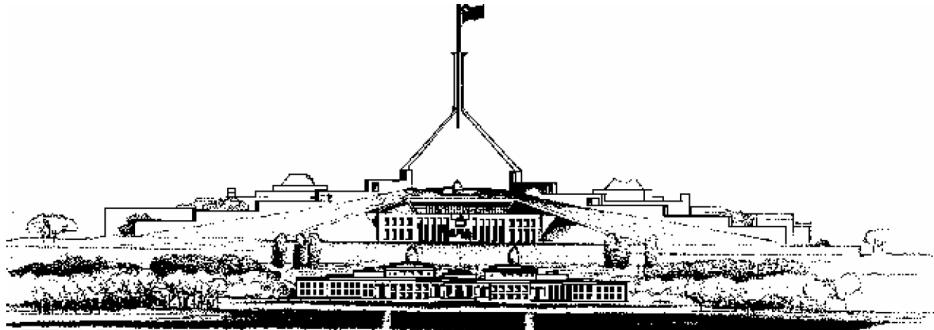




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



Senate Official Hansard

No. 23, 1901
Thursday, 6 June 1901

FIRST PARLIAMENT
FIRST SESSION

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

LEGISLATURE 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, 9th May, 1902.)

ACTING GOVERNOR-GENERAL.

His Excellency the Right Honorable **HALLAM BARON TENNYSON**, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, and Commander-in-Chief of the Commonwealth of Australia. (Sworn, 17th July, 1902.)

THE MINISTRY.

The Right Honorable Sir Edmund Barton, P.C., Minister for External Affairs.
G.C.M.G., K.C.

The Honorable Alfred Deakin	Attorney-General.
" Sir William John Lyne, K.C.M.G.	...		Minister for Home Affairs.
The Right Honorable Sir George Turner, P.C., K.C.M.G.			Treasurer.
" " Charles Cameron Kingston, P.C., K.C.			Minister for Trade and Customs.
" " Sir John Forrest, P.C., G.C.M.G. ...			Minister for Defence.
The Honorable James George Drake	Postmaster-General.
" Richard Edward O'Connor, K.C.	..		Vice-President of Executive Council.
" Sir Philip Oakley Fysh, K.C.M.G.	...		Without portfolio.

MEMBERS OF THE SENATE.

FIRST PARLIAMENT.—FIRST SESSION.

<i>President.</i> —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, Lieut.-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.
Glasssey, Thomas	...	Queensland.
Gould, Lieut.-Col. Hon. Albert John	...	New South Wales.
Harney, Edward Augustine	...	Western Australia.
Higgs, William Guy	...	Queensland.
Keating, John Henry	...	Tasmania.
Macfarlane, James	...	"
Matheson, Alexander Perceval	...	Western Australia.
McGregor, Gregor	...	South Australia.
Milieu, Edward Davis	...	New South Wales
Neild, Lieut.-Col. John Cash	...	"
O'Connor, Hon. Richard Edward	...	"
O'Keefe, David John	...	Tasmania.
Pearce, George Foster	...	Western Australia.
Playford, Hon. Thomas	...	South Australia.
Pulsford, Edward	...	New South Wales.
Sargood, Lieut.-Col. Hon. Sir Frederick Thomas, K.C.M.G.	...	Victoria.
Smith, Miles Staniforth Cater	...	Western Australia.
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.

MEMBERS OF THE HOUSE OF REPRESENTATIVES.

FIRST PARLIAMENT.—FIRST 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, Austin	Eden-Monaro. (N.S.W.)
Clarke, Francis	Cowper. (N.S.W.)
Conroy, Alfred Hugh	Werrawa. (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, William Henry	Darling Downs. (Q.)
§Groom, Littleton Ernest	Darling Downs. (Q.)
Harper, Robert	Mernda. (V.)
Hartnoll, William	Tasmania.
Higgins, Henry Bourne	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.)

* Chairman of Committees.

† Deceased reported 8th August.

|| Sworn in 4th April.

† Temporary Chairman of Committees.

§ Sworn in 25th September.

MEMBERS OF THE HOUSE OF REPRESENTATIVES.

FIRST PARLIAMENT—FIRST SESSION—*continued.*

Paterson, Alexander	Capricornia. (Q.)
Phillips, Hon. Pharez	Wimmera. (V.)
*Piesse, Hon. Frederick William	Tasmania.
Poynton, Alexander	South Australia.
Quick, 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 Cartt	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.)

* Temporary Chairman of Committees.

† Decease reported, 6th March.

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. Woollard, Serjeant-at-Arms.

Reporting Staff.—B. H. Friend, Chief Reporter; D. F. Lumsden, Second Reporter.

COMMITTEES OF THE SESSION.

SENATE.

STANDING ORDERS COMMITTEE.—The President, the Chairman of Committees, Senator O'Connor, Senator Lieut.-Col. Gould, Senator Sir J. W. Downer, Senator Sir W. A. Zeal, Senator Dobson, Senator Higgs, Senator Harney. (Appointed 5 June, 1901.)

TEMPORARY STANDING ORDERS.—The President, Senator Drake, Senator Lieut.-Col. Gould, Senator McGregor, Senator Sir W. A. Zeal. (Appointed 5 June, 1901; reported and report adopted 6 June, 1901.)

LIBRARY COMMITTEE (*Joint*).—The President, Senator Drake, Senator Sir F. T. Sargood, Senator Sir J. H. Symon, Senator Keating, Senator De Largie, Senator O'Connor. (Appointed 6 June, 1901.)

PRINTING COMMITTEE.—Senator Pulsford, Senator Clemons, Senator Pearce, Senator Charleston, Senator Dawson, Senator Styles. (Appointed 6 June, 1901.)

HOUSE COMMITTEE (*Joint*).—The President, Senator Lieut.-Col. Neild, Senator Ewing, Senator Playford, Senator Fraser, Senator Cameron, Senator Ferguson. (Appointed 6 June 1901.)

STEAM-SHIP COMMUNICATION WITH TASMANIA.—Senator Barrett, Senator Drake, Senator Macfarlane, Senator Lieut.-Col. Neild, Senator Pearce, Senator Playford, Senator Keating. (Appointed 26 July, 1901.; reported 25 September 1902.)

ELECTIONS AND QUALIFICATIONS COMMITTEE.—Senator De Largie, Senator Sir J. W. Downer, Senator Fraser,† Senator Glassey, Senator Macfarlane, Senator Sir J. H. Symon, Senator Walker. (Appointed 12 June, 1901.)

HOUSE OF REPRESENTATIVES.

STANDING ORDERS COMMITTEE.—Mr. Speaker, the Prime Minister, Mr. W. H. Groom,* Mr. A. McLean, Mr. Reid, Mr. V. L. Solomon, and Mr. McDonald. (Appointed 5 June, 1901.) The Chairman of Committees. (From 23 July, 1901.)

LIBRARY COMMITTEE (*Joint*).—Mr. Speaker, Sir J. L. Bonython, Sir E. N. C. Braddon, Mr. Isaacs, Mr. T. Macdonald-Paterson, Mr. Bruce Smith, Mr. Spence. (Appointed 5 June, 1901.)

HOUSE COMMITTEE (*Joint*).—Mr. Speaker, Mr. Fisher, Mr. Glynn, Sir M. D. McEacharn, Sir William McMillan, Mr. Piesse,‡ Mr. Salmon. (Appointed 5 June, 1901.)

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

DECIMAL COINAGE.—Mr. Glynn, Mr. W. H. Groom,* Mr. Mauger, Mr. Piesse,‡ Sir J. Quick, Mr. Thomsou, Mr. G. B. Edwards. (Appointed 6 June, 1901.) Mr. Hume Cook, Mr. Fowler. (From 19 July, 1901.) Mr. Paterson. (From 6 September, 1901.) (Reported 4 April, 1902.)

ELECTIONS AND QUALIFICATIONS COMMITTEE.—Mr. Batchelor, Sir E. N. C. Braddon, Mr. Clarke, Mr. Joseph Cook, Mr. W. H. Groom,* Mr. Kirwan, Sir J. Quick. (Appointed 5 June, 1901.)

BONUSES ON MANUFACTURES COMMITTEE.—The Minister for Trade and Customs, Sir E. N. C. Braddon, Mr. Joseph Cook, Mr. Winter Cooke, Mr. Fuller, Mr. L. E. Groom, Mr. Hughes, Mr. Kirwan, Mr. Mauger, Mr. McCay, Mr. Watkins, Mr. Watson. (Appointed 2 September, 1902.)

* Deceased reported, 8 August.

† Resigned, 28 August.

‡ Deceased reported, 6 March.

STATUTES OF THE SESSION.

ACTS INTERPRETATION ACT (No. 2 of 1901)—

An Act for the Interpretation of Acts of Parliament, and for shortening their language. [Initiated in House of Representatives by Mr. Deakin, 10th May, 1901. Assented to, 12th July, 1901.]

APPROPRIATION ACT 1901-2 (No. 16 of 1902)—

An Act to grant and apply out of the Consolidated Revenue Fund the sum of £52,497 to the service of the year ending 31st June, 1902, and to appropriate the supplies granted for such year. [Initiated in House of Representatives by Sir George Turner, 3rd October, 1902. Assented to, 10th October, 1902.]

APPROPRIATION ACT 1902-3 (No. 17 of 1902)—

An Act to grant and apply a sum out of the Consolidated Revenue Fund to the service of the year ending the 30th June, 1903, and to appropriate the supplies granted for such year. [Initiated in House of Representatives by Sir George Turner, 3rd October, 1902. Assented to, 10th October, 1902.]

APPROPRIATION (WORKS AND BUILDINGS) ACT (No. 18 of 1902)—

An Act to grant and apply a sum out of the Consolidated Revenue Fund for the purposes of additions, new works, and buildings to the service of the year ending 30th June, 1903. [Initiated in House of Representatives, 3rd October, 1902, by Sir George Turner. Assented to, 10th October, 1902.]

