealth. That being the ultimate object of the honorable and learned senator's intended amendment, we come to the consideration of the question raised by Senator Neild on this point of order. The honorable senator says that the matter of education is reserved solely for the States; but I remind him that the control of the railways is still left to the States, and, in spite of that fact, under section 17 of the Post and Telegraph Act, which we passed in 1901, and in connexion with which this or a cognate question was discussed, we provided that "the principal railway official of every State, or the owner, controller, or manager of any railway or tramway in any State shall carry mails upon any railway or tramway under his control

if required to do so by the Postmaster-General." At the time that section of the Post and Telegraph Act was before us, I raised the question whether it was competent for us to legislate in such a way as to make mandatory a provision of that character and so impose a duty upon a State Railway Department still under the control of the State. After considerable argument on both sides, the Committee of the Senate agreed that it was competent for us to do so. If we are satisfied that the object of the amendment which Senator Dobson has in view is to educate these cadets for the purpose of ultimately being of service for the defence of the Commonwealth, the question of our competency to legislate in such a way as to impose upon the States the obligation of so training them, has, to my mind, been settled by the attitude we have already taken with respect to the Railway Departments of the different States under the Post and Telegraph Act. It will, I think, be admitted that we have full powers under the general provisions of section 51 of the Constitution to legislate in such a way as to throw upon the States the responsibility of fulfilling the obligations created by our legislation in the interests of the Commonwealth.

Senator Lt.-Col. GOULD.—The instance cited by Senator Keating with regard to the postal service is scarcely on all-fours with the difficulty raised by Senator Neild on this point of order. We have the power, under the Constitution, not only to deal with postal, telegraphic, and telephonic, and other like services, but to make laws which are incidentally necessary for the execution of any power vested by the Constitution in the Parliament of the Commonwealth. In dealing with the postal service, it became necessary that the Commonwealth should provide for an efficient service. Therefore we made provision, under subsection 39 of section 51 of the Constitution, to compel the Railway Departments of the States to carry mails. But the Railway Departments of the States were to be paid for the service they rendered, and it was incidental to the execution of the powers vested in us to deal with the Post and Telegraph Service that we should, to a certain extent, have the power to control the railways, which were the most important means of communication.

Senator KEATING. — These incidental powers apply in the case of defence also.

Senator Lt.-Col. GOULD.—I say that these incidental powers were necessarily availed of in order to carry out efficiently the postal service of the country. It is not disputed that the Commonwealth has power to legislate for the defence of the country. It is part of our duty, and we are now attempting that legislation. The question raised is not so much, whether this is a matter of education, in the ordinary acceptation of the term, but whether it is necessary that we should provide cadet corps as a matter incidental to the execution of the power invested in us to provide for the defence of the Commonwealth. The Bill provides for the naval and military defence of the Commonwealth, but under it, the establishment of cadet corps forms no part of the naval or military defence of the Commonwealth, for the reason that there is no obligation imposed upon the cadets to be available for service in time of war, when it becomes necessary to call out our armed forces.

Senator KEATING.—It is admitted that they are not liable for active service.

Senator Lt.-Col. GOULD.—I refer honorable senators to clause 5, which provides—

This Act shall apply to all military and naval forces of the Commonwealth, whether existing at the commencement of this Act or raised thereafter, and to all members thereof, whether appointed or enlisted under this Act or under any State Act.

That shows the object of this Defence Bill. It is a Bill to provide for a naval and military force for the defence of the Commonwealth. But the cadets are in no way a part of that force, and are not as cadets liable for service. A man may be liable for service by virtue of his citizenship, but not by virtue of his being a member of a cadet corps. We propose here the establishment of cadet corps of boys over twelve years, attending school, and lads between fourteen and nineteen, not attending school. These are cadets who are to be trained for military service.

Senator KEATING.—In anticipation of their being liable.

Senator Lt.-Col. GOULD.—They are to be trained in the same way as soldiers, with the idea that they may be of value at some future date in the defence of the community. We all recognise that a cadet who has been well educated in military training and drill, when drafted into the Defence Force, will be of better service than a raw recruit.

Senator McGREGOR.—He will have served an apprenticeship.

Senator Lt.-Col. GOULD.—Yes. The point I take is, that while we provide for the training of cadets, we provide in no way whatever, for making use of their services as a part of the Defence Force in time of war. These boys, as cadets, cannot be called upon to serve under the Colours. We do not provide, for instance, that they may be called out under any clause in the Bill, as ordinary citizens may be. They may not be called upon for service as cadets; and I therefore submit that the contention of Senator Neild is correct, and that this clause dealing with cadets is not properly included in the Bill. Honorable senators may say that we can enlarge the Bill, and by providing that cadets shall be liable to service, we may make them part of the Defence Force; but that is not provided for in the Bill as it stands, and it would be regarded as altogether outside the ordinary scope of defence to render boys from twelve to fourteen years of age liable to service. While taking this view of the point of order, I do not desire that honorable senators should misunderstand my attitude upon the cadet system generally.

Senator O'KEEFE.—The honorable senator should keep to the point of order; let us discuss the question on its merits.

Senator Lt.-Col. GOULD.—I hope that Senator O'Keefe will keep as closely to the question as I have done. I submit that the point of order is justified. The cadet corps form no portion of the Defence Force of the Commonwealth, although cadets under this Bill may, when they arrive at a certain age, be liable for service just as any other citizen is liable. I do not go so far as Senator Neild in suggesting that the training of cadets would be an interference with the duty of public instruction, which is left entirely to the States under the Constitution; but I do agree with the honorable senator that as it stands at the present time the establishment of cadet corps under this clause does not come within the purview of this Bill.

Senator MATHESON.—I agree with Senator Neild in the contention he raises that the clause dealing with cadets, is outside the scope of this Bill, as indicated by its title. This is a Bill to provide for the naval and military defence, and protection of the Commonwealth, and the Defence Force is clearly defined in clause 29. It is to consist of the

military and naval forces of the Commonwealth, which are divided into two branches. The cadets form no part of either of those branches. It is therefore clear that the provision for cadets is outside the scope of the Bill. It is, however, a very easy matter to remedy. All that we have to do is to insert some allusion to the organization of cadet corps in the title, and so make provision for clause 60.

Senator Lt.-Col. GOULD.—Bear in mind that this is not our Bill; it is a Bill received from the other House.

Senator MATHESON.—That does not matter. We can amend the title to the Bill. We can amply provide for the organization of the cadet corps. It is as simple as A B C. It seems a pity that any obstacle should be put in the way of carrying out the most valuable part of the Bill by a technicality which we can remove.

Senator DOBSON.—So far as I can understand, the matter is amply covered by authority. I glanced over the authorities when the question of the Federal Government stopping the letters to Tattersall's was under discussion, in order to see whether we were interfering with States rights, and I ascertained that if a power is given to a Federation, the Government has ample authority to do anything that is necessary to enforce that power. I met with instances where, in order to carry out some power which was committed to the Federation, the Government ordered a State policeman to help them, and it was held that they had a perfect right to do so. Here we are dealing with the naval and military defences of the Commonwealth. Every power consistent with providing for that defence is committed to the Federal Government. We have power to call out 900,000 odd citizens of Australia, including the old men; and is it to be contended that we have absolutely no power to insist that boys between the ages of fourteen and seventeen shall be trained in order that they may carry out the very objects which this Bill is introduced to insure? Senator Gould says that the cadet forces are not a part of the Defence Force provided for under the Bill. I think he is wrong.

Senator Lt.-Col. GOULD.—As cadets, they are not liable for active service; as citizens they may be.

Senator DOBSON.—They are cadets between the ages of twelve and nineteen, and

I maintain that they are in every way liable to be called out, if necessary.

The CHAIRMAN.—This is a matter about which I have no doubt whatever. The Constitution provides in the first place that—

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to . . . the naval and military defence of the Commonwealth and of the several States, and of the control of the forces to execute and maintain the laws of the Commonwealth.

Then, in sub-section 39 of section 51, it says—

Matters incidental to the execution of any power vested by this Constitution in the Parliament or in either House thereof.

It appears to me that this power of forming cadet corps for the purpose of educating and training them is clearly incidental to the power to provide for the defence of the Commonwealth. Some objection has been taken to the title of the Bill, which sets out that it is a measure to provide for the military and naval defence and protection of the Commonwealth and of the several States. Surely those objects embrace the possibility of training boys in military work, so that when they reach the age of eighteen or nineteen they can efficiently discharge the duties they may be called upon to undertake. And even if there is any serious objection to the title of the Bill as not being in itself sufficiently comprehensive, honorable senators will know that the title is completely subordinate to the clauses of the Bill. The very object of postponing the title until the clauses are passed is to make it conform to those clauses. Moreover, as honorable senators are aware, the second reading of the Bill has already been carried, and its scope and objects embrace, among other things, this provision for the training of cadet corps. Therefore, I think that the clause is rightly and constitutionally inserted, and I overrule the objection which has been taken.

Senator Lt.-Col. NEILD (New South Wales).—While expressing the greatest respect for your ruling, sir, I hope I may be permitted to say that I still maintain—

The CHAIRMAN.—If the honorable senator is going to object to my ruling, he must do it in writing.

Senator Lt.-Col. NEILD.—I am not going to do so; but I still maintain—

The CHAIRMAN.—The honorable senator cannot discuss my ruling.

Senator Lt.-Col. NEILD.—I am not discussing it, but I am entitled to my opinion.

The CHAIRMAN.—The question before the Chair is that the clause stand part of the Bill.

Senator O'KEEFE.—I was called upon before the point of order was raised. I submit that if Senator Neild is going to challenge your ruling he should do so in writing.

The CHAIRMAN.—I have called the honorable senator to order for referring to my ruling.

Senator Lt.-Col. NEILD.—I was merely saying—having regard to something which I said previously—that I felt that I had done my duty sufficiently, and do not intend to carry the matter any further.

Senator DOBSON (Tasmania).—Will the Committee kindly allow me to read a little information, to which I particularly wish to call the attention of the Minister for Defence? My honorable and learned friend seems to think that the cadet corps are on a business-like footing, and are getting on very well in the different States.

Senator MILLEN.—Is this a document that can be read?

Senator DOBSON.—In New South Wales there are eighty-nine cadets under the Militia Defence Department.

Senator Lt.-Col. NEILD.—There are thousands.

Senator DOBSON.—In Victoria there are 4,150.

Senator MILLEN.—I should like to ask, as the information which Senator Dobson is giving us appears to be wildly inaccurate, whether he is entitled to read it?

The CHAIRMAN.—The honorable and learned senator may quote any figures he desires to quote in connexion with any argument he may bring forward with regard to the clause.

Senator MILLEN.—Senator Dobson states that he is reading a document. If so, I believe that he ought to lay it upon the table of the Senate.

The CHAIRMAN.—I think the honorable senator is in order.

Senator Lt.-Col. GOULD.—I ask for your ruling, sir, on the point whether an honorable senator is entitled to read from any document unless it is official. Clearly, he is entitled to state that he is informed that there are 89 cadets in New South Wales, and 4,150 cadets in Victoria. But I submit that he is not entitled to quote from

any document not official for the purpose of influencing the votes of honorable senators.

Senator DOBSON.—I do not propose to read any document, sir.

The CHAIRMAN.—In that case, the honorable and learned senator can proceed.

Senator DOBSON.—I cannot understand the reason why any honorable senator should wish to prevent me from giving very important information to the Committee. The Minister said that he would make inquiries about the question of the cadets, but he understood that the movement was progressing favorably. In New South Wales there are eighty-nine cadets under the Military Department, and, for all I know to the contrary, there may be thousands of cadets under the Education Department over which we have no control. In Victoria there are 4,150 cadets under the Military Department. In fact, all the cadets are under that Department. In Queensland and Tasmania there are a considerable number of cadets under the Military Department. In South Australia all the cadets are under the Education Department. The movement needs to be inquired into and placed on a business footing. I believe the Minister will find that it is in a state of chaos. I thank Senator O'KEEFE for giving me the opportunity to furnish this information.

Senator O'KEEFE (Tasmania).—I am sorry that so much time has been taken up in discussing points of order, because otherwise we should have ended this discussion. I am very glad, sir, that your ruling enables us to discuss the merits of this proposal. We are indebted to Senator Dobson for having originated this discussion. Broadly speaking, I am very much in favour of the principle of having cadet corps. Whether it will be possible for the Minister, with the advice of his colleagues and his experts, to formulate a scheme which will be found workable, I cannot pretend to say, but I do not see why it should not be done. We have heard a great deal about the kind of defence which is likely to be of most use to Australia if it should ever be involved in trouble. Those statements have been based upon a knowledge of what took place in South Africa. It was the very expertness of the Boers in the use of the rifle which led to the prolongation of the war. The proposal of Senator Dobson seems to go to the very root of rifle shooting in Australia. If his proposal could be carried

out, the cadets would be given a certain amount of drill, and be taught the use of the rifle. How many persons in Australia over the age of eighteen years could hit a haystack at a distance of 500 yards, much less a man? How great is the number of men who have even the most elementary knowledge of the use of the rifle? It is very limited indeed. We have decided to depend upon a citizen force for the defence of the Commonwealth. We have agreed that rifle clubs shall constitute the chief portion of that force. What is the use of our deciding to depend upon a citizen force, and the efficiency of Australians in the use of the rifle, if we do not inculcate in the boys a desire to learn the use of the rifle? I hope it will be found possible by the Minister for Defence to take some step in that direction. Some time ago I heard Colonel Templeton, who is regarded in Victoria as a military expert, make the remark that it takes as much money to maintain three men in the permanent military force as would provide for eighty-four members of rifle clubs. If that statement is correct, it confirms me in the belief which I have always held and expressed—that we ought to teach young Australians to be efficient in the use of the rifle, and to make the members of rifle clubs in as large a proportion as possible members of our Defence Force. I believe the proposal of Senator Dobson will tend to inculcate in our boys a desire to learn the use of the rifle, and to acquire the necessary drill. I submit that the question is worthy of our serious consideration.

Senator FLAYFORD (South Australia).—There is no doubt that this proposal is worthy of our very serious consideration, because it involves the old question whether the system should be compulsory or voluntary. For a long time I have been in favour of a compulsory system all round. I do not believe in compulsion for the boys alone. I believe in the Swiss system, under which a person commences as a boy and ends as an exceedingly old man. I contend that compulsion is the correct system to adopt, if we intend to provide a Defence Force of the best possible character. In South Australia, when the Right Honorable Charles Kingston was my Attorney-General, we prepared a Bill, but the people were not prepared for compulsion, and I doubt whether the people throughout the States are prepared for compulsion. It would be a great mistake to attempt to force upon the people a compulsory system, when

they are not prepared for its adoption. When we found that the feeling in South Australia was so strongly against the compulsory principle we abandoned our Bill—and very properly so, too. I am certainly not in favour of the proposal of Senator Dobson. If we compelled the children in the States schools to attend a certain number of drills, we should interfere with State rights in the matter of education, and cause any amount of trouble and friction. The States are now looking with very jealous eyes at the action of this Parliament in interfering with their rights. The States are exceedingly jealous of their rights, and our policy should be to give no cause of complaint. We should give cause of complaint at once if we were to compel the children in the States schools to devote a certain amount of time to drill—during school hours, I suppose. I believe that the system which the Government have submitted in their Bill is the correct one to adopt. In South Australia we have a good many cadets, although not under military control, who are being fitted for performing the duties of citizen soldiers in later years. I understand that in Victoria there are a considerable number of cadets under military control. In New South Wales there are exceedingly few cadets under military control, but that does not suggest that they have not many cadets under the Education Department. I am exceedingly glad to notice how the boys rejoice in the training which is given to them, and with what pride they march through the streets to the music of their little fife and drum bands. They are receiving a certain amount of training which will be useful by-and-by to the Commonwealth. I believe that eventually the people of the Commonwealth will be ripe for a system of compulsory training all round. I hold that it is the duty of every man to fit himself to defend his hearth and home, and to undergo a certain amount of training every year. For the reasons I have given, I shall oppose the postponement of the clause.