AUDIT ACT (No. 4 of 1901)—

An Act for the collection and payment of the public moneys, the Audit of the public accounts, and the protection and recovery of the public property, and for other purposes. [Initiated in House of Representatives by Sir George Turner, 5th June, 1901. Assented to, 7th August, 1901.]

BEER EXCISE ACT (No. 7 of 1901)—

An Act relating to Excise on Beer. [Initiated in House of Representatives by Mr. Kingston, 24th July, 1901. Assented to, 5th October, 1901.]

CLAIMS AGAINST THE COMMONWEALTH ACT (No. 21 of 1902)—

An Act to make temporary provision for enforcing claims against the Commonwealth. [Initiated in House of Representatives by Mr. Deakin, 25th September, 1902. Assented to, 10th October, 1902.]

COMMONWEALTH ELECTORAL ACT (No. 19 of 1902)—

An Act to regulate Parliamentary Elections. [Initiated in Senate by Senator O'Connor, 24th January, 1902. Assented to, 10th October, 1902.]

COMMONWEALTH FRANCHISE ACT (No. 8 of 1902)—

An Act to provide for an Uniform Federal Franchise. [Initiated in Senate by Senator O'Connor, 4th April, 1902. Assented to, 12th June, 1902.]

COMMONWEALTH PUBLIC SERVICE ACT (No. 5 of 1902)—

An Act for the regulation of the Public Service. [Initiated in House of Representatives by Sir William Lyne, 5th June, 1901. Assented to, 5th May, 1902.]

CONSOLIDATED REVENUE ACT (No. 1 of 1901)—

An Act to grant and apply out of the Consolidated Revenue Fund the sum of £491,882 to the service of the period ending 30th June, 1901. [Initiated in House of Representatives by Sir George Turner, 14th June, 1901. Assented to, 25th June, 1901.]

CONSOLIDATED REVENUE ACT (No. 3 of 1901)—

An Act to grant and apply out of the Consolidated Revenue Fund the sum of £1,010,732 to the service of the year ending the 30th June, 1902. [Initiated in House of Representatives by Sir George Turner, 9th July, 1901. Assented to, 12th July, 1901.]

CONSOLIDATED REVENUE ACT (No. 10 of 1901)—

An Act to grant and apply out of the Consolidated Revenue Fund the sum of £928,322 to the service of the year ending 30th June, 1902. [Initiated in House of Representatives by Sir George Turner, 11th October, 1901. Assented to, 12th October, 1901.]

CONSOLIDATED REVENUE ACT (No. 15 of 1901)—

An Act to grant and apply out of the Consolidated Revenue Fund the sum of £410,767 to the service of the year ending 30th June, 1902. [Initiated in House of Representatives by Sir George Turner, 13th December, 1901. Assented to, 17th December, 1901.]

CONSOLIDATED REVENUE ACT (No. 1 of 1902)—

An Act to grant and apply out of the Consolidated Revenue Fund the sum of £320,955 to the service of the year ending 30th June, 1902. [Initiated in House of Representatives by Sir George Turner, 25th February, 1902. Assented to, 26th February, 1902.]

CONSOLIDATED REVENUE ACT (No. 2 of 1902)—

An Act to grant and apply out of the Consolidated Revenue Fund the sum of £262,415 to the service of the year ending 30th June, 1902. [Initiated in House of Representatives by Sir George Turner, 21st March, 1902. Assented to, 22nd March, 1902.]

CONSOLIDATED REVENUE ACT (No. 4 of 1902)—

An Act to grant and apply out of the Consolidated Revenue Fund the sum of £282,834 to the service of the year ending 30th June, 1902. [Initiated in House of Representatives by Sir George Turner, 24th April, 1902. Assented to, 26th April, 1902.]

CONSOLIDATED REVENUE ACT (No. 6 of 1902)—

An Act to grant and apply out of the Consolidated Revenue Fund the sum of £493,944 to the service of the year ending 30th June, 1902. [Initiated in House of Representatives by Sir George Turner, 28th May, 1902. Assented to, 30th May, 1902.]

CONSOLIDATED REVENUE ACT (No. 9 of 1902)—

An Act to grant and apply out of the Consolidated Revenue Fund the sum of £448,882 to the service of the year ending 30th June, 1902. [Initiated in House of Representatives by Sir George Turner, 13th June, 1902. Assented to, 19th June, 1902.]

CONSOLIDATED REVENUE ACT (No. 10 of 1902)—

An Act to grant and apply out of the Consolidated Revenue Fund the sum of £587,219 to the service of the year ending 30th June, 1903. [Initiated in House of Representatives by Sir George Turner, 20th June, 1902. Assented to, 23rd June, 1902.]

CONSOLIDATED REVENUE ACT (No. 15 of 1902)—

An Act to grant and apply out of the Consolidated Revenue Fund the sum of £1,365,597 to the service of the year ending 30th June, 1903. [Initiated in House of Representatives by Sir George Turner, 23rd September, 1902. Assented to, 29th September, 1902.]

CORONATION CELEBRATION ACT (No. 3 of 1902)—

An Act to grant and apply out of the Consolidated Revenue Fund the sum of £23,350 for the purpose of defraying expenses attendant upon the celebration of His Majesty's Coronation. [Initiated in House of Representatives by Sir Edmund Barton, 10th April, 1902. Assented to, 15th April, 1902.]

CUSTOMS ACT (No. 6 of 1901)—

An Act relating to the Customs. [Initiated in House of Representatives by Mr. Kingston, 5th June, 1901. Assented to, 3rd October, 1901.]

CUSTOMS TARIFF ACT (No. 14 of 1902)—

An Act relating to Duties of Customs. [Initiated in House of Representatives by Mr. Kingston, 18th April, 1902. Assented to, 16th September, 1902.]

DISTILLATION ACT (No. 8 of 1901)—

An Act relating to Distillation. [Initiated in House of Representatives by Mr. Kingston, 9th August, 1901. Assented to 5th October, 1901.]

EXCISE ACT (No. 9 of 1901)—

An Act relating to Excise. [Initiated in House of Representatives by Mr. Kingston, 12th September, 1901. Assented to, 5th October, 1901.]

EXCISE TARIFF ACT (No. 11 of 1902)—

An Act relating to Duties of Excise. [Initiated in House of Representatives by Mr. Kingston, 18th April, 1902. Assented to, 26th July, 1902.]

GOVERNOR-GENERAL'S ESTABLISHMENT ACT (No. 7 of 1902)—

An Act relating to the Governor-General's Establishment. [Initiated in House of Representatives by Sir Edmund Barton, 30th April, 1902. Assented to, 30th May, 1902.]

IMMIGRATION RESTRICTION ACT (No. 17 of 1901)—

An Act to place certain restrictions on immigration and to provide for the removal from the Commonwealth of prohibited immigrants. [Initiated in House of Representatives by Sir Edmund Barton, 5th June, 1901. Assented to, 23rd December, 1901.]

PACIFIC ISLAND LABOURERS ACT (No. 16 of 1901)—

An Act to provide for the regulation, restriction, and prohibition of the introduction of labourers from the Pacific Islands, and for other purposes. [Initiated in House of Representatives by Sir Edmund Barton, 5th June, 1901. Assented to, 17th December, 1901.]

PARLIAMENTARY ALLOWANCES ACT (No. 20 of 1902)—

An Act relating to the allowance to Members of each House of the Parliament of the Commonwealth. [Initiated in House of Representatives by Sir William Lyne, 24th September, 1902. Assented to, 10th October, 1902.]

POST AND TELEGRAPH ACT (No. 12 of 1901)—

An Act relating to the postal and telegraphic services of the Commonwealth. [Initiated in Senate by Senator Drake, 5th June, 1901. Assented to, 16th November, 1901.]

POST AND TELEGRAPH RATES ACT (No. 13 of 1902)—

An Act relating to postal and telegraphic rates. [Initiated in Senate by Senator Drake, 5th December, 1901. Assented to, 9th September, 1902.]

PROPERTY FOR PUBLIC PURPOSES ACQUISITION ACT (No. 13 of 1901)—

An Act to provide for the acquisition of property for public purposes, for dealing with the property so acquired, and for other purposes connected therewith. [Initiated in Senate by Senator O'Connor, 27th June, 1901. Assented to, 12th December, 1901.]

PUNISHMENT OF OFFENCES ACT (No. 14 of 1901)—

An Act to make provision for the punishment of offences against the laws of the Commonwealth. [Initiated in Senate by Senator Drake, 12th December, 1901. Assented to, 17th December, 1901.]

ROYAL COMMISSIONS ACT (No. 12 of 1902)—

An Act relating to Royal Commissions. [Initiated in House of Representatives by Mr. Deakin, 21st August, 1902. Assented to, 8th September, 1902.]

SERVICE AND EXECUTION OF PROCESS ACT (No. 11 of 1901)—

An Act to provide for the service and execution throughout the Commonwealth of the civil and criminal process and the judgments of the courts of the States, and of other parts of the Commonwealth, and for other purposes connected therewith. [Initiated in Senate by Senator Drake, 13th June, 1901. Assented to, 16th October, 1901.]

STATE LAWS AND RECORDS RECOGNITION ACT (No. 5 of 1901)—

An Act to provide for the recognition throughout the Commonwealth of the Laws, the public Acts, and Records, and the judicial proceedings of the States. [Initiated in Senate by Senator Drake, 13th June, 1901. Assented to 5th September, 1901.]

BILLS OF THE SESSION.

BONUSES FOR MANUFACTURES BILL—

[Initiated in House of Representatives by Mr. Kingston, 1st May, 1902; referred to select committee, 2nd September, 1902.]

COMMONWEALTH ELECTORAL BILL—

[Initiated in House of Representatives by Sir William Lyne, 5th June, 1901; withdrawn. See *Statutes of the Session.*]

COMMONWEALTH FRANCHISE BILL—

[Initiated in House of Representatives by Sir William Lyne, 5th June, 1901; withdrawn. See *Statutes of the Session.*]

CONCILIATION AND ARBITRATION BILL—

[Initiated in House of Representatives by Mr. Kingston, 5th June, 1901; withdrawn.]

CONSOLIDATED REVENUE BILL (No. 1, 1901)—

[Initiated in House of Representatives by Sir George Turner, 11th June, 1901; laid aside.]

DEFENCE BILL—

[Initiated in House of Representatives by Sir John Forrest, 5th June, 1901; withdrawn.]

GOVERNMENT INSCRIBED STOCK BILL—

[Initiated in House of Representatives by Sir George Turner, 30th May, 1902; lapsed at prorogation.]

HIGH COURT PROCEDURE BILL—

[Initiated in House of Representatives by Mr. Deakin, 5th June, 1901; lapsed at prorogation.]

INTER-STATE COMMISSION BILL—

[Initiated in House of Representatives by Sir William Lyne, 5th June, 1901; withdrawn.]

JUDICIARY BILL—

[Initiated in House of Representatives by Mr. Deakin, 5th June, 1901; lapsed at prorogation.]

LOAN BILL—

[Initiated in House of Representatives by Sir George Turner, 4th June, 1902; lapsed at prorogation.]

LOAN APPROPRIATION BILL—

[Initiated in House of Representatives by Sir George Turner, 4th June, 1902; lapsed at prorogation.]

MATRIMONIAL CAUSES BILL—

[Initiated in Senate by Senator Dobson, 11th September, 1901; withdrawn.]

PARLIAMENTARY EVIDENCE BILL—

[Initiated in Senate by Senator Neild, 9th August, 1901; withdrawn.]

PROPERTY FOR PUBLIC PURPOSES ACQUISITION BILL—

[Initiated in House of Representatives by Sir William Lyne, 5th June, 1901; withdrawn. See *Statutes of the Sessions.*]

SERVICE AND EXECUTION OF PROCESS BILL—

[Initiated in Senate by Senator O'Connor, 10th May, 1901; withdrawn. See *Statutes of the Session.*]

PARLIAMENT CONVENED.

FIRST PARLIAMENT—FIRST SESSION.

(*Gazette No. 28.*)

The First Parliament of The Commonwealth of Australia was convened by the following Proclamation :—

AUSTRALIA TO WIT.

By 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 ; Governor-General and
Commander-in-Chief of the Commonwealth of Australia.

HOPETOUN.

(L.S.)

WHEREAS by The Commonwealth of Australia Constitution Act it is amongst other things enacted that the Governor-General may appoint such times for holding the Sessions of the Parliament as he thinks fit : And whereas by the said Act it is further enacted that the Parliament shall sit at Melbourne until it meet at the seat of Government : And whereas it is expedient now to appoint the time for holding the First Session of the Parliament of The Commonwealth : Now therefore I, JOHN ADRIAN LOUIS, EARL OF HOPETOUN, the Governor-General aforesaid, in exercise of the power conferred by the said Act, do by this my Proclamation appoint Thursday, the ninth day of May instant, as the day for the said Parliament to assemble and be holden for the despatch of divers urgent and important affairs. And all Senators and Members of the House of Representatives, and all Officers of the said Parliament, are hereby required to give their attendance accordingly at Melbourne, in the building known as the Exhibition Building, at the hour of Twelve o'clock noon, on the said Thursday, the ninth day of May, One thousand nine hundred and one.

Given at Melbourne this twenty-ninth day of April, in the year of our Lord
One thousand nine hundred and one, and in the first year of His
Majesty's reign.

By His Excellency's command,

EDMUND BARTON.

GOD SAVE THE KING !

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Senate.

Thursday, 6 June, 1901.

The PRESIDENT took the chair at 2.30 p.m.

STANDING ORDERS.

The PRESIDENT.—Before the business of the day commences, I have to lay on the table the report of the committee appointed

on the 5th June to inquire into and report to the Senate this day whether they recommend any and what standing orders now in force in either branch of any State Parliament, with or without modification, for temporary adoption by the Senate until it shall have adopted standing orders on the report of the committee to be appointed to prepare them. The report is as follows:—

Your committee have not had time to inquire into and report on the relative merits of the various standing orders in force in the Houses of the State Parliament; but, for the reasons hereafter set forth, they recommend the temporary adoption by the Senate of the standing orders of the House of Assembly of South Australia, with the necessary verbal alterations, with the exception of order Nos. 2 to 35, 214, and 402 to 404, and such other orders or portion of orders as are inconsistent with the Constitution.

The reasons which have led your committee to arrive at the conclusion are that the South Australian standing orders are familiar to the President, and can be administered by him without difficulty or delay; that they were adopted by the Commonwealth Convention which drafted the Constitution, and were considered to have been satisfactory by that body; and that more members of the Senate are acquainted with them than with any other standing orders which your committee are empowered to recommend for temporary adoption. The reasons for the omission of certain standing orders are—

As to Nos. 2 to 35, both inclusive.—

Because they refer to the opening of Parliament and the election of President, and because they are unnecessary as temporary standing orders, and because they provide for a different procedure to that which has been adopted by the Senate.

As to No. 214—

Because it would give the President a casting vote and not a deliberative vote, which is contrary to the Constitution.

As to Nos. 402 to 404, both inclusive.—

Because they refer to Committee of Supply.

It will be, perhaps, apparent to honorable senators that the committee has slightly exceeded its powers. It was only empowered to make verbal alterations in the standing orders of any State Parliament which it suggested should be adopted; but, in going through them, we found that it was necessary to go beyond that, because we cannot adopt standing orders which are contrary to our Constitution.

Several SENATORS.—Hear, hear!

The PRESIDENT.—I thought it was only fair and right that I should point that out.

Senator DRAKE (Queensland — Postmaster-General).—I beg to move—

That the report of the committee be adopted.

Senator Sir JOSIAH SYMON (South Australia).—In seconding the motion, I think I may be permitted to express—what I am sure is the feeling of every honorable senator—our indebtedness to the committee for the service which they have rendered us. I think that a report more carefully dealing with the subject, and more effectually meeting the views, I believe I may say, of the whole Senate, and more calculated to assist in the rapid despatch of business in this Senate, it would be impossible for us to have had framed. I think we are all under a debt of obligation to the committee, who undoubtedly had a very short time for the labours which they undertook, and which they have so effectually and so public spiritedly, if I may say so, performed.

Senator GLASSEY (Queensland).—What has taken place in regard to the inability of the committee to present its report this afternoon was pointed out very clearly and forcibly yesterday. We are in pretty well the same dilemma as we were in yesterday in regard to standing orders. We were asked yesterday to adopt standing orders which had been carefully compiled and considered, and on which a great deal of work had been bestowed by the Vice-President of the Executive Council, and by others; and it was pointed out in the discussion that the same difficulties would arise ultimately as then arose. That is exactly what has happened. Is it too much to ask that the temporary standing orders which the Senate is now asked to adopt shall be printed and circulated amongst honorable senators, so that we may know exactly what they are? I confess that, coming from Queensland, and having had no opportunity of considering the standing orders of South Australia, I am very much more in the dark than I was in regard to the standing orders which we have had in our possession during the last fortnight. I am not so very clear that we are wise in adopting these standing orders without having them printed and circulated, and having an opportunity to consider them.

Senator Sir FREDERICK SARGOOD (Victoria).—I am glad that the committee has been able, as I felt sure it would, to come to a decision, and so satisfactory a decision, so quickly. My main object in rising is to suggest that it is important that these standing orders should be in the hands of honorable senators as quickly as possible. Probably it may be possible to send a telegram to Adelaide, and to get over a sufficient number of copies of them from South Australia instead of waiting to have them all printed here.

The PRESIDENT.—Nearly all of them are contained in the draft standing orders which have been laid before the House of Representatives.

Senator Lt.-Col. NEILD (New South Wales).—Before voting on this question I should like to know whether the South Australian standing orders would be in conflict either with the motions on the business-paper for the election of certain committees, or with the amendment of those motions?

Senator DRAKE.—I can increase the numbers.

Senator Lt.-Col. NEILD.—I notice that the House of Representatives has increased the number on its committees, and I take it for granted that it will be proposed by the representative of the Government to increase the number on our committees. I do not know whether these standing orders from South Australia would conflict with that desire.

Senator DRAKE.—I can give effect to the desire of the honorable senator.

Senator Lt.-Col. NEILD.—I thank the honorable gentleman.

Question resolved in the affirmative.

PARLIAMENT HOUSE.

Senator Lt.-Col. NEILD asked the Postmaster-General, in the absence of the Vice-President of the Executive Council, upon notice—

1. Has any agreement been entered into between the Federal Executive and the Government of the State of Victoria regarding the occupancy of Parliament House, Melbourne?

2. If so, will he lay a copy of such agreement upon the table of this House?

Senator DRAKE.—The answer is as follows:—

No such agreement has been entered into; but a draft agreement has been submitted to the Prime Minister by the Premier of the State of Victoria, and is receiving consideration. When an agreement has been concluded there will be no objection to lay a copy of it on the table of this House.

POST AND TELEGRAPH BILL.

SECOND READING.

Senator DRAKE (Queensland—Postmaster-General).—I beg to move—

That this Bill be now read a second time.

I should like to be permitted first to make a few observations with regard to postal matters in the Commonwealth generally, which may serve as an introduction to the measure. At the outset, I should like to say—because to a certain extent it will be

the key, perhaps, to some questions which may arise in connexion with the Bill—that I regard the form of Government that has been initiated in Australia by the Commonwealth Constitution Act as a Government of the true federal type. I regard it as a union of the States, and throughout this Bill, and in all my actions since I came to occupy my present position I have always kept that steadily in view. To a certain extent we are bound in connexion with postal matters by several sections of the Constitution Act. There are the book-keeping sections, 89 and 93, which must never be lost sight of, and which provide that for five years after the imposition of a uniform Tariff all the revenue derived from each State is to be credited to that State and the expenditure debited to it. That applies, of course, in the Postal department, as well as in other departments of the Commonwealth. There is also a section to which honorable senators, I think, should have their attention directed. Section 99 says—

The Commonwealth shall not by any law or regulation of trade, commerce, or revenue give preference to one State or any part thereof over another State or any part thereof.