**Senator Lt.-Col. CAMERON (Tasmania).**—I rise with much diffidence to address the Committee, particularly after having listened to the excellent speech of Senator Playford, which breathed a pure patriotism. I desire to thank Senator Dobson for having brought forward this question. In listening to the remarks of Senator Playford I was reminded of the old proverb, that it is of no

use to attempt to teach old dogs new tricks. The desire of Senator Dobson is to teach the pups the tricks that we wish them to know, so as to be of some use in defending our hearths and homes by-and-by. The Minister for Defence has raised a serious objection to the proposal of Senator Dobson, but I submit that where State rights are not being unduly infringed, and where the national requirements are so vital, too much prominence should not be given to that point in the discussion. The question that of course is involved is one of vital importance to the community. We are at the parting of the ways now, and should start with a system whereby may be built up such a system of defence as has been found by recent experience to be necessary. In every hamlet in England men are being trained for the defence of the country. Every able-bodied man and boy is being taught to handle a rifle effectively. I cannot help saying, with due deference to the Minister, that we have before us a very unsatisfactory proposal. If I had not known the indifference of some of the States in regard to military affairs, and to the cadet movement in particular, I should not lay any stress upon the point. But we have to bring the whole Commonwealth into line, and to make our youth able to take their proper part as citizens. If Senator Dobson cannot propose an amendment embodying the views which he has expressed, I hope the clause will be postponed so as to give the Minister an opportunity to reconsider the point. It is of such vital importance that a start should be made at once upon a sound foundation. If I were to talk for an hour I could not express myself more strongly. I am bound to support Senator Dobson in his endeavour to make an initial movement on the lines he has indicated. Without occupying any more time, I state that his proposal has my most cordial support.

**Senator Lt.-Col. NEILD (New South Wales).**—I suggest that the present method of discussing suggestions rather than a definite subject before the Chair, leads to a shocking waste of time.

**The CHAIRMAN.**—The honorable senator has reflected upon me.

**Senator Lt.-Col. NEILD.**—I did not desire to do so.

**The CHAIRMAN.**—The honorable senator has done so. Senator Dobson, when addressing himself to this question, urged

that the clause was ineffective, inasmuch as it did not provide for compulsory service. Consequently he was quite relevant in the matter which he introduced. Nothing has been brought forward in this debate that has not been immediately relevant to the clause.

Senator Lt.-Col. NEILD.—I am sorry that you should have misunderstood me, because it never occurred to me that anything which has taken place was not strictly parliamentary. If I had been allowed to finish my sentence you would have found that that was what I was about to say. A particular procedure may be strictly in accordance with parliamentary custom, and yet may lead to a greater expenditure of time than if it were dealt with in another parliamentary form. All that I was going to suggest was that it would be desirable for Senator Dobson to submit some definite proposal which when submitted from the Chair would lead to a definite vote being given. All that we have now before us is a suggestion, and we are discussing that suggestion with apparently no possibility of coming to any final decision. I had not the remotest idea of reflecting upon the manner in which the business is being conducted. Such a thing never occurred to my mind. Senator Dobson read some figures, and having heard his explanation that the New South Wales figures only related to the cadets under military authority, I think that he has given me a text from which I must preach a brief homily in opposition to what he has indicated that he desires to do. In New South Wales there are less than one hundred cadets under the authority of the Defence Department, but as my honorable and learned friend admits there are thousands who are not subject to that authority. To-day the State from which I come is clothing, training, and drilling these cadets. The adjutant for volunteers in New South Wales is a gentleman who wears the medal of the Distinguished Service Order for service in South Africa, and the Colonel wears a foreign service medal.

Senator DRAKE.—Then I was right in saying that the movement is progressing satisfactorily?

Senator Lt.-Col. NEILD.—Perfectly right. I entirely agree with my honorable and learned friend, Senator Dobson—and I have made my views known from the platform, in the press, and in this Chamber—that it is a most shocking waste of public

money to train cadets up to fourteen years of age and then turn them loose to waste four years. They forget all they have learned in that time, between when they cease to be cadets and when they can become members of the regular forces. I quite agree that something should be done to bridge over that four years. That is done under the clause before us, which provides that youths may remain cadets to the age of nineteen years. That prevents any necessity for a break between the time when a youth leaves his cadet corps, and when he can join one of the ordinary volunteer regiments. I am entirely at one with Senator Dobson with regard to that point. In New South Wales the State is paying large sums for the training of school cadets. I do not see how I can come here representing a State that is doing that, and assist in passing a clause which would take this power out of hands of the State, and substitute compulsory Commonwealth service. This is a matter which in my opinion can only be accomplished satisfactorily by negotiation between the Commonwealth and States authorities.

Senator DOBSON.—Why not put in the clause the words—“With the consent of the State.”

Senator Lt.-Col. NEILD.—If the honorable and learned senator will be kind enough to give us a tangible proposal which we can discuss, we shall know what it is that he really proposes. But the moment we answer him on one point he starts another “side show.” I cannot run a discourse on those lines. I agree with Senator Playford that however valuable it may be to have compulsory service, it is not possible in Australia. As to Senator Cameron, I think that his enthusiasm for the service of which he is so distinguished an ornament, rather led him into a phrase of speech which is calculated to mislead. He seemed to indicate that there was such a thing as compulsory service in England. He did not actually say so, but it was implied in the phrase which he used. I am sure that many persons reading his speech would, knowing his authority in the military world, be inclined to think that there was some sort of compulsory military service in the old country. There is nothing of the kind.

Senator Lt.-Col. CAMERON.—How about the Militia Act?

Senator Lt.-Col. NEILD.—I have got the Militia Act here, and if the honorable senator looks through it he will find that

even in the militia there is practically voluntary service. But there is another reason why I must be in opposition to Senator Dobson's idea. Up to a certain point it is absolutely on all fours with the proposal which was submitted in another place, not by a "crusted old Tory"—I am quoting a friendly phrase which has sometimes been applied to Senator Dobson himself—nor by a person of Conservative instincts, but by a member of the Labour Party. But it was hopelessly defeated.

Senator O'KEEFE.—It was not on all fours with this proposal.

Senator DOBSON.—It was nothing like it.

Senator Lt.-Col. NEILD.—Evidently I must be getting home or some people would not be so wrathful. Senator Dobson's proposal is to institute compulsory service by people who have not got a vote, while we should not dare to impose compulsory service upon those who have votes.

Senator DOBSON.—Nonsense!

Senator Lt.-Col. NEILD.—I do not say that Senator Dobson dare not do it. I believe he would "go the whole animal" for compulsory service. But I am not going to vote for compulsory service in regard to boys of eighteen or nineteen, when I dare not—or some people dare not—make it compulsory for the same persons when they have votes a couple of years afterwards. A boy of fifteen or sixteen may have a widowed mother to support, or younger brothers and sisters to keep. To compel that boy to give compulsory service for military purposes, which we do not ask a full-grown man and a voter to give, is a policy which any Englishman should be ashamed to support. I quite agree that every able-bodied man should fit himself to take part in the defence of his country. I do my bit of soldiering, and should be glad to see every member of this Senate doing his bit as well. But I am not going to enforce compulsory service on those who are weak, whilst not doing it in the case of those who are strong because they have votes.

Senator DOBSON.—That is not worthy of the honorable senator.

Senator Lt.-Col. NEILD.—It is one interpretation that will be put upon the honorable and learned senator's proposal throughout the Commonwealth. I have had enough experience of human nature to know that that would be one of the results of carrying what he suggests.

During the debate in another place in reference to compulsory service for youths just before they reach the voting age, the argument which I have been advancing was used in opposition. It was said—"You are willing to institute compulsory service for those who have no votes, but you are not game to make the same proposal for those who have the power of the franchise behind them." I am in favour of cadet corps. I look upon this clause as a very valuable step in the right direction, inasmuch as it carries on the training of a youth until he is competent to enter the general Defence Forces. I also submit that under this Bill there is ample provision made for the issue of regulations to manage this business, and to carry out all the details. We are making a considerable advance in relation to cadet corps. And here let me say that I think that one of the grandest features of the Defence Force in Victoria is the senior cadet corps. They are very fine indeed, and I admire them very much. I respect them, and I wish that New South Wales had her senior cadet corps as well as her junior corps. But when we are making such a step in advance I cannot agree to any attempt to outrage the principle of voluntary service to such an extent as Senator Dobson proposes. Therefore I shall vote for the clause as it stands.

Senator Sir JOHN DOWNER (South Australia).—I hope that the clause will be passed as it stands. It appears to me that we are trying to do too much, not only in this Bill, but in many other respects. Some persons want to hurry on everything. No freedom is to be left to us. Everything is to be compulsory. The machinery of the Commonwealth is to be exercised to its utmost, and the local authorities are to be left without any authority. What is the argument in favour of Senator Dobson's amendment? We are told what happens in Switzerland. Where is the analogy between Switzerland and Australia? Switzerland is the battle-ground of Europe. The geographical position of that country necessitates the military training of its citizens. But what have we to do with that? What battle-field have we in the Commonwealth? We are not a military nation, never expect to be, and do not wish to be. We are, I hope, a vigorous people, and should be able to take care of ourselves in case of need. But

any trouble that is likely to come to us will be more likely to come from the sea than the land. It is on the sea that our main fighting will have to be. The Bill goes as far as I can agree to go, and perhaps a little farther. We have had sprung upon us all at once the notion of making military service compulsory throughout the Commonwealth—interfering with every State, interfering with every parental right, and making a deep-rooted alteration in the present system, involving large expense and waste of time in the education of the children. The boys throughout the Commonwealth are to be provided with rifles. There will be great expense in that. They are to be taught to use the rifles. There will be more expense. The time that ought to be devoted to their education is to be spent in learning to shoot, and there will be further expenditure upon ammunition. All this is not necessary for the defence of a country separated from the rest of the world, for a people who do not wish to be a warlike people, and whose dangers are problematical and remote. My opinion has always been that our principal defence should be upon the sea. At the same time, however, we should not be without police. Though we are a peace-loving people, it is necessary to have a few constables to prevent offences against the law. But here is a proposal—based upon an analogy with Switzerland, which, from its situation, has to be a military country, and, being poor, has to obtain its military defence at the cheapest possible cost—to make Australia set up machinery on an elaborate scale for defending itself against an enemy who probably will never have to be encountered. There is no occasion for any such proposal as the one before us. Of course the idea of bringing up our boys so as to make them capable of defending their hearths and homes is not a new one. As a matter of economy, I think it would be well that occasionally a hearth and home should be sacrificed, rather than that we should incur the immense waste of life, time, and labour involved in providing for a contingency so absolutely remote that we may say it can never occur. We must have some economy in this matter.

Senator O'KEEFE.—Will the honorable and learned senator continue the military expenditure on land defences?

Senator Sir JOHN DOWNER.—I am speaking to the subject, and not to some

other subject. If my honorable friend asks me the extent to which I would go in the matter of military expenditure, I tell him frankly that I do not know. I am dealing with a concrete proposal—that there should be compulsory military education in the schools; that the States should incur the expense of supplying rifles and ammunition to all the boys, and of teaching them, and that the proposal which the Government make—and which I think is quite sufficient—should be set aside. From that point of view I am entirely against the suggestion made, and I hope the Bill will be proceeded with.

Senator Lt.-Col. GOULD (New South Wales).—I agree with the opinion generally expressed that it is undesirable to negative or postpone this clause for the purpose of considering a clause providing for compulsory service by cadets. There is no reason why I should reiterate the arguments already advanced; but, in common with other honorable senators, I welcome every opportunity which can be afforded to the youth of the Commonwealth to obtain training in the use of arms, and in discipline. Under a clause of this character we shall not only be providing for the training of youths who in future may have to become the defenders of the country, but we shall be inculcating habits of discipline, obedience, and respect, which are urgently needed by young Australians.

Senator GLASSEY.—And physical development.

Senator Lt.-Col. GOULD.—We shall also be adopting means for promoting their physical development. From time to time complaints are made about the way in which Australian children roam about; how dead they are to all sense of respect for their seniors, and how difficult they are to control. And it is important to remember that, apart from the advantages from the point of view of defence, there is much to be gained by a military training for boys, which will teach them discipline, obedience, and respect to superiors, and will make good men of them. Boys take kindly to this training, and if honorable senators have an opportunity of comparing a number of youths serving as cadets in any of the States, with an equal number who have had no such experience, they will have no doubt as to the superiority of the former. No one can doubt the advantage of having a number of youngsters trained so that in after life

they will be capable of defending the community in time of need. But when we come to the practical question of whether this training should be compulsory or purely voluntarily, I say, with all due respect to honorable senators who believe in the compulsory system, that it will prove to be a failure if attempted in the Commonwealth of Australia. It will break down, not only because the people of Australia will not accept it, but because of its own inherent weight and unwieldiness, and of the impossibility of carrying out such a system in the Commonwealth. Education has been spread throughout the length and breadth of the Commonwealth. We have, in various States, schools established in remote places, where it will be found to be quite impossible to introduce any system of military training. Speaking of the State from which I come, I know that there are many schools in sparsely populated districts at which the attendance is from ten to twelve or fifteen, and these schools are many miles apart. It will be impossible to give the children attending these schools a military training. How can we say that the teachers appointed by the States Governments shall fit themselves for military instruction, in order to carry out the desires of the Commonwealth?

Senator O'KEEFE.—It must be a matter of arrangement between the States and the Commonwealth.

Senator Lt.-Col. GOULD.—In the more sparsely settled districts, five or six children are to be found attending school in one locality, and as many in another, and the States have adopted what are termed the half-time system. These children are so far apart that it would be impossible to bring them together for drill, or for the military training contemplated under a compulsory system. Such a system could only be applied to cities, and the larger towns in which there is a dense population. Under the proposal made by the Government, wherever a sufficient number of pupils can be got together to form a cadet corps, steps will no doubt be taken to have such corps established, if it be found that the expense will not be greater than we can afford to bear.

Senator O'KEEFE.—What then becomes of the objection raised as to the States being in the way? Arrangements will have to be made with the States in the case the honorable and learned senator mentions.

Senator Lt.-Col. GOULD.—Senator O'Keefe is getting on to a side track. The question we have to consider is whether this training of cadets should be compulsory or not. It cannot be supposed that we shall pass an Act which will apply the compulsory system in Victoria and not in New South Wales. The Victorian Government might say that they were prepared to accept the compulsory system, whilst the New South Wales Government might object to it. In that case we should have a different system operating in different States, and we do not desire that there should be any diversity of that character in the carrying out of our legislation. I say that the difficulty of expense will be found to be insuperable. Under the volunteer system, we find that boys are only too delighted to go in for training when they have the opportunity. We shall have no necessity to tell boys that they must enter cadet corps, as they will gladly take advantage of the training wherever they can. That is as much as we can expect at the present time. We know that a compulsory system of any kind is obnoxious to a British community; whilst if any danger arose every single able-bodied man in a British community would be found ready to respond to the call to arms in defence of his country.

Senator O'KEEFE.—What will be the good of him, if he has had no training?

Senator Lt.-Col. GOULD.—There is no reason why he should not secure the necessary training under a voluntary system. I say again that compulsion is obnoxious to British ideas, and we shall never by compulsion establish a system which will be acceptable to the community. Senator Neild has pointed out that, in the House of Representatives, an amendment submitted by Mr. Hughes, the honorable and learned member for West Sydney, making it compulsory upon youths between the ages of eighteen and twenty-one to attend drills, was defeated. Honorable members in another place were not prepared to adopt that system, and it would be futile for the Senate to attempt to engraft the principle of compulsion upon this Bill when we know that the House of Representatives will not accept it. That is an incident which may be referred to now, and I contend that we shall make a serious mistake if we attempt to adopt this system of compulsion. If honorable senators generally held that view, of what use is it to postpone the clause in order that the

Minister for Defence may bring up a clause which we will not accept?

Senator Lt.-Col. NEILD.—The Minister has said that he will not bring up such a clause.

Senator DOBSON.—I will bring up the clause.

Senator Lt.-Col. GOULD.—If the majority of honorable senators are against the system of compulsion, it is useless to postpone this clause. Senator Dobson, if he desires to do so, will have an opportunity to reconsider the question by proposing the recommittal of the Bill, and I suggest that he should adopt that course.

Senator DOBSON (Tasmania).—I should like to answer some of the arguments as the debate proceeds, although I find that they are all very illogical, exceedingly weak, and do not recognise or realize the importance of the question. Senator Playford is in favour of compulsion all round. He would compel all men up to the age of fifty to attend drill, and yet he will not swallow the very small dose of compulsion I am suggesting. Though he believes that all adults in the Commonwealth up to fifty or sixty years of age should be compelled to attend drill, he will not support me in the suggestion that schoolboys from fourteen to seventeen years of age should attend a certain number of drills. I cannot congratulate the honorable senator on his consistency. Senator Neild has made a most extraordinary speech, suggesting that while we dare not compel men who have votes to attend drill, we are willing, because these youths have not votes, to put upon them the stigma of compulsion, and drag them to the drill-room. The honorable senator ought to know that we have compulsion in many Departments of the State. I can see no more harm in compelling a boy to drill than I can see in compelling him to learn to read and write to fit himself to become a citizen.

Senator Lt.-Col. NEILD.—That is a totally different matter.

Senator DOBSON.—It is absolutely and exactly the same thing, and I cannot understand how such an argument can be advanced by a soldier like Senator Neild. Compulsory education is required to fit a boy to perform his duties in after-life as a citizen.

Senator Lt.-Col. NEILD.—To earn his living, not to defend the country.

Senator DOBSON.—It is part of his duty, as a citizen, to defend the country,

and I cannot understand how the honorable senator can draw a distinction between compelling a boy to read and write and compelling him to learn the use of the rifle, to keep the robber or the foreigner from his door. The honorable senator has suggested that I propose to drag poor little boys to the drill-room, who may have a mother depending upon them. But will he contend that boys should be dragged away from school to help poor mothers by chopping wood or selling matches, and running the risk of growing up in dense ignorance? The honorable senator's arguments have astounded me. Senator Gould has told us that the system of compulsion is bound to break down. Why? Are there not tens of thousands of boys between the ages of thirteen and seventeen running about the streets from morning until night, and are there not large townships in which there are hundreds of boys who could be brought under a system of military training? Because a few boys in the back-blocks are so far apart that it would be difficult to get them together for military training, the whole system is to be given up, and thousands of boys in the cities and towns are to be left without this very necessary part of a compulsory education. The Minister for Defence has said that there will be the utmost difficulty in carrying out this system in outlying places; but I do not desire that the system should be brought into force all at once, that 100,000 rifles should be purchased, and drill instructors employed all over the Commonwealth. I do desire, however, to see embedded in our Defence Act the beginnings of the system. To say merely that the Governor-General may form cadet corps without compelling boys to join these corps is little better than a farce. If honorable senators reject this proposal, they will find that they have a Defence Act, admirable in many respects, but rotten at the foundation. We have been speaking for months and months about organizing a citizen army, and honorable senators will not put forth a hand to train that army. We have been told that we do not require the frill and the frippery of the headquarters staff, but a citizen soldiery, and honorable senators reject the elementary means of making citizen soldiers which I give them the opportunity to avail themselves of.

Senator Lt.-Col. NEILD.—The honorable and learned senator wants a kindergarten, not an army.

Senator DOBSON.—I do not; but I desire to train our boys; and I need not do more to prove the necessity for such a clause as I suggest, than refer honorable senator's to the present state of the cadet corps in the Commonwealth. We have over 4,000 cadets in Victoria under the control of the Military Department. The cadets in Tasmania are also under military control. In New South Wales they are not under military control. I call that chaos, and, in my opinion, it is almost a disgrace to the people who have to deal with military matters that such a system should exist. We should have a uniform system, and the training should be efficient. In a few years time the whole system would be in working order, and we should provide automatically for a citizen force for all time. I have been reading up the matter to some extent, and I find that in England and Scotland, and in the different States of Australia, some difficulty is experienced in getting recruits. Recruits can be secured for our militia if they are paid, but I desire that every boy should be taught the use of the rifle, and some knowledge of drill, in order that if hereafter we cannot afford to pay sufficient men to look after our defence we shall have at hand a number of boys who have had some training, and who in a few weeks can be made efficient soldiers. Surely there is common sense and prudence in the adoption of such a course? Unless a clause of this kind is inserted in this Bill, the very foundation of our Defence Force will be absolutely wanting. It has been a terrible disappointment to find evidence all over Great Britain of a serious decline in the physique of men, and it is positively alarming to learn that hundreds of thousands of men are absolutely rejected on physical grounds as being unfit to join any defence force.

Senator FRASER.—Advanced civilization will always bring that about.

Senator DOBSON.—I call attention to the fact that in Scotland a Commission consisting of some of the first military authorities of Great Britain is investigating this matter, and, as one of the means of checking the physical decline which is complained of, they recommend compulsory physical drill in all the schools. Is the Senate going to reject such a proposal when the people of the old world, from bitter experience, are taking the absolutely opposite course, and competent authorities are there

advocating that boys in the schools should be compelled to undertake physical or military gymnastics according to the Swiss system? The great nations of the world have adopted the compulsory military system, and we know the magnificent armies they have raised under that system. I say that a system of compulsory military training should be adopted in our schools as a part of the ordinary education of our boys. If the clause be postponed, I shall be able, after the dinner hour, to bring down another proposal which I hope may meet with approval.

Senator FRASER (Victoria).—I was inclined to support the idea of Senator Dobson until I found that the age for cadets was to be raised from fourteen to nineteen years. I differ entirely from those who say that it is absolutely necessary to have every man in the country drilled. Unlike Germany, Switzerland, and other Continental nations, we have no contiguous communities ready to jump at our throats at any moment.

Senator DOBSON.—That is why we have no conscription. I am anxious about this matter in the interest of the physique and well-being of the boys themselves.

Senator FRASER.—I agree with Senator Downer and others that if we are to be molested it will be on the water.

Senator Lt.-Col. CAMERON.—No doubt the enemy will come from the water, but how can we prevent them from sacking our towns if we do not train up our men?

Senator FRASER.—We shall blow the enemy's vessels up by means of our warships, forts, and mines. There is no danger at present, at any rate; and the expense of carrying out the cadet system proposed would be enormous.

Senator Sir WILLIAM ZEAL (Victoria).—Has Senator Dobson consulted the Government as to how the funds are to be provided? There would be from 150,000 to 200,000 cadets to be supplied with rifles, and the cost would amount to pretty nearly £500,000 per annum. The proposal before us deals to a certain extent with the population of the towns; but what about the people in the country? There are hundreds of schools where there are only a few scholars, and we could not expect school-mistresses to teach military drill. We ought not to spend fabulous sums of money because of an imaginary danger. I am thoroughly in

favour of teaching the boys military discipline, but it must not be forgotten that many boys above the age of fourteen years are the support of their parents.

Senator DOBSON.—Could they not be trained at night?

Senator Sir WILLIAM ZEAL.—If a boy is running about all day earning his living it would be perfect slavery for him to have to train at night. We ought to accept the liberal and enlightened proposal of the Government.

Senator WALKER (New South Wales).—I propose for once to part company with Senators Neild and Gould and support Senator Dobson. A postponement would give us an opportunity of seeing the clause which Senator Dobson proposes to submit. I am not altogether in favour of compulsion, but I recognise that it is a great advantage for young fellows to be properly trained. I understand that in Victoria the cadets are under the Defence Department, but that it is not so in New South Wales; and I should like to know the reason. However, I have an open mind on the matter; and I therefore suggest that the better course would be to postpone the clause.

Motion (by Senator DOBSON) proposed—That the clause be postponed.

Senator HIGGS (Queensland).—I support the proposal to postpone the clause, though I think that the suggestion of Senator Matheson and the suggestion of Senator Dobson might very well be submitted together. I am a believer in the compulsory system, because I believe that if the whole of the male population had to do a little drill, the military ardour of Britishers and Australians would cool, as would the enthusiasm of those gentlemen who write warlike leaders for the newspapers, if they knew they had to "take a hand" themselves. There is an impression throughout English-speaking countries that we can go to war by proxy, and, therefore, public opinion is against the compulsory system. There is a great objection on the part of Britishers and British Australians to the conscription, but so far as I can learn from reading and conversation that system is the pride of the German people. It has been argued that until we have some system of the kind, British soldiers will not be respected.

Senator Lt.-Col. CAMERON.—That is quite true.

Senator HIGGS.—It was reported in the newspapers some time ago that, in London, a soldier had been refused admission to any part of the theatre except the pit; and the opinion was expressed by a Frenchman that until there is compulsory service the British soldier will not be appreciated. On board a German mail ship, not long ago, I asked a German whether the compulsory system in his country was not regarded as degrading, and he replied—"On the contrary, we take a pride in it, and think we owe a duty to our country."

Senator Lt.-Col. NEILD.—That opinion was made in Germany, and the honorable senator, as a rule, does not like things made in that country.

Senator HIGGS.—I have the highest respect for the German people, who, so far as I can gather, are probably the best educated on the face of the earth; and a nation which is in the forefront of education we cannot afford to despise. I regret to find that on the part of the General Officer Commanding there is great objection to the cadet system. A friend of mine, Mr. Catherwood, who has a perfect genius for training cadets, and who was most successful with demonstrations by his pupils, was recently engaged in that work in Queensland; but Major-General Hutton has dismissed him from the post of instructor; and he has had to return to his position in the Education Department, and teach some thirty or forty scholars in a little school at Wallangarra.

Senator DRAKE.—The honorable senator is not correct.

The CHAIRMAN.—That is not the question before the Committee.

Senator HIGGS.—There is very little sympathy with the cadet system on the part of those in authority, and for that reason I favour the proposal of Senator Dobson.

Senator STYLES.—Why must we have a cadet system?

Senator HIGGS.—If we are to have a citizen soldiery we must begin with the boys. Senator Zeal has spoken about the hardship which this drill would entail; but when I was serving my apprenticeship in Orange I used to drill as a volunteer early in the morning and in the evening, and I think the training did me a great deal of good. It has been suggested that a boy forgets drill and instruction; but as a matter of fact that is not so. The present system is to allow a person to attain the

age of twenty-five or thirty, and then put him in the awkward squad, where he turns the instructor grey-headed with his inability to stand up straight or keep step.

Senator STYLES.—Was there compulsory service in the Boer Republic?

Senator Lt.-Col. CAMERON.—Yes.

Senator HIGGS.—There was the commando, and we know that in the ranks of the Boers during the war there were found boys of fourteen years of age, all able to shoot.

Senator Lt.-Col. CAMERON.—There were boys of twelve years of age.

Senator STYLES.—I am alluding to service during peace time.

Senator HIGGS.—All the Boers were expected to know how to shoot; but, however good they might be in that respect, I admit there was a want of discipline amongst them.

Senator Sir JOHN DOWNER.—Why not deal with the question now, instead of postponing the clause?

Senator HIGGS.—This is a matter in which we should not consider our personal convenience. I know that some honorable senators want a holiday next week, but those who are anxious to do the country's business may remain. This is a very important Bill, which we shall not have an opportunity of amending for some time; and I think there is too much haste shown in the Senate.

Senator O'KEEFE (Tasmania).—We have been told by Senator Zeal and Senator Downer that there is no necessity for a land force of any kind. If I could bring myself to entertain that opinion I would, with the greatest pleasure, help to save the £700,000 per annum which hitherto has been spent each year in the up-keep of our military establishment. Even Senator Fraser seemed to repudiate the idea that our citizen force would ever be required.

Senator FRASER.—I believe it will not.

Senator O'KEEFE.—If we are to continue this large expenditure on our Defence Force, what are the best uses to which it can be put? Will the better course be to teach the young Australian how to use the rifle and to drill, or shall we continue the present system? Senator Zeal said that the cost would render a system of cadets impossible.

Senator Sir WILLIAM ZEAL.—I asked whether the Government would provide the money.

Senator O'KEEFE.—The honorable senator also said that the system would entail an expenditure of £500,000 per annum. If so, that would mean an average cost of £3 10s. per rifle for the 150,000 or 200,000 boys under instruction.

Senator Sir WILLIAM ZEAL.—But there would be uniforms and other expenses.

Senator O'KEEFE.—It is not necessary to give cadets the most modern rifles. Boys can be taught to shoot with almost any kind of weapon, and, as Senator Cameron knows perfectly well, there are hundreds of thousands of rifles in various parts of the world which, though quite useless for military service, would do for instructional purposes in Australia, and could be obtained for £1 each or less.

Senator Sir WILLIAM ZEAL.—A child could not carry one of those rifles.

Senator O'KEEFE.—I think that a lad of fourteen or sixteen years of age would be able to carry a rifle as far as the range. If we have to depend on a citizen soldiery for the defence of the Commonwealth, we must teach the boys how to shoot.

Senator MATHESON (Western Australia).—I desire to say a few words in connexion with the possibility of boys being armed with short rifles. In Victoria the cadets are to a large extent armed with little rifles, purchased for, I suppose, about a sovereign, and quite efficient for the purpose. The boys can handle the rifles perfectly well, and learn all the movements necessary for aiming and drill. It is absolute nonsense, therefore, to speak of the rifles as an obstacle to the formation of cadet corps. I intend to support Senator Dobson, because I believe that the reasons which he has adduced for his motion are good and reasonable.

Senator McGREGOR (South Australia).—Apparently the only way to get on with the consideration of a Bill in the Senate is for every one to talk as much as he can. I hope that this clause will not be postponed. By this time Senator Dobson ought to see the wisdom of affording to the Government an opportunity to carry out their intention of giving the cadet movement a start on the voluntary principle. If it should be found necessary or advisable, as time went on, to adopt the compulsory principle, it could be done. Every honorable senator, not even excepting Senator Higgs, is talking in a manner which would lead any one to suppose that we were on the eve of a war. I

hope that the boys of to-day will be very old men before there will be any necessity for the Commonwealth to go to war. It is one thing for Switzerland, which always has the sword at her throat, to be prepared for war, but quite another thing for Australia, which is distant thousands of miles from any danger of that character.

Senator O'KEEFE.—Will the honorable senator vote to knock out the expenditure on the land force?

Senator McGREGOR.—Yes; I am prepared to do away with the military force. I do not see the necessity for either a military force or a naval force of any kind. We are in such a position that, if we mind our own business, and do things as we ought to do them, there is no necessity to provide any system of defence. But seeing that I cannot get my way in these matters, I am prepared to accept a compromise when it is offered by the Government. I think that Senator Dobson ought to be satisfied with the proposal of the Government. If honorable senators are to rise on every conceivable occasion and submit amendments, there will be sufficient work in the Defence Bill to keep us going until Christmas. It will be time enough to take some step in the direction indicated by Senator Dobson when we find that the scheme of the Government has failed. In the past, with the States acting independently, there was bound to be chaos in the cadet force. The Government are now prepared to put the cadet movement on a sound basis, but on the voluntary principle, and in my opinion they should be afforded an opportunity to test that principle in the Commonwealth.

Senator Lt.-Col. CAMERON (Tasmania).—I rise to ask the Committee before it goes to a vote to endeavour to realize what I hold to be a fact that the cadet movement is the basis of the structure which we hope to build. We desire not to create a military power in the southern seas, as some persons seem to suggest, but simply to teach our boys the most elementary principle of citizenship. Was not the foundation of the power of the British Empire laid in centuries gone by making the people good archers? There was no militarism involved in that proceeding. On every conceivable occasion the ability to shoot straight has been the basis of the success of the British nation. Why should we at this stage look upon an elementary duty of citizenship—of education, if the term is

preferred—as if it were an extraordinary weapon with which we were going to deluge the world with blood. If Senator Downer had ever seen in his own country what warfare means, neither he nor any other senator would hesitate to support this movement. The least which can be done is to postpone the clause in order to give a little more time for the consideration of this proposal, and to allow the public to have a voice in its determination before we start to build our edifice on an unsound basis.