Regarding the Government from that point of view—that it is a union of States, and States all standing in a position of equality—it will be seen I think perfectly clearly at once that arguments and illustrations that may be drawn from countries having a different form of Government, for instance, the United States or Canada, where they have a government on a somewhat unified plan, or from those countries where there is a loose form of confederacy, although they may be interesting and instructive, are not exactly to the point. I would like honorable senators to remember in their criticisms that we are introducing now a postal system that we hope will be specially applicable to the circumstances of the Commonwealth of Australia. Following out the view that I have taken, it has always appeared to me to be the duty of the member of the Government who is presiding over the Postal department to see that no preference is given to any one State over another State, and I have endeavoured, during the short time I have occupied this position, to arrange so that the central administration, which really is only now coming into existence, shall be, as far as possible, disassociated from any particular State. It is only an accident that during these last two months the postal affairs of the Commonwealth have been administered sometimes from one State and sometimes from

another. In fact, the position has been this—that the department has been located in every case just wherever the Postmaster-General happened to be. To give the Senate some idea of the difficulties that have existed in carrying on the department during the last few months, so far as the central administration is concerned, I may mention that, wherever I have gone in travelling through the States, I have been in receipt of telegrams, almost wherever there was a telegraph office, and have had to deal in the best way I could with the matters that came up, and that required immediate decision. I would like the Senate also to remember that the principle underlying the Postal department is that of monopoly. With regard to letters and telegrams, the postal business is a strict State monopoly, and I think I may claim that the success that has attended the operations of the post office, not only in British communities, but all over the world, has thoroughly justified the principle of State monopoly, as applied to that particular department. I hope it will always be borne in mind that, in carrying on the business of the Postal department, we should endeavour to insure that that monopoly is worked in such a way as to be of the very best service to the people of the Commonwealth.

Senator HIGGS.—A little State socialism on our part.

Senator DRAKE.—I am not afraid of the term socialism at all.

Senator Sir JOSIAH SYMON.—As applied to the post-office.

Senator DRAKE.—As applied to the post-office, and perhaps it might be extended afterwards in other directions. I think that we who hold advanced ideas ought to be perfectly satisfied to be able to claim that in this particular case State socialism has been an unmitigated success. It is, perhaps, unnecessary for me to point out, because it is as well known to other honorable senators as to myself, that this is a department that exercises a most important influence on the whole of the community. It is closely connected with the political, the commercial, the industrial, and the social life of the community, and it is to the interest of every one that the post and telegraph service should be made as complete as possible. There are some difficulties in this matter in connexion with the Commonwealth of Australia which perhaps are not so prominent in other countries. We must remember that we have here a country extending over 3,000,000 of square miles, with a

population of only about 4,000,000 of people, and the difficulties of carrying on a post and telegraph service in a community so small in numbers, and scattered over such an enormous territory, are very great. I think I shall be able to show, in spite of that, that the post and telegraph service has been, up to the present time, a very great success, and that the advantages of it are fully appreciated by the people. Now, in the great change that took place on the 1st March we were left in this position: Up to that time, each State of the Commonwealth—each colony, perhaps, I should say—had its own post and telegraph service; they all owed their origin to one source; they were all copied from the postal service which existed in the United Kingdom. But it happened necessarily that as time went on different practices were adopted in the different States. There were differences also in the postal Acts under which the affairs of the post-offices were controlled, and so it came about that at the time of the actual transfer we had six States in which the business was carried on under six different Acts, six different sets of regulations, and with practices differing in every State. The transfer was effected by proclamation under the authority of the Commonwealth Act, and on the 1st March these departments of each State were transferred to the Commonwealth Government. Since that time the affairs of the post-offices have been governed by force of the power given to the Postmaster-General and the Government under the Commonwealth Act, but subject to any legislation that may be passed by the Commonwealth Parliament, the Acts and the regulations of the different States still continued in force. So that we had six systems under different Acts and regulations, and no power, until this Parliament passes an Act, of harmonizing them. The instructions that I issued to the Deputy Postmaster-Generals—or, rather, I should use, perhaps, the expression the permanent heads, because in some States they were called Postmaster-Generals, in others Deputy Postmaster-Generals, and in one case the permanent head was described as Under-Secretary, and I prefer to use the expression "permanent heads"—were to carry on the affairs of their department according to the Acts and regulations in force, and to avoid all friction. I gave them somewhat increased power, as was necessary under the circumstances, and relied on them to carry on the business of the Post and Telegraph department on the lines on which it had been carried out

previously. There was another peculiarity in connexion with this transfer, which was that in some of the States there were Public Service Acts in operation, and under them Public Service Boards, that had considerable authority in connexion with promotions and transfers. In fact, the services in those particular States were to a great extent subject to the Public Service Boards. As soon as the transfer took place they were necessarily removed altogether from the authority of those Public Service Boards, and they had not at the time of transfer as they have not had since any statutory protection against any unfair treatment that might be meted out to them. This appeared to me to be rather a serious matter, because I was desirous that there should be throughout the same feeling of confidence among the employés of the Post and Telegraph department as there had been previously. The action I took, therefore, was this—and I hope it will commend itself to the Senate. Mr. Lambton, who had been at the head of the Post and Telegraph department in New South Wales for a great number of years, was on the point of retirement. He retired under the State law on the last day of February. I took steps to retain the services of that gentleman to take the place of a Public Service Board in those States where a Public Service Board existed, and to exercise analogous functions in those States which had not a Public Service Board. So that in every case of promotion and transfer where a servant of the Post and Telegraph department could have relied on the Public Service Board to see that he got actual justice, reference was made to Mr. Lambton instead of to the Public Service Board. I have not heard that there has been any case in which justice has not been done. I think I may claim that during this peculiar interval that has taken place, when we have had no Post and Telegraph Act, and no Public Service Act for the Commonwealth that the affairs of the Postal department have gone on throughout the Commonwealth smoothly, and that there has been no case in which any servant of the State has been able to complain with justice of anything but fair treatment. In making these few remarks on the subject, I think, perhaps, I ought to say a word expressive of the admiration I feel for the way in which the permanent heads of the department have carried out their duties. They have acted in every case in a spirit of loyalty towards the department, and I think it is to them to a very great extent that we may attribute the very

satisfactory working of the department during this interval. At the same time, it must be apparent to all that perfection cannot possibly be obtained under a system like that. It was only a stop-gap arrangement, and I trust that the Senate, and the other Chamber also, will unite in passing a Bill which will enable the whole of the postal affairs of the Commonwealth to be placed on a satisfactory footing. Now, I would just like to say a few words with regard to the magnitude of this business. Looking upon the Post and Telegraph department simply as a business concern, an institution, I might almost call it, which is supported by the people, and which performs most important services for the people, there are figures in Coghlan, which I think will give senators an idea of the extent of the business that is transacted. At the close of 1899 there were in the territory comprised within the Commonwealth 6,199 post-offices, which represents one for every 597 inhabitants, or one for every 480 square miles. There were during the year 218,500,000 of letters and post-cards posted, 103,500,000 of newspapers, and more than 37,000,000 of packets, and since then the amount has considerably increased. It appears, also, from statistics, that the Australian makes use of the post-office to a greater extent than the inhabitants of any other country, with the single exception of the United Kingdom, and we are pressing very closely on the United Kingdom. During the year 1899, the letters and post-cards per head of the population in the United Kingdom were 57, in Australia 54, in Switzerland, which takes third place, 47, and in Canada only 31. We have a department here with an expenditure of £2,500,000. The revenue, I am sorry to say, according to the figures that I have been able to obtain up to the present time, is not equal to the expenditure. Taking the whole of the Commonwealth there is a deficit, but the expenditure is about £2,500,000. The revenue that enables that work to be carried on is, as the Senate should always remember, to a very large extent made up of small amounts, pennies and twopences and so on paid for the conveyance of letters. There is an enormous amount of revenue received in small dribbles throughout the Commonwealth.

Senator WALKER.—Will the honorable gentleman tell us what the deficit is?

Senator DRAKE.—Will Senator Walker wait until I get a little further on, because before I give those figures, I

should like to explain, as I intend to do, the great difficulty there is at the present time in answering his question, for the reason that the system in each of the States has been different. I will take one particular subject where difficulty arises. In some of the States works are paid for out of revenue which in other States are paid for out of loan, and there is no similar line of demarcation in any one of the States. Different practices have grown up. In some States they construct nearly all their works—for instance, in Victoria—out of revenue. In the younger States, almost everything that can be regarded as a construction work is constructed out of loan. That is one of the matters that confuses the accounts to such an extent that it is almost impossible to say whether there is a balance on one side or the other. If you make your calculation in one way, you get a surplus, and if you make it in another way you get a deficit. We shall have, I think—and this is a matter of very great importance—to decide as to the policy upon which the whole department is to be run. Now, there are two policies upon which the Postal departments in the States have been conducted in the past. In some States, the Postal department has been used to a very great extent—I am not saying it may not have been wise to do so—for the purpose of developing the country. To give an instance that occurs at once to my mind. In a great many cases contracts are entered into, ostensibly for the conveyance of mails, which are really services for the conveyance of passengers and food supplies, and so on, to outlying parts of the State. When I use the expression, "policy of development," it will be understood that what I refer to is the policy that is adopted of deliberately running the Postal departments at a loss, in order to help the development of the country, and making up the difference by taxation. The other policy is the policy of running the post offices upon what I should call business lines; that is to say, making the revenue and expenditure balance as nearly as possible. The construction of works out of loan is one of the matters in which the two policies diverge considerably. If the policy is to be adopted of making all new works, such as post offices and telegraph lines, out of loan, and debiting the Post-office with interest on the cost of construction, then the expenditure will be more favorable to the Postal department than in cases where the revenue is saddled with the carrying out of those works.