Question—That the clause be postponed—put. The Committee divided.

Ayes	...	...	...	10
Noes	...	...	...	15
<hr/>				
Majority	...	...	...	5

AYES.

Baker, Sir R. C.	Matheson, A. P.
Cameron, C. St. C.	Stewart, J. C.
Dawson, A.	Walker, J. T.
Dobson, H.	Teller.
Higgs, W. G.	O'Keefe, J. J.
Keating, J. H.	

NOES.

Barrett, J. G.	McGregor, G.
Best, R. W.	Playford, T.
Charleston, D. M.	Saunders, J. H.
Downer, Sir J. W.	Smith, M. S. C.
Drake, J. G.	Styles, J.
Fraser, S.	Zeal, Sir W. A.
Glassey, T.	Teller.
Macfarlane, J.	Neild, J. C.

Question so resolved in the negative.

Motion negatived.

Clause agreed to.

Clauses 61 and 62 agreed to.

Clause 63—

The principal railway official in any State or the owner, controller, or manager of any railway or tramway in any State shall, when required by the Governor-General, and as prescribed, convey and carry members of the Defence Force, together with their horses, guns, ammunition, forage, baggage, and stores, from any place to any place on the railway or tramway, and shall provide all engines, carriages, trucks, and rolling-stock necessary for the purpose.

Senator MATHESON (Western Australia).—I desire to ask the Minister for Defence whether it is intended that the railway officials of the States, or the owners of railways and tramways, shall carry our troops gratuitously?

Senator DRAKE.—The intention is to pay by arrangement.

Senator MATHESON.—I would suggest the insertion of the words, "at the usual rates of payment."

Senator PLAYFORD.—No; we might make a special arrangement.

Senator MATHESON.—All I wish to do is to provide that payment shall be made because, as the clause stands, it would be perfectly competent for the Government to say that no payment should be made. I propose to move the insertion of the words, "at rates of payment to be agreed."

Senator DRAKE.—Under the Constitution we have the right to make use of the railways for military and naval purposes without payment. We propose, as we have done hitherto, to make a payment. We are paying rates as agreed, but I do not think it is advisable to give up the right which we enjoy under the Constitution of being able to use the railways, if necessary, without payment. I submit that it is both unnecessary and unwise for the Parliament of the Commonwealth, by its legislation, to take up an inferior position.

Senator MATHESON (Western Australia).—I do not agree with Senator Drake that the Commonwealth enjoys that right under the Constitution. By sub-section 32 of section 51 the Parliament is empowered to make laws with respect to

The control of railways with respect to transport for the naval and military purposes of the Commonwealth.

I submit that the control which is mentioned in that sub-section is the control which is indicated in clause 62 of this Bill. It means to take active possession of the railways, not merely to send our troops along a line in the ordinary way of business.

Senator DRAKE.—More than that. Look at sub-sections 6 and 39 of that section.

Senator MATHESON.—That could never be held to refer to privately-owned railways and tramways, or to railways owned by a State. I move—

That after the word "tramway," line 8, the words "at rates of payment to be agreed upon" be inserted.

Senator DRAKE.—Sub-section 6 of section 51 of the Constitution gives the Parliament power with regard to the naval and military defences of the Commonwealth, and sub-section 39 gives a general authority in reference to any power vested by the Constitution in the Parliament. For the naval and military defence of the Commonwealth it is necessary that the Government should possess these large powers. They are possessed by the Government in every country, and they are vested in the Federal Government by our Constitution. The

Committee may be perfectly sure that the Commonwealth is not likely to do anything that is unjust or inequitable in these matters. That is why we arrange to pay for services. But we should keep in reserve the right to be able to use the railways in case of necessity.

Amendment negatived.

Clause agreed to.

Clause 64 (Conveyance by railway and tramway).

Senator MATHESON (Western Australia).—I wish to ask whether it is proposed to pay in this case? I ask the question simply that the answer to it may go on record in *Hansard*.

Senator DRAKE.—Yes.

Clause agreed to.

Clause 65 (Power to impress carriages, &c.).

Senator MATHESON (Western Australia).—Is it intended to compensate the owners under this clause? That is done in most civilized countries.

Senator DRAKE.—Yes, we always pay compensation for anything required.

Senator MATHESON.—I hope the answer will go on record in *Hansard*, because it will be taken as an official statement from the Government.

Clause agreed to.

Clause 66 (Billeting and quartering).

Senator Lt.-Col. NEILD (New South Wales).—I wish to ask whether "any house solely occupied by women or by women and children" would apply to billeting in an hotel the owner or licensee of which was a woman? Under the British law hotels are not exempt, and if a woman chooses to keep an hotel, she is not free from liability to billet troops.

Senator DRAKE.—I do not think there would be an exemption in that case. The clause applies to cases where there are no male occupants in a house. If an hotel is open to receive guests of both sexes, it would not be occupied only by women.

Senator WALKER.—Would this prevent the billeting of troops in convents?

Senator DRAKE.—Yes.

Clause agreed to.

Clause 67 (Use of Crown lands for drill, &c.).

Senator MATHESON (Western Australia).—I am not at all satisfied that the Government have any right to use the Crown lands of a State without the permission of the State. We have no jurisdiction over Crown lands that have not been

transferred to us, and I am not aware of any section of the Constitution that gives us power to enforce this clause. The clause appears to me to be an infringement of State rights.

Senator DRAKE.—I think that this power must be given. How can troops be exercised unless they can go upon Crown lands? It is absolutely necessary for defence purposes that we should be able to exercise troops, and we could not allow a State Government, by forbidding us to enter upon Crown lands, to say that we should not conduct autumn manoeuvres. In every case where damage is done, compensation will be paid.

Senator Lt.-Col. NEILD (New South Wales).—Let me add to what the Minister has said, that the lands required for training purposes are wide areas of unenclosed country. There will be no attempt to interfere for military purposes with lands under any kind of occupation.

Clause agreed to.

Clause 68 (Tolls).

Senator MATHESON (Western Australia).—I should like to call attention to this clause in connexion with clauses 63 and 64. It is distinctly laid down there that it is intended to pay in other cases, but this clause says that no toll shall be payable or demanded. It seems to me that the clause cannot be reconciled with the previous provisions.

Senator DRAKE.—This clause is analogous to one which we discussed in connexion with the Post and Telegraph Act. In that measure we provided that no toll should be demanded from carts carrying the mails. In the same way we say in connexion with the Defence Forces that they should be allowed, when on duty, to travel without paying tolls. It is not unreasonable.

Senator MATHESON (Western Australia).—The Defence Forces are not on all-fours with the mail services. Similar clauses to this may be found in State Acts, but it is to be remembered that the States Governments were dealing with what was within their own jurisdiction. I am not clear that, in spite of the drag-net provision of the Constitution, sub-section 39 of section 51, the Commonwealth has the right to legislate in connexion with the wharves, landing places, bridges and gates, which are the property of the people of a State. Where is the authority?

Clause agreed to.

Clauses 69 to 73 agreed to.

Clause 74—

Any man who has enlisted, or who is liable to enlist for service in the Active Forces, and who refuses or neglects to take the oath . . . shall be liable to imprisonment . . .

Senator MATHESON (Western Australia).—As the Bill was originally drafted, this clause was right; but an amendment has been made at the suggestion of the Minister in clause 35, requiring that all reserves shall be sworn for the prescribed period. Therefore, it seems to me that the term "active forces" in this clause ought to be altered to "Defence Forces" to bring the clause into line with what has already been passed by the Committee. I move—

That the word "Active" be left out, with a view to insert in lieu thereof the word "Defence."

Amendment agreed to.

Clause, as amended, agreed to.

Clause 75 agreed to.

Clause 76 (Absence after seven days ; trial as deserter).

Senator Lt.-Col. NEILD (New South Wales).—I have given notice of an amendment to insert the word "wilfully" after the word "service" in this clause, but if it is not necessary I will not press the amendment. The point is that a man may be in an out of the way place, and may not be aware that he is required for active service.

Senator DRAKE.—Then he will not absent himself.

Clause agreed to.

Clause 77 agreed to.

Clause 78—

Any person who fraudulently impersonates or represents himself to be a member of the Military or Naval Forces with the intent to obtain free railway conveyance by any railway or tramway, or to evade payment of any toll or due shall be liable to a penalty not exceeding ten pounds.

Senator MATHESON (Western Australia).—In this clause I think the words "Military and Naval" should be omitted, and the word "defence" inserted. Clauses 64 and 68 set out the regulations in reference to the members of the "defence" forces. That term includes all branches of the service. It covers everything. I move—

That the words "Military and Naval," lines 2 and 3, be left out, with a view to insert in lieu thereof the word "Defence."

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 79 and 80 agreed to.

## Clause 81—

Any person who, not being a member of the Defence Force, wears any uniform of the Defence Force, or any colourable imitation thereof, shall be liable to a penalty not exceeding Ten pounds.

Provided that this section shall not prevent any person from wearing any uniform or dress in the course of a stage-play, a music-hall or circus performance, a ball or a *bond fide* military representation.

Senator Lt.-Col. NEILD (New South Wales).—I suggest that the words “music-hall or circus performance” be left out.

Senator MATHESON.—Why not stage-play also?

Senator Lt.-Col. NEILD.—Some sort of uniform is always permitted on the stage. If there is any dignity about a military uniform I think we should preserve it from the circus or music-hall performance.

Senator MATHESON (Western Australia).—The intention of the clause is to refer merely to the uniform used in active service by members of the Defence Force.

Senator Lt.-Col. NEILD.—Or any colourable imitation thereof.

Senator MATHESON.—While I agree that no uniform in use by the Defence Force should be allowed on the stage of a music hall or at a circus performance, I have no objection to the use of an imitation uniform, such as is essential to the staging of plays. I desire to prevent any attempt to bring the uniform of the Defence Force into ridicule.

Senator Lt.-Col. NEILD (New South Wales).—I think that the difficulty which Senator Matheson properly raises, will be met by the insertion of the word “such” before the word “uniform,” and the omission of the words “or dress.” The clause would then apply to the use of any uniform of the Defence Force or any colourable imitation of such uniform.

Senator DRAKE.—The object of the section is clearly to prevent persons masquerading in the uniform of the Defence Force presumably for some improper reason. That is the general principle, but we must recognise the fact that, in some cases, it will be absolutely necessary in order to properly present a play, that a uniform should be used. For instance, in the “Pirates of Penzance” there must be a “Modern Major-General,” and he should be properly dressed.

Senator Lt.-Col. NEILD.—He would wear an English uniform.

Senator DRAKE.—It might be necessary in presenting an Australian play to have a

representation of an Australian officer, and the audience would certainly demand that he should be dressed in a proper uniform. I am aware that Senator Neild draws a distinction between stage play and a representation at a music hall or circus performance. But it would be very difficult to draw any such line.

Senator MATHESON (Western Australia).—It is not right that the uniform of the Defence Force should be made a butt for the clown or the circus master. The Minister for Defence might laugh at such a thing, but it is not seemly.

Amendment (by Senator Lt.-Col. NEILD) agreed to—

That after the word “any,” line 6, the word “such” be inserted.

Amendment (by Senator Lt.-Col. NEILD) proposed—

That the words “or dress,” line 6, be left out.

Senator PLAYFORD (South Australia).—I think that the objection raised is absurd. If we allow the use of a uniform on the stage for the purpose of making a butt of the Defence Force there is no reason why it should not be allowed in a music-hall or circus. I enjoy a joke as well as anybody, and I like a little bit of fun even though it should be at the expense of an individual appearing in the uniform of one of the branches of His Majesty’s Defence Force. People often enjoy a laugh at the stage-policeman appearing in the magnificent uniform of the constabulary, and we know the object is not to discredit the force. A little fun is sometimes made of the disposition of some members of the Defence Force to show themselves off, and to give themselves airs and graces, and why should there not be a little fun of that kind on the stage when the individuals are often ridiculous enough in every day life. Senator Neild appears to me to be exceedingly sensitive on behalf of the Defence Force of which he is so distinguished a member.

Senator MATHESON (Western Australia).—It is all very well to ridicule the objection taken to this kind of thing, but I may remind honorable senators that it was only the other day that the King issued a distinct instruction to the army that uniforms should not be used for the purposes of any fancy dress ball. I do not quote that as a precedent for us to follow, but to show that there is something in the objection taken.

Senator MACFARLANE (Tasmania).—In England it is the common practice for military bands to play on the stage in uniform, and if this clause is altered in the way that has been suggested, we should prevent that legitimate employment of military bands in the Commonwealth.

Senator HIGGS (Queensland).—I have found Senator Playford's remarks very refreshing. The military self-love of some persons is insufferable, and they cannot bear any little sarcasm or ridicule on the stage. Honorable senators ought to have had sufficient parliamentary experience not to object to this kind of thing. Politicians are often the subject of ridicule; honorable senators have only to read the *Argus* and *Age* to know that, and if we were afflicted with the vanity of military officers we should have been in our graves long ago. We are well seasoned, however, and there is no harm in giving military officers a little of the same seasoning.

Amendment agreed to.

Amendment (by Senator WALKER) negatived—

That the words "a music hall or circus performance," lines 7 and 8, be left out.

Senator O'KEEFE (Tasmania).—I move—

That the words "a ball," line 8, be left out. It is, I believe, a fact that members of the Defence Force sometimes lend their uniforms to relatives or friends in order that the latter may attend a ball by other than members of the Defence Force.

Senator Lt.-Col. NEILD.—Simply scandalous!

Senator O'KEEFE.—Nevertheless it is true. It will be seen that the second paragraph of the clause permits the wearing of a uniform at a ball.

Senator MATHESON.—And why not?

Senator DRAKE.—It may be a fancy-dress ball, and there would be no point in a man wearing his own uniform.

Senator O'KEEFE.—I do not think it is right that there should be a possibility of members of the Defence Force lending out their uniforms for such a purpose.

Amendment negatived.

Clause, as amended, agreed to.

Clauses 82 to 85 agreed to.

Clause 86—

Except so far as inconsistent with this Act, the laws and regulations for the time being in force in relation to the composition, mode of procedure, and powers of courts martial in the King's Army

shall apply to courts martial under this Act in relation to the Military forces, and the laws and regulations for the time being in force in relation to the composition, mode of procedure, and powers of courts martial in the King's Navy shall apply to courts martial under this Act in relation to the Naval forces. Except in time of war every sailor and soldier before being dismissed or reduced for any alleged offence may, if he so request, be tried by court martial.

Amendments (by Senator MATHESON) agreed to—

That the word "Army," line 4, be left out, with a view to insert in lieu thereof the words "Regular Forces"; that the word "Navy," line 9, be left out with a view to insert in lieu thereof the words "Regular Naval Forces."

Senator DRAKE.—I desire to call attention to an amendment which was made in another place, and which, in my opinion, goes too far. The last few lines of the clause are as follow—

Except in time of war, every sailor and soldier before being dismissed or reduced for any alleged offence may, if he so request, be tried by court martial.

Such a provision may be very suitable for the permanent forces, but every member of the militia or of the volunteer force ought not to be able to demand a court martial, which is a rather difficult and somewhat expensive tribunal. I may mention incidentally that I intend to submit an amendment providing that a member of the citizen forces, who is discharged or reduced shall be so informed in writing. There was an amendment by Senator Neild, and another by Senator Gould to a similar effect, and my proposal is a modification of the two. The question before us is that of the power of any member of the Defence Forces, which include the volunteer forces, to demand a court martial on being dismissed or reduced. I do not know whether those who supported the amendment in another place recognised its full effect, but I certainly think that the power to demand a court martial should be restricted to members of the permanent force. I move—

That after the word "soldier," line 12, the words "of the permanent force" be inserted.

Senator Lt.-Col. NEILD (New South Wales).—I do not see why a paid man in the Defence Forces ought to enjoy a right or privilege which is not extended to the partially paid man or to the volunteer. Courts martial do not often take place; and for many years I have not heard of one in New South Wales, except in connexion with the permanent forces.

Senator DRAKE.—But is there this power to demand a court martial?

Senator Lt.-Col. NEILD.—I cannot say just at the moment. If a case is to be so desperate as to be the subject of a court martial, an alleged offender cannot have much chance, and will probably content himself with stirring up groundless scandal against his superior officers. I do not think that more is required than we have already provided, in order to meet the case of officers. Senator Drake has indicated an amendment which is similar to one previously brought under the attention of the Committee by myself, and which is copied by the British Volunteer Act. It provides that a man who is to be dismissed or reduced shall not be "thrust out of the synagogue" without any intimation. It is not desirable to enable every member of a force with a grievance to demand a court martial; but, in any case, I am opposed to the idea of limiting the right or privilege to one class. The policy of the Bill is to place the paid men, the partially paid men, and the volunteers on exactly the same basis; and the commission of the non-paid officer is as valid and entitles to the same seniority as the commission of the paid man.

Senator DRAKE.—Will the honorable senator support an amendment to strike out that part of the clause which enables any member of the force to obtain a court martial?

Senator Lt.-Col. NEILD.—I certainly should agree to the rank and file having the same right as the officers to be informed of an intention to dismiss or reduce; and to that end, the last few lines of the clause may be omitted.

Senator DRAKE.—I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment (by Senator DRAKE) proposed—

That the following words be left out—"Except in time of war every sailor and soldier before being dismissed or reduced for any alleged offence may, if he so request, be tried by court-martial."

Senator HIGGS (Queensland).—I think that the Committee should not omit these words, which were put in after considerable debate in another place; otherwise cases of very great injustice might occur. Some military men are so carried away with a sense of their own dignity and importance

that they cannot tolerate the slightest offence. They might dismiss a soldier—volunteer or otherwise—for what would appear to a civilian to be a most trivial offence.

Senator DRAKE.—We intend to introduce a clause to deal with that matter. This clause only relates to the question of trial by court martial.

Senator HIGGS.—In his account of his trip to South Africa, "Banjo" Paterson described the visit of a great raw-boned Queensland bushman to an officers' camp. When the man received his pay, he went up to some of the soldiers and said—"Can any of you blokes change a sovereign?" They referred him to the officers' camp, to which he innocently went, and asked—"Can any of you blokes change a sovereign?" "Banjo" Paterson says that the discomfiture of that poor fellow from merely having asked the question in that way was sufficient to satisfy anybody that, with the average Imperial officer, a member of the ordinary rank and file is so much dirt under his feet.

Senator Lt.-Col. NEILD.—There is far too much of that.

Senator HIGGS.—Fortunately it does not exist to the same extent here; but it will be Imperial officers who will dismiss the men whom these words, inserted in the clause by the other House, were intended to protect. Of course, some difficulty would arise if every dismissed man were to ask for a court-martial; but I venture to think that if a man were dismissed for a real grievance, he would not be likely to wish to have that grievance further ventilated. These words were intended to meet the case of any man who believed that an injustice had been done him. I might instance the cases of Lieut.-Colonels Reay and Braithwaite.

Senator Lt.-Col. NEILD.—These words would not touch those cases, as the clause deals with only privates.

Senator HIGGS.—There is an example of what might happen. Those men were dismissed without a trial, and they could not get an explanation. I submit that more protection should be given to the ordinary rank and file than would be given if these words were omitted.

Senator DRAKE.—The reason why I made this distinction in the first place between the permanent and the citizen forces was not that one is regarded as inferior to the other. A member of

the permanent force is living in the barracks, and there is not the slightest difficulty in constituting a court-martial to try him for any offence which he has committed. If the clause should be passed without this amendment, any one of our 50,000 members of the permanent and citizen forces would be able to demand a court-martial. Honorable senators can see how extremely difficult it would be to provide a court-martial to try a man in some out-of-the-way part of Australia, perhaps for a mere trivial offence. Knowing that he enjoyed the right under the statute, a man would demand to be tried by a court-martial, and it would have to be convened. If the privilege of the section were availed of to any extent, it would mean an increased expenditure on travelling allowances. Any provision which entails the moving about of officers means additional expense in that direction.

Senator HIGGS.—But an officer would be there. It would not need ten men to constitute a court-martial.

Senator DRAKE.—We should want at least three officers, and probably there would not be sufficient officers of rank on the spot to constitute a court-martial, and one or two officers would therefore have to be brought from some distance.

Senator HIGGS.—What great objection would there be to appointing a couple of the rank and file as members of a court-martial?

Senator DRAKE.—We do not provide in the Bill for the constitution of the courts-martial. We merely adopt the provisions in the King's Regulations. A tribunal consisting of one officer and a couple of privates would not be a court-martial. Senator Neild has said that courts-martial are not held in New South Wales, except in the case of the permanent force. That is very probable, because the Act contains no provision for the purpose, nor, so far as I know, does the law of any other State. So far we have been able to get along without a provision of this kind, and a man in the citizen forces, when dismissed or disgraced, has never dreamed of asking for a court-martial. We have already made provision to enable a man to get ample justice. Possibly when the words "sailor and soldier" were inserted in the clause, the other House was under the impression that the latter word applied to a member of the permanent force, and not to a citizen soldier. I think it is going too far to confer the power of demanding a court

martial on the vast number of citizen soldiers who are scattered all over the Commonwealth.

Senator Lt.-Col. NEILD (New South Wales).—If Senator Higgs—and I think Senators O'Keefe and Barrett—desire to protect the members of the Defence Force against such incidents as have been mentioned here to-night, it will be necessary to substitute the word "member" for the words "sailor and soldier," so that the right of applying for a court-martial shall extend to all ranks of the service. Otherwise, the cases which have been cited would not come under the clause at all. The words "sailor and soldier" are defined by the interpretation clause to mean privates, not officers. I entirely agree with what Senator Drake has said as to the costliness of having courts-martial in out-of-the-way places. It would be very unfair indeed to hold a court-martial composed of officers in the vicinity of such spots, because they would in almost every case be officers of the company of which the accused person was a member. In such circumstances we could not expect a man to have an independent trial, because, however desirous an officer might be to do justice, there is such a thing as unconscious bias. Suppose that a man were dismissed from a company—which in future is to consist of sixty men only—because of impropriety, how could the officer who had dismissed him fairly sit in judgment on a court-martial on the same man? Therefore it would be needful either to bring officers from a distance, or to allow the accused man to travel for a distance, and possibly take his witnesses with him. There is no doubt, as Senator Drake said, that it would involve a large expenditure; but perhaps he has overlooked the possibility that very few of these demands for a court-martial would arise. I have not heard of a case in New South Wales of a man asking even for a court of inquiry, which could easily be had; certainly no such case has occurred in connexion with my regiment. A man pretty well knows that when he gets his gruel it is deserved. The cost of training and clothing a man is such that no officer of a citizen force wishes to get rid of him lightly; he will, in fact, stretch a point to keep him. Under the new régime, only 30s. a year is to be allowed for clothing, so that a commanding officer cannot lightly throw a man out of his regiment, and have his uniform rendered useless, because he

would have no money available to buy a uniform for the man who would take his place. All these considerations operate with an officer. In New South Wales there is a good deal of "winking the other eye" at little military peccadilloes—offences have to be pretty bad before much notice is taken of them.

Senator HIGGS.—That is only in the honorable senator's regiment, I think.

Senator Lt.-Col. NEILD.—I hope that other officers are as reasonable as I am; no doubt they are. In connexion with the citizen forces there are very many peculiar incidents. Perhaps I may be permitted to mention one case, merely to show how leniently offences are dealt with. It is the case of an old soldier—a member of a citizen regiment—who got rather "over-fou" on his way to an Easter camp for a period of continuous training. He behaved so improperly that it was necessary to put him under arrest, and he was lodged in the guard tent. Some young soldiers, who were doing their first time in camp, were placed as guard of the tent. About an hour and a half afterwards—at midnight—when the sergeant-major went round to see that everything was all right, he witnessed a strange spectacle. The guard were inside the guard-tent, as sleepy as tired lads could be, and the prisoner, in his stocking feet, with a rifle on his shoulder, was marching up and down outside, keeping guard over them. He observed to the astonished sergeant-major—"It is all right, sergeant-major; I am looking after them." That was a pretty bad case. Yet the man got nothing more than a reprimand from one side of the commanding officer's face, and a pretty broad smile from the other. So far as my knowledge goes, it is the poor man in the force who gets the best half of the show. It is only when men get highly placed, and tread on the corns or the toes of somebody a little greater than themselves that the real trouble begins. Cases have been mentioned of the particulars of which I know nothing more than I have read in the newspapers. They seem to be cases of hardship. But retaining these words will not meet the difficulty. I do not think there is any need to insist upon this absolute right, because, whether we retain the words or not, there will be nothing to prevent a man having a court-martial if he asks for it, no matter whether his officer likes it or not. It is rather loading the Bill

to make it a statutory obligation that there must be a court-martial in every case. Still, if the matter goes to a division I shall vote to retain the words.

Senator MATHESON (Western Australia).—I quite agree with Senator Higgs that the words should be retained, more especially in the case of the permanent forces. It is, to my mind, absolutely necessary, in spite of what Senator Neild has said, that if a permanent soldier or sailor whose professional status is involved wishes to clear himself before a court-martial he should have the right to demand one, and not be dependent on the General Officer Commanding or any other officer.

Senator DRAKE.—I do not press the amendment.

Amendment, by leave, withdrawn.

Amendment (by Senator HIGGS) proposed—

That the words "soldier or sailor" be left out, with a view to insert in lieu thereof the word "member."

Senator DRAKE.—This is dealing with a different subject altogether. We are only dealing with soldiers and sailors, and the words used are "being dismissed or reduced for any alleged offence." We cannot insert the word "member" there. An officer's commission is never cancelled except as the result of a court-martial.

Senator HIGGS (Queensland).—I think that Senator Neild is right. It would be possible for an officer of a lower grade to have a complaint against his superior officer. According to the military regulations he would have no opportunity of acquainting the General Officer Commanding of his grievance, because he would have to send the complaint through the officer against whom he had the grievance.

Senator Lt.-Col. NEILD (New South Wales).—If an officer fails to forward the communication of an aggrieved person that person can pass by his commanding officer and communicate with higher authority. Suppose a captain has a grievance against his colonel. He can appeal to the general. If the colonel does not forward his communication the captain can ignore the colonel, and go straight to the general; and if the general does not give such satisfaction as the captain thinks he is entitled to, he can appeal to the Minister. An officer can always pass by a superior who has failed to do him justice in forwarding his communication. But the honorable

senator is quite right in saying that all communications are supposed to go through the superior officer, who may be, and commonly is, the person who is alleged to be the cause of the grievance.

Senator GLASSEY (Queensland).—I am very pleased to hear the statement of Senator Neild, who has had a large experience in this connexion. If a captain has a grievance against his colonel, he is bound under the regulations to send his complaint to the colonel for transmission to the general. Has the colonel any power to write a minute condemnatory of the captain?

Senator Lt.-Col. NEILD.—He can write anything he pleases to the damnation of the captain.

Senator GLASSEY.—That is the crucial point. Does the captain know anything of that minute until the general sees it?

Senator Lt.-Col. NEILD.—No.

Senator GLASSEY.—I am opposed to any system under which a man, though he be the humblest soldier or sailor, can have allegations made against him without his having some means of combating the charges. I have always been anxious that every person engaged in the service, whether he be a sailor or a member of the land forces, shall have an opportunity of combating any allegations made against him. In accordance with every tradition of British fair play, he should be supplied with a copy and be in a position to maintain his rights.

Senator Lt.-Col. CAMERON (Tasmania).—I think there is a great deal of cry, and little in it. Whenever any man has a penalty inflicted on him he has a right, under the Army Act, and according to every usage of the British Army, to demand a court-martial. But where a man is simply dismissed or reduced it is a matter of administration, and the Government should exercise that absolute power unquestioned. That is the custom of the army in England, and has worked well. I can see very grave reasons, which I should not like to mention in public, why the power should be retained. I must say that in the administration of it I have never known an injustice done. Such a thing could not exist for a moment in Australia, because if an injustice were to arise, Parliament would right it at once. A man might demand a court-martial, and for high reasons of policy the demand should not be acceded. There might be such cases. The power to demand a court-martial should not be given. I strongly urge the

Committee—and this is a matter of which I know something—not to give that power. I should prefer to strike the clause out altogether. I recommend the Committee to do so. It is really unnecessary, and if we retain it, it may work in exactly the opposite way to what we hope.

Senator HIGGS (Queensland).—I should like to give an instance that Senator Cameron knows something about. Does he think that if he had not been Senator Cameron at the time of the military review in London, when he declined to allow a superior officer to interfere between him and his men, he would have been upheld?

Senator Lt.-Col. CAMERON.—I had not a superior officer; that is the point. That is what was fought out; but I am sure the honorable senator does not wish me to go into that.

Senator HIGGS.—It is nothing to the honorable senator's disgrace. He upheld the credit of Australia in that matter, and we all admired him for it. Here was a case where the honorable senator refused to permit an interference between him and his men by an English officer. I should like to ask him whether if he had not been Senator Cameron and an Australian in London at that particular time he could have hoped to reach Lord Roberts, who interfered to see that the honorable senator got his rights? It appears that Sir John Forrest and Sir Edmund Barton were quite willing to make a sacrifice of our Australian officer.

Senator DRAKE.—No. Where is the honorable senator's authority for that?

Senator HIGGS.—It is quite true. Because Senator Cameron had a certain amount of Australian backbone he refused to give in. Would it have been possible for any other officer of similar standing to Senator Cameron, to secure the interference of Lord Roberts in his behalf? I do not think so. Very often officers will not pass along a complaint made by a man who has a grievance.

Senator Lt.-Col. CAMERON (Tasmania).—I think that Senator Higgs will desire me to make one remark in elucidation of the position he has taken up, not with regard to myself, but with regard to the opportunity which a man has of appealing to superior authorities. There is in the British Army a distinct regulation to the effect that every man at an inspection, when the General asks the question—"Is there any complaint?" has the right to stand out of the

ranks, without going to any other officer, and, even though the inspecting officer should be the Commander-in-Chief, he can lay his complaint before him. That is a regulation which practically has the force of a law in the British Army. That is an answer to what Senator Higgs has said.

Senator CHARLESTON.—Do the men ever avail themselves of the right?

Senator Lt.-Col. CAMERON.—I have seen men step out of the ranks and lodge their complaints; and I have known the complaints to be investigated, and treated in exactly the same way as though they were matters of simple importance between the General and the men.

Senator HIGGS.—With some men it would require more courage to do that than go into battle.

Senator Lt.-Col. CAMERON.—I think that as a generally prevailing spirit it is quite right that that should be so; but if a man is deeply grieved, his claim to an inquiry is acknowledged, not only as a matter of fair play, but as a right by an actual regulation which has practically the force of law. He is able to lay his complaint before the highest authority.

Senator Lt.-Col. NEILD (New South Wales).—There seems to be some misapprehension about the right of officers to obtain courts-martial. I have before me the *Manual of Military Law*, dated 1899. It contains all the military laws of the United Kingdom, and I find this laid down at page 34—

The Queen's Regulations point out that an officer put under arrest has no right to demand a court-martial—

He has only to be put under arrest and his mouth is closed—

not after he has been released by a proper authority to persist in considering himself under arrest, or to refuse to return to his duty. If he conceives himself wronged by arrest, his remedy is to complain to the Commander-in-Chief.

Senator CHARLESTON.—What follows that complaint to the Commander-in-Chief?