Senator Drake.

Whichever policy is adopted, an identical policy must be adopted throughout all the States, if it is only for bookkeeping purposes. We cannot possibly in working this department have one rule applying in one State and another rule applying in the others. Therefore, whatever is the line of demarcation as to where works shall be constructed out of loan and where out of revenue, that policy must clearly be adopted in every State. Otherwise, any system of bookkeeping would become a complete farce. If we are going to put the post offices on a sound financial basis, it is necessary that all the services that are performed by the Postal department shall be paid for in some way or another, and here is a matter in which there is such a different practice existing in the different States, that it is almost impossible to make out anything like a satisfactory balance-sheet. There is a sort of loose arrangement in most of the States under which the other departments perform certain services for the Postal department, and the Postal department performs certain services for them, and in a sort of haphazard way, one is balanced against the other. It is merely a matter of accident or chance whether the balance is on one side or the other. I am inclined to think, on the whole, from my experience as head of the Postal department in Queensland, and from what I have seen since, that in this loose haphazard way, the Postal department generally comes off second best. It is performing more services for other departments than are performed for it. But if we are to get a proper system of bookkeeping, whatever arrangement may be made with regard to services performed free for departments or individuals, there should be a strict account taken of them, and they should be in the first place, and that is provided for in this Bill, paid for by the departments whatever arrangement may be made afterwards. The duty, I take it—and I will enlarge upon this a little later on—of the Postal department is to convey messages, newspapers, and parcels for payment, and I think we will never get upon a sound financial basis until all the revenue that is collected by the Postal department is used exclusively for that purpose and for no other. The reasons why the balance-sheets in some of the States have been so unsatisfactory in the past are, to my mind, three, which I have jotted down. First of all there is the case of mail services, which are run not solely for postal

purposes, but for the accommodation of passengers and traders. We most of us have been members of other Parliaments, and I suppose none of us can say that we are guiltless of having made demands upon the Postal department for services which were more expensive than the department considered necessary. I mean to say that in a country district, especially a district that has been newly opened up, the Postmaster-General will be content with a horse service to carry the mails. He finds that is quite sufficient, but the member for the district has his constituents to look after; they want a coach service, and he asks for it. The Postmaster-General says—"This service is quite good enough for carrying mails and mail matter"; but pressure is put upon him, and he has to give a service which is entirely in excess of the requirements of the Postal department. It is clearly unfair that the Postal department should be saddled with all that expense, which, although it may be useful in developing the country, is not required by the Postal department. Then I come to the services by sea. I could give several very strong instances to the point. Where there is a town dependent upon the coastal service for its supplies, and the service is not satisfactory, there is at once an application for an improved mail service. The excuse is made that this service is necessary for the carrying of mails. Very probably the Postmaster-General says it is not necessary at all, and that he can get his mails carried by some other means. The people, however—of course I do not blame them—desire that this increased accommodation shall be given; pressure is brought upon the Government; the accommodation is granted, and it becomes a charge on the Postal department. Another matter to which I wish to refer is the free carriage of newspapers. As honorable members know, the practice in regard to this subject is very divergent in the Australian States. In three of the States the carriage of newspapers through the post is paid for, while in three others it is free. That means that an enormous quantity of mail matter is carried by the Postal department from which it obtains no return whatever.

Senator STEWART.—Does the Government intend to charge for newspapers?

Senator DRAKE.—I am not dealing with that now. I am just pointing out at this stage the difficulties under which the Postal department suffers as a business concern in consequence of these losses. The third heading

is that relating to the free business performed for individuals and for departments. Every one knows that a large number of letters are sent free through the post, and that a great number of messages are also conveyed over the telegraph lines for which no payment is made. This is a matter which, during this bookkeeping period, will be not only of interest to the Commonwealth Government, but of interest to the Governments of the States. I might mention, as an instance of the enormous extent to which the services of the Postal department have been availed of by other departments, the case of the Government Meteorologist in Queensland. Until recently the Government Meteorologist was an officer of the Post and Telegraph department, and his telegrams were sent free over the lines. At the time of the transfer to the Commonwealth, inquiry was made as to the value of the free telegrams that had been transmitted by that officer, whose department was not taken over, and it was discovered that it amounted to £12,000 per annum. As soon as he heard this the Acting-Premier gave instructions that the amount of the wires should be cut down at once by at least one-half. It is a mistake for some people to suppose that free business does not cost anything. It costs exactly as much as that for which payment is made. A great many people think that because the Post and Telegraph department is a going concern, because we have the lines up and the operators at work, that it does not matter how much free business is taken; but free business means a loss in two ways. We lose a certain amount of revenue which would otherwise be received from persons who are using the lines free of charge; and, on the other hand, the lines are blocked by a lot of matter, the sending of which is absolutely unnecessary. If a man has a right to send telegrams free of charge, he does not cramp himself at all. He puts in complimentary phrases, and speaks about the mother-in-law and the baby, and so on; whereas, if he pays for them, he sits down and exercises his ingenuity in seeing how much he can cram into ten words. I have spoken about the unfairness—I do not know whether that is the right word to use; but it is unfair from a bookkeeping point of view—of making the Postal department pay for services intended for the development of the country, and pay also big subsidies to steam-ship companies for the purpose of developing trade. In Canada, I am informed, they have a department for the encouragement of trade and commerce. If it is

considered desirable to subsidize a line of steam-ships for the purpose of developing trade with some other country, the subsidy is given, but it is debited, as it should be, to a particular department for the development of commerce, and unlike the system pursued in nearly all the Australian States, it is not made a charge against the post-office. I think the post-office should only be called upon to pay such an amount as is necessary for the conveyance of postal matter. I should like to state fairly the position with regard to the carriage of newspapers. Those who are in favour of the free carriage of newspapers urge their claim upon two grounds. They insist upon the great educational value of the press, and they also claim that the press is a very efficient aid to administration in any country. I am prepared to admit both grounds to a certain extent; but in neither case are they justified in making that charge upon the Postal department. If the press has a great educational influence in the country, let the papers be carried free at the cost of the Education department.

Senator Sir JOSIAH SYMON.—We pay for sending our educational books through the post.

Senator DRAKE.—Yes; a large sum is regularly paid for educational purposes, and there is a system of education. Therefore, I fail to see how the educational value of the press can be made the basis of an argument in favour of imposing on the Postal department the burden of carrying these newspapers free.

Senator Sir JOSIAH SYMON.—Then, it depends upon which section of the press is the most educational.

Senator DRAKE.—In most States the newspapers go in pairs; the bane goes with the antidote. That is an additional reason; the Postal department should not be charged with carrying both the bane and the antidote. The same reply may be given to the other argument, that newspapers are an aid to the administration of a country. No doubt the press is a very valuable agent, but that is no reason for making the Postal department carry newspapers free.

Senator WALKER.—Is not the system abused at election times by circulars being sent out as newspapers?

Senator DRAKE.—I am dealing with that phase of the question in the Bill. I have an amending clause relating to newspapers which I trust will meet with the approval of the Senate. A different practice is adopted

in different States as to free services. The worst possible practice, and one which is admitted to be the most liable to abuse, and from which abuses are inseparable, is the practice of having frank stamps. In the case of telegrams there is some sort of check, because the department knows the extent to which free messages are availed of. The department can count the number of words and see how many messages go through. With a frank stamp, however, there is no check at all. A stamp is made, and after that all postal matter bearing that stamp has to be carried free. No one knows who it is being carried for. The practice which has been adopted in some of the States with regard to the correspondence of members of Parliament, for instance, is for the Postal Department to supply a certain number of stamped envelopes to Parliament for the use of members, and then for a vote to be placed on the estimates to cover the expenditure. In that particular case there is no objection. What I desire to put clearly before the Senate is that I am not objecting to any individual or any institution or department having the privilege of sending free correspondence through the post. I only say it should not be done at the cost of the Postal department. If Members of Parliament are to have free postage of their letters let it be done, but let a vote be passed for it so that the Postal department may be paid. I am sorry to say that the practice has been this—I am not speaking about any particular State—that when an application is made to the Treasurer for a subscription for some very good purpose the reply is made—"I cannot give you the subscription you want, but I will give you liberty to send your letters free through the post." That is very much like Mark Twain's liberality. He said he had some cause very much at heart, and was prepared to spend on it the last dollar his friend possessed. They are not prepared to vote funds from another department, but they are prepared to do the same thing practically at the cost of the Postal department. I think I have dealt fully with this phase of the question. I want to make this clear because the Senate will see the force of my observations presently. Various matters will have to be considered in connexion with the Post-office, but what we ought to get first is a proper system of book-keeping, on sound financial lines, so that we may know how we stand, and whether it is a paying business or not. We cannot do that until we adopt some system which

'will enable us to know exactly the value of the services we are performing. That brings me to the subject that Senator Stewart has referred to. I do not know whether I shall be able to satisfy him.

Senator STEWART.—Charge for the carriage of newspapers and it will satisfy me.