Senator Lt.-Col. NEILD.—I am coming to that. At page 362 I find that section 42 of the Army Act provides that—

If an officer thinks himself wronged by his commanding officer, and on due application made to him does not receive the redress to which he may consider himself entitled, he may complain to the Commander-in-Chief in order to obtain justice, who is hereby required to examine into such complaint, and, through a Secretary of State, to make his report to Her Majesty in order to receive the directions of Her Majesty thereon.

Senator CHARLESTON.—Then he may go to the very fountain of authority?

Senator Lt.-Col. NEILD.—I cannot read the whole of the book, but if I were to read the next page honorable senators would see plainly that so far as the officer is concerned, though the representations are duly made, there is no statutory obligation to grant a court-martial, as is provided for in this clause. No doubt a court-martial, when asked for, is in a large majority of cases granted. The clause in this Bill absolutely compels the holding of a court-martial, no matter what the Governor-General in Council may think.

Senator Lt.-Col. CAMERON.—The honorable senator's reference is correct as regards the officer, but not as regards the man.

Senator Lt.-Col. NEILD.—Section 43 of the Army Act deals with the man, and provides that—

If any soldier thinks himself wronged in any matter by an officer other than his captain, or by any soldier, he may complain thereof to his captain, and if he thinks himself wronged by his captain, either in respect of his complaint not being redressed, or in respect of any other matter, he may complain thereof to his commanding officer. And if he thinks himself wronged by his commanding officer, either in respect of his complaint not being redressed, or in respect of any other matter, he may complain thereof to the General, or other officer commanding the district or station where the soldier is serving; and every officer to whom a complaint is made, in pursuance of this section, shall cause such complaint to be inquired into, and shall, if on inquiry he is satisfied of the justice of the complaint so made, take such steps as may be necessary for giving full redress to the complainant in respect of the matter complained of.

There is no obligation to grant an inquiry of any sort whatever. It will be seen that that section exhausts the matter, because the next section in the Act deals with punishments. I have quoted two sections, one dealing with the officer and the other dealing with the man, and neither of them indicate any right to demand a court-martial. The probability is that an officer will obtain a court-martial if he asks for it, but I am not so sure that Tommy Atkins would. It is more probable that he would be looked upon as a very extraordinary chap if he had the cheek to ask for one.

Senator HIGGS.—I beg to call attention to the state of the Committee. [Quorum formed.]

Senator MATHESON (Western Australia).—I intend to support the amendment. I am sorry that Senator Cameron is

not present, because I should like to call his attention to the fact that the clause providing for the operation of the Army Act during peace time has been struck out, and nothing has been inserted to take its place.

Senator DRAKE.—Yes, there are several provisions dealing with the matter.

Senator MATHESON.—The honorable senator thinks that the case is met by clause 120, which gives the Governor-General in Council power to make regulations, and that these regulations can take the place of an Act of Parliament. But that clause was in the Bill as originally framed, as also was the clause to the omission of which I now call attention.

Senator DRAKE.—With the latter clause in the Bill, it would not be necessary in some cases to issue regulations, but it will be necessary to do so now that the clause has been struck out. <sup>In L. 1. 1. 1.</sup>

Senator MATHESON.—The King's Regulations under the Army Act do not apply, and a clause ought to be added to meet cases which the Army Act would have met, particularly cases under the clause now before us, which deals with the right of officers of the Defence Forces to a court-martial. The amendment of Senator Higgs meets that particular situation, though it will not meet every situation.

Question—That the words proposed to be left out, be left out—put. The Committee divided.

Ayes ...	...	...	...	14
Noes ...	...	...	...	2
Majority ...	...	...	...	12

AYES.

Barrett, J. G.	Neild, J. C.
Best, R. W.	Smith, M. S. C.
Charleston, D. M.	Stewart, J. C.
Dawson, A.	Styles, J.
Dobson, H.	Walker, J. T.
Glassey, T.	
Matheson, A. P.	Teller.
McGregor, G.	Higgs, W. G.

NOES.

Drake, J. G.	Teller.
	Playford, T.

Question so resolved in the affirmative.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 87—

Any person who wilfully interrupts or disturbs the proceedings of a court martial, or uses insulting language towards the court or the members thereof, or who by writing or speech uses words

calculated to improperly influence the court or the members thereof, or the witnesses before the court, shall be guilty of contempt of court, whether the act committed was committed in the court or outside the court.

Senator Lt.-Col. NEILD (New South Wales).—I believe that the Minister for Defence has prepared an amendment to this clause, and if it attains the object I have in view I shall be thoroughly well satisfied. The amendment of which I have given notice is to make clause 87, by the introduction of a few words, applicable to persons not now subject to military law. The law in the United Kingdom differentiates absolutely between the power of a court martial to deal with persons who are subject to military law, and the power to deal with persons who are not so subject. The remarks I am now making apply to this and the three succeeding clauses, and I ask the liberty of making some gentle reference to the powers of a court-martial as therein set forth, while not discussing the provisions in detail. Honorable senators may take my assurance that in the amendments which I purpose to submit, the actual phraseology of the British Army Act has been copied, because that Act protects an accused civilian in a way that these clauses unfortunately do not. A civilian who may refuse to attend a court-martial as a witness, or who, being there, refuses to be sworn and give evidence, or commits other contempt, cannot be dealt with by that court. By an informal writing—there is no form provided—under the hand of the president, such a person may be remitted to a civil court just as if he had committed the offence against that civil court, whether the offence be recalcitrancy as a witness, or giving other ground for the charge of contempt. Under the British law, no military court can in any way deal with such an offender. A court-martial may, under British law, deal with a civilian who has been guilty of sketching, photographing, or taking plans of military forts or other premises, who has interfered with the carrying out of the Enlistment law, or committed other offences which are a distinct interference with the proper working of the military machine, but not where contempt of court is involved. Even members of the military forces who are charged with refusing to give evidence or of committing similar offences can, only in heinous cases, be dealt with by the court offended, and are usually sent to be tried by another

court-martial. The whole scope of the Army Act in this particular is that, except in very special cases, the court which has been offended shall not be the prosecutor, jury, and sentencing judge. If in the case of the British Army, with all its penalties, and I was going to say, the unknown consequences of responsibility which attach to members of the army, it is laid down in the most explicit terms that an offending civilian under the circumstances I have indicated shall not be punished by the court-martial, and that a soldier similarly offending shall be tried by another court-martial, why should we, in this and one or two other clauses, allow a military court to deal with civilians? The military authorities propose, and very properly so, to deal with their own offenders; and I submit that it is against public policy for a military court to be permitted to deal with "the man in the street."

Senator GLASSEY.—The honorable senator wishes to prevent the court from having any jurisdiction over civilians.

Senator Lt.-Col. NEILD.—Let the civilian be tried by a civil court, and let the military offender be tried by the same process that the Army Act provides. Except it be a gross offence a soldier is tried by another court-martial free from the influence of having had its feelings outraged by his conduct. We should like to be in this position, that if we unhappily had committed a contempt of a civil court: we should feel that we were being best protected if we were being tried not by a court whose feelings we had ruffled, but by a court which was free from all sense of irritation. I have to thank the Committee for having patiently heard me, and you, sir, for having permitted me to take a rather wider range than is usual in order that in one speech I might explain the meaning of my present and subsequent amendments in regard to clauses 87, 88, and 89.

Senator DRAKE.—I would ask the honorable senator not to move his amendment for a moment, because I think I can satisfy him.

Senator Lt.-Col. NEILD.—Being anxious that these principles should be embodied in the Bill, I am only too willing to assist any one in that direction.

Senator DRAKE.—I think I shall be able to insert a new clause, which will give effect to the opinions which Senator Neild has expressed. I gather that there is a

general feeling in the Committee that a person who is not subject to military law should not be tried by a court-martial for any offence.

Senator Lt.-Col. NEILD.—Not for any offence.

Senator DRAKE.—Yes; because for such offences as taking sketches of fortifications and so on, penalties are provided which could be recovered in a civil court. I propose to ask the Committee to provide that a person who is not subject to military law shall not be tried by a court-martial for contempt of court or anything else, but by a civil tribunal.

Senator Lt.-Col. NEILD.—Does the Minister intend to leave clause 87 as it stands?

Senator DRAKE.—Yes; because it makes it an offence for any person, whether subject to military law or not, to interrupt the proceedings of a court-martial. I should like to know from the honorable senator whether this new clause would carry out his idea:—

87A. No person other than a person subject to naval and military law shall be proceeded against before a court-martial; but if a person not so subject commits any act amounting to contempt of court within the view and hearing of a court-martial, he may forthwith be arrested pursuant to the order of the president of the court-martial and taken before a civil court having jurisdiction to try him for the offence, to be dealt with according to law.

Senator Lt.-Col. NEILD.—It reads all right.

Clause agreed to.

Clause 88—

Contempt of court shall be punishable as follows:—

(a) On conviction before a court-martial or court or summary jurisdiction by fine not exceeding fifty pounds or by imprisonment not exceeding three months;

(b) On conviction before the High Court or a Justice thereof or a Supreme Court or a Judge thereof by fine or imprisonment in the discretion of the Court.

Senator Lt.-Col. NEILD (New South Wales).—The penalties which are prescribed in this clause are altogether out of keeping with those provided in the Army Act. The longest sentence which a court-martial in the old country can give a soldier is three weeks. But this clause proposes to inflict a punishment exactly four times as great as the Army Act metes out to a professional soldier.

Senator DRAKE.—It is the maximum punishment to be inflicted at the discretion of a civil court.

Senator McGREGOR.—Three weeks in gaol in England is as bad as three months in Australia.

Senator Lt.-Col. NEILD.—I am not in a position to say what the relative horror amounts to. I do not propose to alter the penalty which may be meted out by the High Court or the Supreme Court of a State, or by a Justice of either court because cases of a gross character may occur. But a court of summary jurisdiction includes a police court, and I object to a police magistrate having the power to fine a citizen soldier £50 for an offence, which perhaps may have been the result of an indiscretion, or an accident, or a little lapse of temper. It is an outrageous maximum to prescribe. If the offence is so small and unimportant that it should be dealt with by a police magistrate, £5 is a sufficient maximum to prescribe. But if it is a heinous offence, and it has to be sent to the higher court provided for in the Bill, let the offender be fined £1,000 if you like. Instead of carrying out my original intention, I shall move for the infliction of a penalty of £10 instead of £50, and a sentence of one month instead of three months, leaving the superior courts to do as they please. I move—

That the word "fifty," line 5, be left out, with a view to insert in lieu thereof the word "ten."

Senator DRAKE.—The penalty has been fixed at £50 by the other House, and we might have a better chance of getting an amendment accepted if we did not make it so low as £10. It is a maximum penalty which is provided for, and it should be borne in mind that courts of summary jurisdiction have very extensive powers of imprisonment in civil cases. If Senator Neild is willing to reduce the penalty to £20 and the sentence to two months I shall not object.

Senator Lt.-Col. NEILD.—No; make the penalty £20, and the sentence one month.

Question.—That the word "fifty" proposed to be left out be left out—resolved in the affirmative.

Amendment (by Senator DRAKE) agreed to:—

That after the word "exceeding," line 5, the word "twenty" be inserted.

Amendment (by Senator Lt.-Col. NEILD) agreed to—

That the word "three," line 6, be left out.

Amendment (by Senator DRAKE) agreed to:—

That after the word "exceeding," line 6, the word "two" be inserted.

Clause, as amended, agreed to.

Clause 89 agreed to.

Clause 90—

Members of the Active Forces may be ordered to attend any court-martial to give evidence and produce documents.

Senator Lt.-Col. NEILD (New South Wales).—The clause is wrongly drawn, and therefore I move—

That the word "Active," line 1, be left out, with a view to insert in lieu thereof the word "Permanent."

It is quite right that a paid soldier, whose services are entirely at the disposal of the Commonwealth, should attend when ordered; but it is a different thing to be in a position to order and punish for non-attendance a militiaman who does not draw more than ten shillings a month, and cannot leave his office, shop, or plough; or a volunteer who gets nothing for his services. It is not right that a militiaman or a volunteer should be obliged under military law to dance attendance on a court-martial whenever ordered, without even the formality of a summons. I do not think it was ever intended to treat citizen soldiers in that way, and therefore I would ask Senator Drake to allow my amendment to pass. It may be ruinous to a man to be ordered about in this manner. We know that in a court that is not governed by set rules, and which may have no knowledge of conducting legal business, the proceedings may be spun out in the most inordinate manner.

Senator DRAKE.—We have been giving various privileges to citizen soldiers, including the right to demand a court-martial, and I do not see why they should not give evidence before such a court when called upon. Every citizen is liable to be called upon to give evidence before a court. A subpoena is an order to attend before a civil court. An order to attend before a court-martial is the same thing.

Senator Lt.-Col. NEILD (New South Wales).—I want to make an order to attend apply to professional soldiers, but not to citizen soldiers; but I do not propose to relieve members of the citizens' forces from giving evidence.

Amendment agreed to.

Clause, as amended, agreed to.

## Clause 91—

A court-martial, or the president, may summon witnesses to give evidence, and produce documents, or may require any person before the court to give evidence and produce documents.

Senator Lt.-Col. NEILD (New South Wales).—I move—

That the words “or may require any person before the court to give evidence and produce documents” be left out.

I submit that these words would apply to an accused person as a man before a court, and might require him, when ordered, to give evidence, or produce documents, on any point about which it might please the court to question him, and to incur penalties if he refused to convict himself. The clause has a possible drag-net application. Why give the court power to compel a witness to produce documents against himself?

Senator DOBSON.—Would not the law of evidence apply? That would not compel a person to incriminate himself.

Senator Lt.-Col. NEILD.—Have I the assurance of the legal senators that a person giving evidence before a court-martial cannot be compelled to incriminate himself?

Senator DOBSON.—No Judge would allow a man to incriminate himself.

Senator Lt.-Col. NEILD.—It is not a matter of what a Judge would do, but of what an ignorant jack-a-napes in uniform would make a man do. There are jack-a-napes in uniform in this world. I have met them. If that term is too strong I will say there are inexperienced young persons; because a boy fresh from school sometimes sits on a court-martial.

Senator DOBSON.—I think we might meet the case by making the clause read, “any person other than the accused.”

Amendment, by leave, withdrawn.

Amendment (by Senator Lt.-Col. NEILD) agreed to—

That the words “before the court” be left out, and the words “other than the accused” inserted in lieu thereof.

Clause, as amended, agreed to.

## Clause 92—

Every person who has been lawfully ordered or summoned to attend a court-martial to give evidence or produce documents, or who is before the Court and who without just cause (proof whereof shall lie upon him)—(a) disobeys the order or summons to appear; or (b) refuses to be sworn as a witness; or (c) refuses or fails to answer any question which he is required by the Court to answer; or (d) refuses or fails to produce any documents which he is required by the Court to produce, shall be liable to a penalty not exceeding one hundred pounds.

Senator Lt.-Col. NEILD (New South Wales).—I have given notice of an amendment to omit this clause and insert in place of it the following new clause:—

1. Every person not subject to Naval or Military law who has been lawfully summoned to attend a court-martial to give evidence or produce documents, and after payment or tender of the reasonable expenses of his attendance—

(a) makes default in attending; or being in attendance,

(b) refuses to be sworn as a witness; or

(c) refuses or fails to answer any lawful question which he is required by the Court to answer; or

(d) refuses or fails to produce any documents which he is lawfully required by the Court to produce

shall, on conviction before a court of summary jurisdiction, or before the High Court or Justice thereof, or a Supreme Court or a Judge thereof, be liable to the penalties mentioned in section 88 of this Act.

2. Every person subject to naval or military law ordered or summoned to attend a court-martial to give evidence or produce documents, and, in the latter case, after payment or tender of the reasonable expenses of his attendance, who commits any of the offences mentioned in this section shall on conviction by a court-martial other than the Court in relation to or before which the offence was committed, be liable, if an officer, to be cashiered, or to suffer such other punishment as mentioned in section eighty-eight of this Act, and if a soldier or sailor, to such penalties as mentioned in the said section.