Senator DRAKE.—I refer to the subject of the alteration of postal rates. I know there is a very strong feeling in the community in favour of a reduction of the rates. That, however, must depend to a very great extent upon the revenue, but not only upon the revenue. First of all we must find out, by a proper system of bookkeeping, how the revenue and expenditure stand in relation to each other. We have to bear in mind also that during this book-keeping period an alteration of rates affects not so much the Commonwealth as it does the particular State. I should like to take this opportunity of clearing away a misapprehension which has existed in regard to the recent reduction of postal rates in Victoria. Just before the transfer of the department to the Commonwealth the Victorian Parliament passed an Act, which came into operation on the 1st April last, reducing the postal rate within the State from 2d. to 1d. I have heard many persons speak as though the State of Victoria had been guilty of some sort of sharp practice, and had obtained a great advantage at the expense of the Commonwealth. I desire to point out that the loss of revenue—for that is the first effect of the reduction—falls, not upon the Commonwealth, but upon the State of Victoria. Until the imposition of a uniform Tariff, and for five years afterwards, the loss of revenue in consequence of such reduction falls upon Victoria. The peculiar position is that, whereas in some States they may, balancing advantages and disadvantages, desire the reduction of rates, in spite of the corresponding reduction in revenue, in some of the other States they may desire to have their existing rates continued because they are not in a position to bear the loss of revenue that would result. Therefore, in considering this matter, we have to bear in mind not only the feelings of the Commonwealth Government, but also the views that may be held by the State Treasurers. I think we should be careful to see, before making any general reduction, that we are not doing an injustice to any particular State. The word injustice is, perhaps, too harsh a term; but we should not take any action that might be unwelcome to the

Treasurers of the States. The general feeling is that a reduction of rates is justified because it causes an enormous expansion of business, and in time becomes profitable. Generally speaking, I think that is correct, but in all countries where rates have been very much reduced they have been reduced at a time when there has been a surplus, or reason to anticipate a surplus. I need hardly refer to Great Britain, for there they have not changed their rates for a long time. There is always a surplus there in the Postal department. It is really a taxation department. I think the surplus now is between £3,000,000 and £4,000,000. The Postal department of Great Britain is strictly under the control of the Treasury. Nothing can be done without the consent of the Treasurer, and the rates are maintained at their present level so as to give a considerable surplus to the Treasurer every year. We have heard a good deal of New Zealand lately, because there they have reduced their rate to 1d., not only for inland correspondence, but for postage between New Zealand and Great Britain. In 1899 they had a surplus of £27,461, and I believe that surplus was very largely increased at the time of the initiation of 1d. postage there. It will thus be seen that New Zealand was only going upon the principle adopted by the Chancellor of the Exchequer, who, when he has a surplus, makes use of it in reduction of taxation. In Canada, a reduction in postal rates has been made not from four cents to three cents, but from three cents to two cents. In 1896 the Canadian Postal department had a deficit of 670,000 dols. In 1897, the deficit was 570,000 dols., and in 1898 that deficit had been reduced to 47,000 dols., so that when they made the reduction they had reason to anticipate that the deficit would shortly be turned into a surplus. It was on the 1st of January that the reduction in the inland rate was made in Canada, and the result has been very satisfactory. I have figures showing that the revenue in January, 1901, was 29,000 dols. more than that received during the corresponding period of 1898. In February, 1901, the revenue was 20,000 dols. greater than for February of the preceding year, while in the following month it was 10,000 dols. in advance of the returns for March, 1898. Thus, notwithstanding the reduction, the revenue for the three months was in excess of that received for the corresponding period of 1898. This shows I think, that the expansion of business there had the effect of neutralizing the loss of revenue that occurred in the first place. But it is to be borne in mind that, in

making a reduction in the rate, the first thing we experience is a loss of revenue. It may be for a year, or it may be for a year and a half, before any advantage is received from the increased amount of business done. So when we find that, instead of receiving a surplus, there is a deficit, the question to be considered is whether we are in a position then to incur a greater deficit by a reduction of rates. An honorable senator asked me what were the revenue and the expenditure. I can only give figures which cannot be said to be reliable for the reasons I have given. They are not quite the same as the figures in Coghlan, because they are brought up to a later date. According to my calculation, excluding from the estimates of expenditure amounts which, I think, should be properly chargeable to loan, I make the revenue £2,360,000, and the expenditure £2,479,000, leaving a deficit of £119,248. But I wish it to be distinctly understood that that has not been given in official figures that will be found anywhere, because I have made deductions from the expenditure in cases where I think amounts have been charged in some of the States which should be charged to loan account. The point I want to make particularly clear is that, if we are going to consider whether we are in a position to go in for any further reduction of rates, we ought first of all to have the business put on such sound lines that we may know exactly where we stand, and what would be the position of the Postal department if it paid for all the services which were performed for it, and if it were paid for all the services which it performed for others. I shall say a few words now about the Bill itself. I do not propose to go through the Bill clause by clause; in fact, I am not sure whether I would be in order in doing so. I wish to point out the main features, in order to assist the Senate when it comes to discuss them. A conference of the permanent heads was held towards the end of last year, and it drew up a draft Bill which was based on the Acts in operation in all the States. Just before the transfer they had another meeting, at which they went through their work again, and put their final touches to it according to their ideas, and made some recommendations. That draft Bill is the basis of this Bill. It is not the same as their Bill. Alterations have been made. I am responsible I think for some of the alterations. It has been very carefully drafted; it has been in the hands of more than one draftsman, and it is as perfect as we have been able

to make it. At all events there has been no want of care in its preparation. I hope it will be fully discussed, and that I shall have the advantage of the criticisms of honorable senators, especially those who have taken an interest in postal matters. With regard to the administration clauses, which commence with clause 4, I am not following the Canadian plan. In Canada there is a Postmaster-General, and I think the country is divided into districts under inspectors. That may be suitable for Canada, but I think it would not be suitable for Australia for the reasons I gave at the outset of my remarks. This is a union of States, and I think it is desirable that in each State the Postal department should be presided over by a deputy postmaster-general. I do not think it desirable that the duties of the deputy postmaster-general should be set out in the Bill. We shall achieve, I hope, uniformity in all the States, but we do not want uniformity for the sake of uniformity. We want uniformity for this reason, that in matters of postal administration, the same as in everything else, there is one best way of doing things. We want to find out the best way, and then adopt it in each of the States. I desire that the practice in each of the States shall be uniform, that is to say, that it shall be as good as we can possibly make it with all the knowledge and experience we have at the present time. There is nothing more to point out, I think, in those earlier clauses. I wish now to draw attention to something which is necessitated by the circumstances of this country. I am referring to clauses 16 and 17, relating to the carriage of mails on the railways. In all countries the Postmaster-General has the right of demanding that carrying companies shall carry mails. In a later part of the Bill honorable senators will find provisions requiring the master of every ship which is leaving port not only to take on board mail matter, but to have certain facilities provided for the safety of the mails. In like manner, there is power, I think, in every country to require private railway companies or tramway authorities to carry the mails. Here it seems to be absolutely necessary that the Postmaster-General should have the same authority to insist that the mails shall be carried upon State railways.

Senator Lt.-Col. NEILD.—The conditions are absolutely dissimilar.

Senator DAWSON.—The Bill provides for a fine, but for no punishment in the event of the fine not being paid.

Senator GLASKEY.—Sell them up.

Senator DRAKE.—I do not think there will be any necessity for that. Honorable senators will observe that the payment is to be by agreement, or failing agreement the matter is to be settled by arbitration. In the case of the carriage of mails by ships or private railways, and so on, mail matter has to be carried at a rate which is prescribed by regulation. Clause 18, which is a new clause, is taken from the English Post Office Consolidation Act.

Senator Sir FREDERICK SARGOOD.—There is no marginal note to that effect.

Senator DRAKE.—I see that it has not been put in. I think that this is a provision which might be exceedingly useful in this country. It happens very often that the people of a district, or a local authority, desire to have something in the way of a post-office or post-office accommodation that is altogether out of proportion to the necessities of the department. I think the department should not be charged with providing more facilities than are necessary for carrying on their business. If the people of a district, or the local authority, desire something more than that, then I think it should be possible to make an arrangement by which they should contribute the increased expense.

Senator Sir FREDERICK SARGOOD.—It would never be paid.

Senator DRAKE.—We would not go on until it was paid. I shall read the next section of the English Post Office Consolidation Act, to give an idea of what is intended to be attained. This particular section would not apply here, because there they have authority over the municipalities which we should not have. Section 49 says—

Where the council of any borough or any urban district considers that it would be beneficial to the inhabitants of the borough or district that any new post-office should be on a more extensive site, or of a larger size, or of a more ornate building, or otherwise of a more expensive character than the Postmaster-General would otherwise provide, the council may contribute towards the post-office, either by a grant of money, or with the consent of the local governing power, by the appropriation of land belonging to the council, or by the purchase of land for the purpose, and any expense incurred under this section may be paid, &c.

Of course the building when it is completed vests in the Postmaster-General, as if the whole of the funds had been found by the Post-office.

Senator EWING.—Why does it say in clause 18 "the local governing body?" Could the department not contract with the State?

Senator DRAKE.—We could easily alter that. There is no reason why we should not contract with the State also.

Senator HARNEY.—There will be no necessity.

Senator DRAKE.—Let me point out where I think a provision of this sort would be very valuable. In the case of a post-office the people of a district—and this is one of the points always in dispute—want a clock in the tower. They do not want it to know when to go to post their letters. They want it for the convenience of the town people generally, and they ask the post-office to supply it. That seems to me to be radically wrong in principle, because they are asking the post-office really to provide the time for the town. Surely the duty of providing the time for the town should be borne by the municipality or the local authority, and not by the post-office.

Senator DAWSON.—The local authority provides the tower and the Government provides the clock.

Senator DRAKE.—Not within my experience. I have never provided a clock for a tower which has been built by the local authority. It is generally the other way. They have a tower, and then they want £300 or £400 for a clock. It seems to me that the desire of the people of a district or municipality might very well be met by some provision of this kind, that the Post-office will put up a post-office sufficient for the transaction of all postal business, and then if the townspeople desire a more ornate building, or a town clock, let them co-operate with the Post-office, and let them have a building just as grand as their purse will afford.

Senator Lt.-Col. NEILD.—But who is to own it?

Senator DRAKE.—It will be owned by the Postmaster-General. All lands and buildings vest in him.

Senator Lt.-Col. NEILD.—I do not think the department will find the public subscribing very liberally.

Senator DRAKE.—Under an arrangement of this sort the department will supply a building sufficient for carrying on all the postal business. Surely nothing more than that can be expected of them. If they like to put up a clock tower the Postmaster-General will not run away with it; he will leave it there.