But I am somewhat in doubt as to how far the new clause, which the Minister proposes to insert later on, renders my proposal needless. What I desire is that a civilian or citizen soldier-witness shall be tendered his expenses. That is but fair and proper. Of course that would not apply to a member of the permanent forces who, under the preceding clause, was ordered to attend.

Senator DRAKE.—I trust that the Committee will not agree to negative this clause. There is a subsequent provision for the payment of the expenses of civilian witnesses. The proper place to deal with that is in the regulation clause. But I am willing to put in some words to make it absolutely certain that civilian witnesses shall be paid.

Senator Lt.-Col. NEILD (New South Wales).—I think that the main part of the new clause which I have circulated is covered by a clause which the Minister proposes to insert by-and-by. My object can be attained, at the present stage, by omitting the words “ordered or,” in the first line. Then, after the word “court-martial,” we might insert the words, “and after payment or tender of the reasonable expenses of his attendance.”

Senator DRAKE.—That will hardly do, because if those words are left out, the remainder of the clause will not apply to witnesses who are members of the Defence Force.

Amendment (by Senator DRAKE) agreed to.

That after the word "documents," line 3, the following words be inserted:—"and who, not being a member of the permanent forces, has been paid or tendered reasonable expenses of his attendance."

Clause, as amended, agreed to.

Clause 93 agreed to.

Clause 94 (Powers of court-martial as to sentencing).

Senator Lt.-Col. NEILD (New South Wales).—I desire to draw the attention of the Minister for Defence to the fact that this clause deals with persons found guilty "of any naval or military offence." Those words are about as vague as they could be made by the use of the English language. Apparently any assemblage of three or four officers is to be entitled to define what is a naval or military offence.

Senator DRAKE.—The honorable senator will find that a naval or military offence is defined by the interpretation clause to mean "any offence against this Act, the Army Act, or the Navy Discipline Act."

Senator Lt.-Col. NEILD.—So that we actually bring in the Army Act, which it has been expressly stated that we do not admit.

Senator DRAKE.—Only in the time of peace.

Clause agreed to.

Clauses 95 to 99 agreed to.

Clause 100 (Counsel to be provided).

Senator Lt.-Col. NEILD (New South Wales).—I call attention to the fact that this clause is word for word the same as clause 93, which we have already passed.

Senator DRAKE.—There is a reason for this. Clause 93 refers to the trial by court-martial, while clause 100 refers to a case which may possibly occur of a man being tried in a civil court.

Clause agreed to.

Clause 101 (Liability to be tried by court-martial).

Senator Lt.-Col. NEILD (New South Wales).—If honorable senators will compare clauses 101 and 106 they will find that, under this clause, a man can be prosecuted for an offence within six months after he has been discharged; whilst under clause

106 he cannot be prosecuted for an offence that is more than six months old.

Senator DRAKE.—The same explanation applies here; one clause has reference to a court-martial, and the other has not.

Clause agreed to.

Clauses 102 to 104 agreed to.

Clause 105—

The regulations may authorize the officer commanding any corps or ship to punish any member of the Defence Force by a fine not exceeding five pounds, and also in the case of the permanent forces, by forfeiture of not more than fourteen days' pay, or by confinement to barracks, or on board ship for any period not exceeding twenty-one days, seven days of which may be imprisonment.

Amendment (by Senator DRAKE) agreed to—

That the following words be added:—"and also in the case of the citizen forces, by reduction in rank or dismissal."

Clause, as amended, agreed to.

Clause 106 agreed to.

Clause 107—

No prosecution for an offence against this Act shall be brought in any court (other than a court-martial) against an officer of the military forces except by or in the name of the district commandant, or against an officer of the naval forces except by or in the name of the naval officer commanding; and no prosecution against any soldier or sailor of the force shall be brought in any such court except by the commanding officer or the adjutant of the corps, or commanding officer of the vessel to which that soldier or sailor belongs.

Amendments (by Senator DRAKE) agreed to—

That the words "other than a court martial," lines 2 and 3, be left out, with a view to insert in lieu thereof the words "of summary jurisdiction."

That after the word "no," line 7, the word "such" be inserted.

That after the word "sailor," line 8, the words "of the force" be left out.

Clause, as amended, agreed to.

Clause 108—

For the purpose of legal proceedings, all moneys subscribed by or for or otherwise appropriated to the use of any corps or ship's company, and all arms, ammunition, accoutrements, clothing, musical instruments, or other things, belonging to or used by any corps or ship's company, and not being the private property of a member of the corps or ship's company, shall be deemed to be the property of the commanding officer of the corps or ship's company.

No gift, sale, alienation, or attempted gift, sale or alienation, of any such moneys, arms, ammunition, accoutrements, musical instruments, or other things, by any person, shall be effectual to pass the property therein without the consent of the commanding officer.

Senator Lt.-Col. NEILD (New South Wales).—I have given notice of a long list of amendments in this clause, but they are very necessary, and I am sure the Minister for Defence will accept them. Briefly, this is a clause to give the power of military law over subscriptions to corps, and in respect of property belonging to parts of corps, not being public property. The Minister, I am sure, will recognise that these moneys and properties do not, as a rule, belong to corps or to the ship's company, but to parts of the corps or ship's company. For instance, the moneys belonging to a regimental rifle club do not belong to the regiment; a sergeant's mess may have little fixings which do not belong to the corps; and the same thing applies to officers' funds, band funds, and funds of that description. I have given notice of amendments to insert after the words "corps" and "company" wherever they occur in the clause, the words "or part thereof." I desire also to make another amendment, inserting the words "or pawning" after the word "alienation."

Senator DRAKE.—That is included in the word "alienation."

Senator Lt.-Col. NEILD.—I am aware that it is so, but possibly "Tommy" in the ranks, who is going to make away with a rifle surreptitiously for the sake of an improper drink, or the pawn-office man, may not be particularly well up in the legal interpretation of the word "alienation." I know that the Minister for Defence is advising the Committee perfectly in accordance with law; but, as he himself said on a previous occasion, if we mean a thing why not say so? As we mean to stop pawning, why not make it perfectly clear that it is an offence to pledge or take in pledge any Government property? I move—

That after the words "corps" and "company," wherever occurring, the words "or part thereof" be inserted.

Senator DRAKE.—I have no objection to the amendments.

Senator DOBSON (Tasmania).—I do not think the amendment will carry out the object which Senator Neild has in view. I take it that the whole clause relates to money ear-marked for military purposes, and over which there is official jurisdiction. Does the amendment mean private subscriptions for a sergeants' mess, an extra feed at Christmas, or for a little speculation at Flemington?

Senator Lt.-Col. NEILD (New South Wales).—My amendment does not remove any of the authority which the clause proposes in reference to money belonging to the corps, but merely extends the operation to money which belongs to part of a corps, such as a rifle club.

Senator Lt.-Col. CAMERON.—Does the honorable senator mean that the clause must apply entirely to military funds?

Senator Lt.-Col. NEILD.—Certainly.

Senator Lt.-Col. CAMERON.—Then I am not quite sure that the amendment is quite clear.

Senator DRAKE.—The object of the clause is to show that these funds are the property of the commanding officer, in whom for legal purposes they are vested. The clause at present refers only to funds which are the property of the whole corps, and Senator Neild desires to extend its operation to funds which are the property of part of the corps.

Amendments agreed to.

Amendment (by Senator Lt.-Col. NEILD) agreed to—

That after the word "alienation," lines 11 and 12, the word "pawning" be inserted.

Clause, as amended, agreed to.

Clause 109—

Any member of the Defence Force charged with any military or naval offence when on duty or wearing his uniform may be arrested, pursuant to the order of any officer authorized by the regulations to issue such order, by any other member of the Defence Force, and detained in military or naval custody until he can be tried for the offence.

Senator Lt.-Col. NEILD (New South Wales).—This clause cannot possibly be carried into effect as it stands. I should like, in the first place, to insert after the word "offence" the words "or misconduct"; but, though such an amendment is desirable, it may not be absolutely necessary. My principal objection to the clause is that it gives power to detain in naval or military custody a member of the force who is alleged to have been guilty of an offence while in uniform or on duty. Unfortunately, the Bill contains no definition of "on duty." The point was discussed by Senator Cameron and myself this morning, and we agreed that though a definition of the words is highly desirable, it would be very difficult to find one. In any event, it would be impossible to put the clause in operation. A volunteer who might get intoxicated before a drill, and disgrace himself in the ranks

on a Saturday afternoon, would have to be detained in custody until he could be tried for the offence.

**Senator DOBSON.**—But what if a man commit a very grave offence?

**Senator Lt-Col. NEILD.**—How can a member of the volunteer force be held in custody? All that can be done with a volunteer is to kick him out of the corps or fine him. There is a clause in the Bill which absolutely prohibits the imprisonment of a member of the citizen forces for a military offence, and yet, in the clause before us, power is given to detain him in custody before he is even tried for an offence. The object of the Department, no doubt, is to protect the reputation of the uniform; and in order to get out of the difficulty, I move—

That the following words be added:—"but in the case of a member of the citizen forces such arrest or custody shall not continue longer than while the corps or ship's company to which such member belongs shall then remain under arms or on duty, or, if not then on duty, until such member shall have resumed civilian attire, which he shall without unnecessary delay be permitted to do."

Under the amendment a member of the citizen forces who became intoxicated in uniform, or while on duty, would be held in custody until he had been taken home, and had there removed his uniform and resumed his position as a civilian. He would not be permitted to continue his offence. No one would contend that a citizen soldier should ordinarily be punished by the military authorities for an offence committed while in plain clothes. In England, under similar circumstances, the arrest terminates with the termination of the duty; but I go further, and make the clause cover military offences committed when there is no duty in progress—when, for instance, a parade has been dismissed, and a man gets drunk and disgraces himself on his way home. The object of the last few words of the amendment is that the man shall not be kept in custody longer than is necessary for him to resume his position as a citizen.

**Senator DRAKE.**—Some alteration of the clause is necessary, and I think it can be done as well by this amendment as in any other way. It must be clear to honorable senators that in country districts we should have no means of keeping a man in military custody, even if it were necessary or desirable. As soon as he ceases to be on duty and resumes his civilian status, we do not wish to retain custody of him. He will be properly tried and punished for whatever

offence he may have committed. In the meantime there will be no advantage in keeping him in custody if that were possible, so that I have no objection to the amendment.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 110 to 112 agreed to.

Clause 113—

Nothing contained in this Act shall prevent any member of the Defence Force from volunteering to serve in any force that may be raised by the Commonwealth to augment any of the King's Regular or other forces, or to occupy or to defend any place beyond the limits of the Commonwealth.

**Senator MATHESON (Western Australia).**—I have no objection to any members of the permanent force volunteering with the permission of their superior officers, but I do not think they should be allowed the facility of volunteering without that permission, because their services are absolutely essential to the defence of the Commonwealth. The right of free volunteering ought undoubtedly to be given to all the members of the citizen force. I submit that there ought to be some way of objecting to the members of the permanent force volunteering if it is not to the interests of the Commonwealth that they should be allowed to go outside its shores. I move—

That the word "Defence," line 2, be left out, with a view to insert in lieu thereof the word "Citizen."

**Senator DRAKE.**—I cannot see any reason why a member of the permanent force should not have a statutory right to volunteer. The clause relates to a force which may be raised by the Commonwealth for service beyond its limits. Why should the clause be altered to say that the members of the permanent force shall not be allowed to volunteer for such service? The authorities would not be bound to accept the services of any member of the permanent force who might volunteer. His volunteering would be of no effect unless he got the consent of the Commonwealth. He would be under a term of service in the permanent force, and he could not break that engagement.

**Senator MATHESON.**—The clause gives him the right to do so.

**Senator DRAKE.**—He could not volunteer himself out of the service of the Commonwealth. We wish to give him an option if it should be considered desirable to accept

his services. I do not see any necessity for making the amendment.

Senator MATHESON (Western Australia).—The Minister has suggested some difficulties in order to prevent my amendment from being passed. But the omission of the permanent force from the operation of the clause would not prevent any member of that body from volunteering with the permission of his superior officers.

Senator DRAKE.—The implication would be that the Act did prevent him.

Senator MATHESON.—The object of my amendment is to prevent a member of the permanent force volunteering without the permission of his superior officer, and undoubtedly he could do so under the clause as it stands. It says—

Nothing in this Act shall prevent any member of the Defence Force from volunteering—

That would give to the members of the permanent force permission to apply individually, if they wished to volunteer for outside service. The number of these men is extremely limited, and their services would be absolutely essential to the local defence of Australia if it should ever be attacked. Of course, if a superior officer should consider that the services of any member of the permanent force could be dispensed with, and that he should be allowed to volunteer, well and good; but I contend that he should not have the right to volunteer and to go in opposition to the desire of the officer.

Senator KEATING (Tasmania).—I do not think that the clause as it stands should give rise to any apprehension such as Senator Matheson seems to entertain. As he pointed out, it would enable every man in every branch of the Defence Force to volunteer for foreign service; but, if any permanent man volunteered against the wish of the authorities, his volunteering would not disassociate him from the permanent force. He might volunteer himself into foreign service, but it would not have any effect as between him and the authorities, unless he had their consent.

Senator MATHESON.—But if he volunteered he might be accepted.

Senator KEATING.—That would not relieve him of the responsibility of service to the Commonwealth until he got the consent of the authorities.

Senator Lt.-Col. NEILD (New South Wales).—I would submit to Senator Matheson that a member of the permanent force,

who was an officer, could not go away without the consent of the Governor-General in Council. He could volunteer, but he could not leave his employ without that permission. A member of the rank and file who is engaged to serve for a specific term, would not be able to go without permission; he would be no more free to go than a man to leave a shop without the consent of his employer. If we put a bar in the way of members of the permanent force volunteering for and going on outside service with the permission of the authorities, we might prevent the very one man going whom it might be very desirable to allow to go. That eminent medical man, Surgeon-General Williams, whose capacity for organizing the medical service won golden opinions in the British Army in South Africa, would be barred by this amendment from going on foreign service. The Minister has said that the implication would be that that distinguished officer could not go, but I submit that, according to the well-known legal aphorism *expressio unius est alterius exclusio*, if we say that certain persons may go, by implication we exclude other people from going. I would urge that as no harm could be done by members of the permanent force going with the permission of the authorities, the clause might be allowed to pass as it stands.

Amendment, by leave, withdrawn.

Clause agreed to.

Clause 114 agreed to.

Clause 115 (Stoppage of pay in certain cases).

Senator Lt.-Col. NEILD (New South Wales).—I desire to ascertain from the Minister for Defence what will become of the family of a man who, as a member of the permanent force, may be convicted of an offence. There is a provision made for stopping his pay and allowances when he is in prison; but what is to become of his wife and family? Take the case of a drill sergeant whose pay is very small, and who, perhaps, has a very large family. I do not know whether the question has been considered.

Senator DRAKE.—Is he entitled to have his pay while he is in prison?

Senator Lt.-Col. NEILD.—It is a case of not only convicting the man, but punishing his family.

Clause agreed to.

## Clause 116—

It shall not be necessary for any order or notice under this Act to be in writing unless by this Act required to be so, or unless it be an order of a court-martial, provided it be communicated to the person who is to obey or be bound by it either directly by the officer or person making or giving it or by some other person by his order.

**Senator DRAKE.**—I do not see why an order by a court-martial is made an exception from the rule. The clause provides that it should not be necessary for any order of a court-martial to be in writing, unless the Act requires it to be so. I move—

That the words “or unless it be an order of a court-martial” be left out.

**Senator Lt.-Col. NEILD (New South Wales).**—Surely an order by a court-martial is serious enough to be committed to writing. What harm can there be in it? Such an order should be placed clearly on record.

**Senator MATHESON (Western Australia).**—This clause was much debated in another place. It was intended to deal with the case of an order given to a subordinate by an officer, but was somewhat carelessly drafted. The fact has been quite overlooked that an order or summons of a court-martial may go out against civilians who are not under military discipline at all. Under clause 21, the president of a court-martial may summon witnesses to give evidence and produce documents. That applies to civilians; and, certainly, every civilian is entitled to receive an order of the court or a summons. I intend to move to insert the words “a summons.”