Senator Lt.-Col. NEILD.—It is very innocent.

Senator DRAKE.—It is innocent from one point of view, but it makes a great deal of

difference in the finances of the Post-office if they have to provide buildings on a palatial scale altogether out of proportion to the necessities of the district. With regard to the rates of postage, clause 19 provides that the Governor-General shall fix the rates of postage from time to time, and that having done so the rates shall be published in the *Gazette*, and shall be laid on the table of each House within fourteen days, or, if the Houses are not sitting at the time, within fourteen days from the commencement of the next session. This is a matter to which I have given a great deal of attention. The practice has been different in the various States. In some of the States they alter their rates by an Order in Council. In others they require an Act of Parliament, while in others it is done by the Governor in Council. I think that to give this power to the Governor-General—which of course means the Governor-General in Council—is the best way of dealing with the matter.

Senator Sir FREDERICK SARGOOD.—It is a very great power.

Senator Lt.-Col. NEILD.—There is no provision in clause 19 to enable Parliament to disapprove of any of the charges—a provision to be found in many similar sections in other Acts.

Senator DRAKE.—You cannot give Parliament the power. Parliament takes that power itself. It necessarily has the power, when a paper is laid on the table, to disapprove of the rates. We can neither give that power nor take it away by our legislation.

Senator BEST.—Suppose the Senate passes a resolution disapproving of any rates, what would be the state of affairs?

Senator Lt.-Col. NEILD.—In some cases the provision is specifically set out.

Senator DRAKE.—It is in some Acts, I know.

Senator GOULD.—It will be perfectly competent to condemn regulations, although there is no special provision in the Bill.

Senator Lt.-Col. NEILD.—There is a great deal of difference between condemning the Government and condemning the rate.

Senator DRAKE.—Clause 22 deals with re-addressing letters. The practice has been different in some of the States. In some States the practice has been to make a fresh charge where a letter is re-addressed. It is proposed that when a letter is re-addressed it shall be carried to its destination for the ordinary postal rate. Clause 26 deals with what is a

newspaper, and there may be some difference of opinion in regard to that. As to the interval of publication, I have made it seven days. In some of the States it is 28 days, but a number of the newspaper proprietors object to that on the ground that it puts magazines, trade circulars, and so on on the same footing. On the other hand, I am bound to say that the people who have the monthly magazines and the trade circulars are very strongly in favour of keeping the existing limit of 28 days. I am of opinion that if there is any justification I am not prepared to express a positive opinion on it now—for carrying newspapers at a reduced rate it does not apply certainly to trade circulars. They are purely business affairs. It can hardly be claimed that they exercise an educational influence or that they assist in the administration of the Government, and these are the arguments that are used generally in favour of the free carriage of newspapers.

Senator CLEMONS.—What about *United Australia*? It is going to come out once a month.

Senator DRAKE.—It is a magazine, and perhaps we shall be able to arrange that the rates for monthly magazines shall be more nearly assimilated to the rates for newspapers than they have been.

Senator KEATING.—How will the department determine what is a newspaper?

Senator DRAKE.—The first sub-clause of clause 26 provides—

(1) Any publication coming within the following description shall for the purposes of this Act be deemed a newspaper, that is to say, any publication known and recognised as a newspaper in the generally accepted sense of the word, which consists wholly or principally of political or other news, or of articles relating thereto, or to other current topics with or without advertisements and printed for sale, provided—

- (a) that it is printed and published within the Commonwealth;
- (b) that it is published in numbers at intervals not exceeding seven days;
- (c) that the full title and date of publication be printed at the top of the first page, and the whole or part of the title and the date at the top of every subsequent page.

That is about the best definition of a newspaper that one can get. If any honorable senator can suggest a better definition I shall be very happy to consider it. Clause 27 provides for the registration. To any person who is aggrieved under that section it gives an appeal to a justice of the High Court. Clause 30 provides for the prepayment of letters by means of stamps. I have already dealt

with that question at some considerable length. I think it is very desirable that the clause should be placed in the Bill, and that all letters should be prepaid by means of postage stamps. Clause 41 gives the Postmaster-General, or his deputy, power to destroy any postal article having anything "profane, blasphemous, indecent, obscene, offensive, or libellous, written or drawn on the outside thereof." I have inserted "D puty Postmaster-General," because some one ought to have power to act at once. The Postmaster-General will be somewhere in the Commonwealth, but we shall always know where the deputy Postmaster-General is.

Senator EWING.—That clause does not provide for any appeal. Suppose we stop a man publishing a seditious article under clause 41, we provide no appeal.

Senator DRAKE.—There is nothing about sedition in clause 41.

Senator Major GOULD.—If a paper is stopped that is known to contain obscene and blasphemous articles, is there no power to destroy it? Under this clause the objectionable matter must appear on the outside.

Senator DRAKE.—That does not refer to newspapers. This is not the newspaper clause. We have gone beyond it.

Senator Major GOULD.—It might be a pamphlet or book.

Senator DRAKE.—This refers particularly to letters.

Senator HARNEY.—How are we to find out?

Senator EWING.—By means of the X Rays.

Senator DRAKE.—This refers to the outside covering only. In clause 44 we have a provision which is somewhat new. The object, of course, is to insure by all means that a letter shall reach the addressee without delay. The clause requires managers of hotels, when they receive letters which cannot be delivered to the persons to whom they are addressed, to return them to the post office within one month. At the present time letters are sent to hotels, and it is within the experience of us all that you come back six months after, and find the same letters stuck up in the rack. This provides that within a month they must be sent to the post-office. Clause 54 contains a very important provision.

Senator DAWSON.—Hear, hear.

Senator DRAKE.—I believe that under a somewhat similar provision the operation of what is known as "Tattersall's sweep" was stopped in New South Wales and Victoria, but not in Queensland.

Senator Major GOULD.—In Tasmania there is special legislation with regard to it.

Senator BEST.—Authorizing it.

Senator DRAKE.—I did not mention Tasmania. I said that in New South Wales and Victoria I think it was stopped under a provision somewhat similar to this. In Queensland, a proclamation was put into the *Gazette* stopping the delivery of letters addressed to a certain individual, but it was afterwards rescinded, and the action that was taken to stop the business in Queensland was taken under a special Act of Parliament, the Gambling Act.

Senator DAWSON.—How will sub-clause (b) work out in view of the proposal of the leader of the Government that senators shall decide by lot who shall retire?

Senator DRAKE.—That is sanctioned by law, and it is not an unlawful game. This refers to matters which are not sanctioned by law.

Senator CLEMONS.—"Tattersall's" is sanctioned by law in Tasmania.

Senator DRAKE.—If it was considered desirable to stop these letters I believe it could be done under the first sub-clause, which says—

Where the Postmaster-General has reasonable grounds to suppose that any person is engaged either in the Commonwealth or elsewhere in receiving money, or any valuable thing as consideration for an assurance or agreement expressed or implied to pay or give as consideration for securing that some other person should pay or give any money or valuable thing on an event or contingency of or relating to any horse race, or other race, or any fight, game, sport, or exercise.

I believe that under a similar provision it was stopped in New South Wales and Victoria.

Senator DOBSON.—Sub-clause (b) seems to negative that.

Senator DRAKE.—No, it is a separate sub-clause.

Senator CLEMONS.—"Tattersall's" is sanctioned by law.

Senator KEATING.—It is sanctioned in Tasmania. It is excepted from the Gambling Act.

Senator DAWSON.—Sub-clause (c) says "Under pretence of foretelling future events." Would that apply to Wragge?

Senator DRAKE.—Quite recently I had to give instructions under one of the State laws to prevent the delivery of letters in a case where it was clearly shown that a fortune teller was daily receiving about 30 or 40 letters containing money which was sent to him in consequence of an advertisement which appeared in some of the papers.

That is the object of the sub-section. It is not necessary for me at this stage to consider the question of policy. I am merely trying to explain the provisions of the Bill. I have said all that is necessary with regard to part 1. The second part relates to the conveyance of mails by ships, and I have already referred to that incidentally. It provides that the master of every ship shall be compelled to carry mails at the rate prescribed, and shall take all the necessary steps to ensure their safety and correct delivery. Part 3 deals with money orders and postal notes, and there is nothing fresh in it. It is taken from the laws already in existence. There is a provision for the issue of money orders and postal notes up to £20, and it provides that they shall be good for six months. If they are not presented within six months they are subject to some extra charge. We come then to Part 4, dealing with telegraphs. This is a department of the Post-office which is a monopoly—that is to say, no person can erect a telegraph line and transmit messages in any place outside of his own property. Of course, on his own property he can erect telegraphs and send messages to any extent he likes; but as soon as he is outside his own property it is a State monopoly. There has been some slight exception to this. The monopoly has been broken into to a certain extent in the State of Queensland, where I come from. That has been done in connexion with a private railway. A company asked for power to make a railway, and the Government considered it a good thing to compel it to also construct a telegraph line; and seeing that a telegraph line is a necessary adjunct to a railway, they required it also to carry public messages, and make a charge for doing so.

Senator DOBSON.—We have the same thing in Tasmania.

Senator DRAKE.—The result is rather unsatisfactory, and it is not working well. The rate of sending messages anywhere over the line is just double what it is anywhere else. A message can be sent for 1s. over 1,000 miles on the State lines, but if it goes over this railway up to 20 or 30 miles the charge is doubled, and is being paid to the company.

Senator DOBSON.—That Act should have specified the Government rates.

Senator DRAKE.—Our Act provides that they may make an extra charge, and if the message goes over this short distance the charge is exactly doubled.

Senator DAWSON.—That is one of the evils of syndicate railways.

Senator DRAKE.—I cannot agree with that. To my mind it shows the disadvantage of requiring a private company in making a railway to also construct a telegraph line.

Senator DAWSON.—It was not one of the conditions of the contract.