**Senator DRAKE.**—The clause clearly means any person attending the court.

**Senator MATHESON.**—I do not care what it “clearly means.” We should have no misunderstandings. I think the words which Senator Drake proposes to omit are essential to protect the rights of civilians.

**Senator DRAKE.**—I doubt whether a summons would come under this clause. A summons would necessarily be in writing. But an order of a court-martial may be made in court, and why should the court have to put it in writing?

**Senator MATHESON (Western Australia).**—It appears to me that Senator Drake is rather playing with the word “order,” and giving it a restricted sense. He is treating the word as a verdict of the court. If he treats it in any wider sense, an order of the court applies to any order given in respect to any civilian upon any

matter with which the court is concerned. Courts-martial have been given very extensive powers over civilians. It is all very well for “orders” to military people to be given verbally, but when we are dealing with civilians, we should proceed in the ordinary way in which any other court would proceed. Civilians must be protected by having orders against them in writing.

Amendment agreed to.

Amendment (by Senator MATHESON) proposed—

That after the word “so,” line 3, the words “except in the case of a summons” be inserted.

**Senator DRAKE.**—I must oppose this amendment. It is not necessary, and I do not think it is English.

Question put. The Committee divided.

Ayes	...	...	...	9
Noes	...	...	...	13
Majority	...	...	...	4

## AYES.

Dawson, A.	Neild, J. C.
Glussey, T.	Stewart, J. C.
Higgs, W. G.	Styles, J.
Matheson, A. P.	Teller.
McGregor, G.	O’Keefe, D. J.

## NOES.

Baker, Sir R. C.	Macfarlane, J.
Barrett, J. G.	Playford, T.
Best, R. W.	Saunders, H. J.
Cameron, C. St. C.	Smith, M. S. C.
Charleston, D. M.	Walker, J. T.
Dobson, H.	Teller.
Drake, J. G.	Keating, J. H.

Question so resolved in the negative.

Amendment negatived.

Clause, as amended, agreed to.

Clauses 117 to 119 agreed to.

Clause 120—

1. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for securing the discipline and good government of the Defence Force, or for carrying out or giving effect to this Act, and in particular prescribing matters providing for and in relation to:—

(a) The establishment and composition of a Board of Advice and the convening procedure and powers of the Board.

3. All Regulations shall be laid before both Houses of the Parliament within thirty days after the making thereof if the Parliament be then sitting, and if not then within thirty days after the next meeting of the Parliament.

4. If either House of the Parliament passes a resolution, at any time within fifteen sitting days after any regulation is laid before it, disallowing any such regulation, that regulation shall thereupon cease to have effect.

Senator MATHESON (Western Australia).—I have given notice of a new clause, and I should like to discover whether it would be more convenient to discuss the matter with which it deals under paragraph (a) of this clause, or to leave the discussion until the new clause is submitted. I call attention to the fact that if the new clause I propose to submit is agreed to, it will be necessary to amend paragraph (a) of clause 120, and if the necessary amendment is not dealt with now we shall require to re-commit this clause.

Senator DRAKE.—I prefer to take the discussion on the new clause, and I shall re-commit this clause if it is necessary to amend it.

Senator Lt.-Col. NEILD (New South Wales).—I move—

That after paragraph (h) the following new paragraphs be inserted :—

- (h a) The formation of officers' funds;
- (h b) The formation of sergeants' mess funds.

Rifle clubs are already provided for. It is usual for authority to be given for the framing of regulations for the management of funds which are essentially regimental or corps in character. I do not suppose that the extension of authority which my amendment proposes to give will be objected to.

Senator DRAKE.—The only objection I have to the amendment is that there is no desire to interfere at all with these matters, or to undertake any control in connexion with them. The rifle clubs are on a somewhat different footing, because they form part of the reserve forces, and are frequently in the position of trustees of Government property, having rifles lent to them, and having in some instances the control of rifle ranges. Some superintendence is therefore necessary, and power is taken to deal with the formation of rifle clubs as being part of the defence scheme of the Commonwealth. But we have no desire to interfere with such matters as the formation of officers' funds and sergeants' mess funds.

Senator Lt.-Col. NEILD.—They must be under authority.

Senator DRAKE.—I should like to know why. I should like to hear any reasons which the honorable senator can advance in support of his amendment.

Senator Lt.-Col. NEILD (New South Wales).—I am not proposing anything new. I am proposing in the briefest possible way to give the Governor-in-Council a power which is provided for in the New South Wales Act in

half-a-page of matter that is a transcript of the English Volunteer Act, and which has been the law in that State for the last forty years. I should like to inform the Minister for Defence also that officers' mess funds come under the King's regulations, and indeed it is necessary to have the assistance of regulations under authority for maintaining order and honesty in the management and control of these funds. If the amendment be agreed to it will impose no obligation on the Governor-in-Council to make these regulations, but I give the Minister for Defence my assurance that the power to frame regulations governing these matters will probably be one of the first requests which will be made to him by the General Officer Commanding, in order that these funds may be maintained and controlled under the basis of military law. How can funds of this kind be properly managed under the civil law? This is essentially a military matter, and those charged with responsibility, financial and otherwise, in connexion with these funds should be under the military law in their operations. The Minister for Defence was good enough to accept certain amendments in a previous clause dealing with such funds, and what I propose is but a corollary of the legislation to which we have already agreed. It is the invariable rule in regiments that officers shall subscribe to funds to assist the band, sometimes to pay bandsmen, sometimes to buy music or accessories required for performances after dark, sometimes to help an impecunious member over life's style, and sometimes to provide rations for a day's voluntary parade. I can assure Senator Drake that these funds are established in almost every regiment in New South Wales.

Senator DRAKE.—Quite so; and they are very necessary and proper.

Senator Lt.-Col. NEILD.—How can such funds be properly handled in a regimental machine by any other than a military authority? How can the commanding officer enforce order and honesty in the handling of such matters if he has not the assistance of regulations promulgated by the superior authority. I am urging the Committee to give the Minister for Defence more authority than he is asking for under the Bill, and if he does not care to exercise that authority when it is given, I cannot help that. I can quote the case of a New

South Wales regiment which has been waiting ever since the Commonwealth was established for authority to carry out these funds. Senator Cameron will admit that the establishment of such funds is quite common, and that it is desirable that they should be under military authority rather than that the civil law should have to be invoked every time anything goes wrong. I hope the Minister for Defence will not refuse to accept an authority which, while he will not be compelled to exercise it, can be wisely exercised in the best interests of the forces of which he is the Ministerial head.

Senator DRAKE.—It is true that the honorable senator is asking the Department to take the power of control in connexion with these matters, but I am inclined to resist his request in the interests of the Defence Force. If I thought it would be of any assistance I should be most happy to accept what the honorable senator offers. It seems to me, however, that officers' funds and sergeants' mess funds and their regulation should be left entirely to the corps in which they are formed. If the amendment is agreed to a demand will be made that regulations shall be issued, and we cannot frame different regulations for every corps. We shall have to frame one set of regulations by which each corps will be bound hard and fast. I think it would be better that in matters of this kind each corps should make its own regulations.

Senator Lt.-Col. NEILD (New South Wales).—That is just what is desired. I will quote a few words from the New South Wales Act which, as I have said, is in this respect a transcript of the British Volunteer Act—

The officers and volunteers of all volunteer corps may from time to time make rules for the management of the property, finances, and civil affairs of the corps, and for the summary punishment of minor offences against discipline, and may alter and repeal any such rules; and such rules may provide for the enforcement thereof against the several members of the corps . . . and the commanding officer of the corps shall transmit such rules to the officer commanding the volunteer forces—

That would be the General Officer Commanding under this Bill—

who shall submit the same for the Governor's approval. Such approval certified by the Colonial Secretary shall be notified by such officer commanding the volunteer forces to the commanding officer of the corps, whereupon the rules so approved shall be binding upon all persons.

I desire that the Governor-General under these regulations shall have power to approve of the rules which each corps draws up for the management of its own affairs. I desire to secure official sanction for what the officers do, and a set of rules approved by the higher authorities will become the guiding method of the corps. This matter should really have been dealt with by a clause in the Bill, and I repeat that I am asking only for what is provided for in the English Army and volunteers, and under some of the States Acts.

Senator Lt.-Col. CAMERON (Tasmania).

—I may help to elucidate this matter in some way, having had charge of funds of a similar kind myself. I had charge of a brigade of yeomanry consisting of two regiments on a similar footing to that upon which our partially-paid forces will be. With the exception of one fund, the amount allowed for each efficient yeoman, which was Government money and paid by the War Office, the whole of the regimental funds—officers' fund, sergeants' mess fund, and horse fund—were vested in the officers alone, and were managed entirely by them.

Amendment negatived.

Senator Lt.-Col. NEILD.—Honorable senators have done the Defence Force a very great injury.

Senator DOBSON (Tasmania).—I find nothing in the power to make regulations in regard to cadet corps. The Minister for Defence has promised to look into this matter, and I hope that he will be able to put the cadet corps on a more business-like footing. I hope the movement will extend by leaps and bounds, and will be organized in a business fashion. I move—

That after paragraph *h* the following new paragraph be inserted :—(hA). The maintenance, control, regulation, and training of cadet corps.

I do not know whether the amendment is absolutely necessary, but I am inclined to think that it will strengthen the hands of the Minister for Defence if he desires to promote the cadet movement, as I am sure he does. Certain questions may arise between the Government and the States, but I am perfectly certain that no State right can stand in the way of this proposal being carried out. I feel positive that the Federal Parliament has absolute power to educate these boys in regard to military training, whether in or out of school. It would be a perfect farce if the Constitution gave us the right to manage the whole of

the defences of the Commonwealth, and did not allow us to educate our youths so that they might become soldiers. I use the word "control" advisedly, in order to show that we propose to take a power that is absolutely necessary if we are to have a proper cadet system throughout the Commonwealth.

Senator DRAKE.—I do not raise any objection to the amendment, although I think it is not necessary. The clause gives power to make regulations to give effect to the Act; but to make assurance doubly sure I accept the amendment.

Amendment agreed to.

Senator Lt.-Col. NEILD (New South Wales).—I move—

That the word "thirty," lines 14 and 16, be left out, with a view to insert in lieu thereof the word "fourteen."

Regulations before they are laid on the table of either House, will have already appeared in the *Gazette*, and under the circumstances, there seems no need for such a long period as thirty days. Almost the whole of the Bill is merely a hatstand on which to hang regulations, the control of which by Parliament is most essential. All sorts of things could be done by a Ministry to nullify the wishes of Parliament by means of regulations, and my object is not to give the Government less power to make them, but Parliament more voice in enforcing them.

Senator BARRETT (Victoria).—I have given notice of an amendment to insert a new clause relating to canteens and the sale of intoxicants, and I should like to know whether, if the amendment before us be carried, I shall be debarred from submitting my proposal to the Committee.

Senator DRAKE.—I have already told another honorable senator who desires to submit an amendment that if his proposal be accepted I shall recommit this clause in order to make any necessary alteration. I can give Senator Barrett the same assurance.

Senator DOBSON.—If Senator Barrett gives way will it not be taken to mean that we have discussed the question, and agreed to the establishment of canteens?

Senator DRAKE.—Senator Barrett's amendment will not conflict with the regulation clause.

Amendment agreed to.

Senator MATHESON (Western Australia).—I move—

That the words "at any time within fifteen sitting days after any regulation is laid before it," lines 19 and 20, be left out.

I see no reason why Parliament should limit its own powers. Regulations are usually laid on the table when honorable senators are not paying particular attention, and after they have been indorsed by the Clerk they disappear, and we see them no more, except by accident. At a later date, when some scandal may have arisen, and an honorable member or an honorable senator is approached by his constituents, it is found to be too late to have a particular regulation rejected. These regulations ought to be subject to alteration by Parliament at any time, and a provision having that effect could not prejudice the public in any way. On the contrary, it would be a great advantage if Parliament were always able to place the regulations under revision, and to alter them if they were found to operate improperly or harshly.

Senator DOBSON (Tasmania).—I am inclined to think that Senator Matheson is to some extent right, because Parliament, which may have other business, ought not to be prevented from criticising and altering regulations. But Parliament should not, week after week, be tinkering at regulations which ought to be brought up and approved of for the session.

Senator DRAKE.—Senator Dobson is quite right. There ought to be some limit to the time during which Parliament is invited to either reject or accept regulations. There could be no advantage in allowing the question to remain open, because such a course would offer less inducement to criticise regulations at the proper time, which is when they are first brought down. Regulations affecting the pay and other conditions of the men, for instance, should be attended to at once, and should not, when they may have been in quiet operation for months, be suddenly brought up for consideration.

Senator MATHESON.—That may be when the injustice of a regulation has been discovered.

Senator DRAKE.—Parliament can always call attention to a real injustice, and compel the Government to make a necessary amendment; but there must be some finality. The Government ought to be able to assume that if within a certain time Parliament has not disapproved, the regulations are indorsed. The time allowed by the clause is fifteen sitting days, and as at the commencement of the session we do not on the average sit more than three days each week, we have

the long period of five weeks. I think that is quite sufficient.

Senator MATHESON.—But we do not know.

Senator DRAKE.—Those who are interested in the subject have every means of knowing. There is no advantage in encouraging members of Parliament not to know these things. If we should provide that the regulations might be altered at any time, we should withdraw what pressure there might be on the Parliament at the present time to note when any regulations under an Act are laid upon the table, and to take the necessary action within the statutory time.

Senator GLASSEY (Queensland).—This question requires very careful consideration. I wish to draw the attention of Senator Drake to a case in point. On the 2nd June last, the regulations under the Public Service Act were laid on the table of the Senate. Unfortunately, through an oversight, the regulations were not printed as a Senate paper, with the result that they got lost sight of by honorable senators, and in due course acquired the force of law. We had no opportunity of discussing the regulations within the prescribed time. Although, no doubt, the regulations were framed with very great care by the Commissioner, still in many instances they are totally inadequate to meet the requirements in Queensland. When Senator Stewart and I moved in the matter, a few regulations were merely tinkered with. The regulations as a whole did not undergo that critical examination and revision which they ought to have received. No set of regulations should be allowed to acquire the force of law until such time as each House of the Parliament has had a proper opportunity of criticising, and, if necessary, revising them. I join with Senator Matheson in wishing to alter the clause in that direction.

Senator DOBSON (Tasmania).—I recognise that there is a disadvantage in not having a fixed day on which any regulations made under the Bill shall become law. At the same time I do not wish to deprive any honorable senator of the opportunity to criticise and propose an alteration in any regulation. I would ask Senator Drake if he can consent to a provision of this kind—that for one week or three weeks after the regulations shall have been laid on the table, there shall appear on the notice-paper an entry to the effect that the regulations under the Defence Act were laid on the table on

such a day, and are open for discussion until such a date?

Senator DRAKE.—That is a matter for the President to arrange.

Senator MATHESON (Western Australia).—Senator Glassey has called my attention to a most interesting fact. In the Public Service Act I find no such restrictive provision as that which appears in the Defence Bill, but I do find the following:—

Regulations made pursuant to this Act may be made either generally, or with respect to any particular case or class of cases, and when made by the Governor-General and published in the *Gazette*, shall have full force and effect; and such regulations shall be laid before both Houses of the Parliament within seven days of publication in the *Gazette* if the Parliament is in session and actually sitting, or if the Parliament is not in session, or not actually sitting, then within seven days after the commencement of the next session or sitting.

There is no restriction on the right of either House of the Parliament to consider the regulations at any time. If it is good enough to have the regulations under the Public Service Act dealt with in that way, there can be no reason for limiting our right in respect to any regulations made under this Bill. I do not think I need elaborate the point that the Public Service Act furnishes a precedent for doing exactly what I have suggested.

Progress reported.

Senate adjourned at 10.7 p.m.

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