Senator DRAKE.—I beg the honorable member's pardon; it was one of the conditions. The Act requires them to construct the line and transmit messages for the public at a certain rate. I only express my opinion that it is undesirable that the State monopoly outside of the Commonwealth should be broken into at all by competition from other people.

Senator Sir FREDERICK SARGOOD.—If a private person holds the land on both sides of a road, would he be entitled to carry a telegraph line along it?

Senator DRAKE.—He could not go across the road. He could only carry the line along his own land. Then clause 89 provides for the order of transmitting telegrams so as to insure that no preference shall be given. That may be a very important matter, and it is right that we should protect ourselves against the possibility, at the time of a great rush of telegrams, of preference being given to persons by their telegrams being taken out of order. I think every one will agree with the power given in clause 90 to prevent the transmission of telegrams containing blasphemous, obscene, offensive, or scandalous matter. The principal point I wish to bring to the notice of the Senate is that power is given to any officer to refuse to transmit such telegrams, that is, owing to the necessities of the case. The telegraph operator himself must be allowed the power of refusing to send any telegram of an objectionable nature. Part 5 deals with regulations, and I think it is hardly necessary to go through them, because they are regulations to enable effect to be given to other portions of the Bill. Clause 93 protects the monopoly with regard to letters. It is not often now that any attempt is made to infringe the monopoly by sending letters for hire. There have been times in the past when an attempt has been made on the part of persons to make a profit by carrying letters for hire within certain thickly-populated districts. That is prohibited.

Senator Major GOULD.—Very often it is a great convenience.

Senator DRAKE.—It may be a great convenience, but the honorable senator must see that if once the State monopoly is broken

in upon by allowing private companies to transact business in the particular districts where it is most profitable to carry letters for a lower rate than the department charges, then it would become impossible for the Postal department to carry out the services in the remote portions of the State.

Senator Major GOULD.—There might be a case of great urgency which would justify a person in employing a messenger.

Senator DRAKE.—That is provided for in sub-clause (d).

Senator Major GOULD.—If a person is living within a postal district, a very urgent matter may arise, and it may be necessary to communicate with another person who could not get the letter within some hours if the post-office was depended upon. A message could be sent in another way within half-an-hour.

Senator DRAKE.—That is provided for in sub-clause (c), which says—"Sent by any person concerning his private affairs by any special messenger." There is no intention whatever to circumscribe in any way the power of an individual to communicate with other persons. The object is merely to prevent competition with the Postal department. Now, with regard to the penalties for offences dealt with in clauses 94 to 97, I would point out that we are under an obligation to the Postal Union to prescribe punishment for all those offences. They are offences that would not only be injurious to us, but to those countries under the Postal Union with whom we are co-operating, and therefore there is a general arrangement that these offences shall be punishable in all the countries that are connected with the International Postal Union. That is done for the purpose of mutual protection. Clauses 98 to 124 are designed for the purpose of protecting the public against fraud. We come now to Part 7, dealing with electricity. Of course, the Senate is aware that electricity is a very powerful and very beneficent agent, if properly controlled; but it is absolutely necessary that there should be a controlling power in order to prevent accident, and in order to guard against injury, either incidental or otherwise, to the lines of the Telegraph department. I may mention that all the clauses in this part of the Bill are based upon the English Act. They are taken from the Queensland Act, which was taken from the English Act. In Great Britain the Board of Trade exercises control over these matters. Here we have no Board of Trade, and, seeing that the Postal department is itself such a

large user of electrical power, and practically deals to a greater extent with electricity than any private company, or all private enterprises put together, it is advisable that this matter should be under the control of the Electric Telegraph department. Clause 138 it will be seen prescribes what is necessary to be done when a local authority or any one else proposes to put up or lay down wires in such a way that their work might operate injuriously against the State telegraph wires. If an alteration is to be made in the telegraph lines owned by the department, then notice has to be given. From clause 140 to 145 you have penalties for offences that will operate injuriously against the telegraph system. Part 8 deals with legal proceedings, and is taken mostly from existing Acts. There is one clause, 150, to which I should draw attention, and it is taken from the English Act. I would like to explain it because it might at first rather startle honorable members. It gives power to the Postmaster-General in the case of an offence that is not an indictable offence, with the consent of the person concerned, to determine the matter and inflict a pecuniary penalty. That has been done often where there is no statutory power, and the Custom House Act of course contains a similar provision. I believe no consent in writing is required in the case of the Customs department.

Senator BEST.—In Victoria they usually submit themselves to the commissioner.

Senator DRAKE.—I did not know whether they were required to do so under the Act. There are a number of offences committed from time to time under the Act, and if they are very clear it is not desirable to drag the people into the police court.

Senator DAWSON.—The Postmaster-General can punish them without evidence.

Senator DRAKE.—Only by consent in writing of the offenders. I will give you an instance. It has occurred once or twice during my administration of the Postal department in Queensland that a servant girl, for example, has admitted using a defaced stamp. The offence has been clearly proved, and the excuse has been offered that the offender did not know she was doing any wrong. In such a case you could not let the person off entirely, without incurring a charge that you were making fish of one and flesh of another. Either the Postmaster-General would have to prosecute in every case, or else let them all off.

Senator WALKER.—What sort of penalty is to be imposed in such a case?

Senator DRAKE.—We generally inflict a penalty of £1.

Senator DAWSON.—It all depends upon the temper of the Postmaster-General at the time.

Senator DRAKE.—I hope that in such a case the Postmaster-General would err on the side of leniency if he considered that a deliberate practice of using defaced stamps was not being made by the offender.

Senator WALKER.—Do the fines go into the postal receipts?

Senator DRAKE.—I think they do. It is a power which has been exercised very often.

Senator Sir JOSIAH SYMON.—Would not the Postmaster-General have that power without any statutory authority?

Senator DRAKE.—There is a doubt upon that point.

Senator KEATING.—It has led to undesirable star chamber proceedings under the Customs Act.

Senator DRAKE.—This provision is only in regard to a breach of the Act which is not an indictable offence. It will only be used in cases where there is an absolute certainty that an offence has been committed and the persons charged say "I did it; I am very sorry."

Senator Sir JOSIAH SYMON.—Could not the Postmaster-General say in such a case, "do not do it again"?

Senator DRAKE.—Yes. But I think it would give rise to great dissatisfaction. If the Postmaster-General did that in one case, and prosecuted in another, he would at once be charged with favoritism. It is not a power which a Postmaster-General would hanker after, and, of course, an officer controlling a department like this does not care to be called on to exercise his discretion.

Senator HARNEY.—This provision not only enables the Postmaster-General to inflict a fine where a person pleads guilty, but gives the Postmaster-General jurisdiction to determine the guilt of the person.

Senator DRAKE.—A consent in writing is practically a plea of guilty. However, I will make a note of the point.

Senator KEATING.—There might be a case in which the public would be much interested but the offender would consent to the Postmaster-General dealing with it.

Senator DRAKE.—I think in such a case there would be a prosecution.

Senator Sir FREDERICK SARGOOD.—I recollect a case in which a fine of £1,000 was inflicted.

Senator DRAKE.—I have now only to deal with Part 9, in regard to notice and limitations of actions, and the schedule

which provides for the repeal of the whole of the Acts enumerated. In the first draft some of the Acts were partly repealed, the Electric Lighting and Power Act for instance. But I considered that it was advisable, seeing that there were only a few sections and portions of sections which remained unrepealed, to repeal the whole of the Acts and to incorporate the provisions it was desirable to retain in this Bill. Then there are the other schedules, which are very brief. There is a form of declaration, called form B, which is to be taken by officers appointed in certain cases to open letters in order that they may be sent back to the senders when the addressees cannot possibly be found. It will be admitted, and it is very strongly evidenced in the postal administration, that every possible effort is made to keep the correspondence passing through the post-office absolutely secret. The secrecy of the post-office has, I think, very rarely been violated, and it is necessary in the interests of the department that every effort should be made to maintain it. On the other hand, when the addressee of a letter cannot be found, it becomes desirable in the interests of the customer to return that letter to the sender. Provision is made that where letters have been unclaimed for a long time, and the addressees cannot be found, they may be opened in the presence of not less than two officers of the department; and on the names of the senders being discovered, that the letters shall be sent back to them. The declaration which has to be taken by these officers is that in the performance of their duty they will not read a letter or do anything else than find out in the shortest manner possible the name of the sender in order that the letter may be sent back.

Senator Lt.-Col. NEILD.—Why is it that no reference is made in the Bill to the important matter of telephone service?

Senator DRAKE.—The telephone service provisions are contained in the "telegraph" portion of the Bill. If the honorable member will look at the interpretation clause he will see that the telephone service is included under the heading of "telegraph." The telephone service is a means of sending messages by electricity, and one might almost call it a form of telegraphy. I have certainly not spoken upon the subject, although it is a matter in which I am greatly interested. I should like to mention one fact in connexion with the telegraph monopoly, and that is that it allows us to

look ahead ; take advantage of every invention and adapt it to the benefit of the public. If the telegraph service had been in the hands of a private proprietary, I am inclined to think that it would have fought very much against the introduction of the telephone service, and probably telegraphy and telephones would have been occupying much the same position as is held by gas and electricity at the present time. Instead of that, the Postal department, having the monopoly, welcomed the telephone system, and assisted, to a great extent, in making the invention of practical value to the community. The system has been a direct competitor with the telegraph branch and has had the effect of reducing the amount of revenue received from the latter source. If we take the two systems together, and this is where the triumph comes in, we find that the revenue is enormously in excess of what it was, so that the public are being served ; they get the best method of sending their messages, and at the same time the revenue derived by the department is increasing.

Senator DOBSON.—I suppose the Government will give us uniform telephone rates throughout the States.

Senator DRAKE.—I have dealt with that on the question of the reduction of rates. A reduction of the telephone rates would affect the revenue of the particular State in which it was made. I have appointed a small board, consisting of four of the most eminent electrical authorities in the Commonwealth, for the express purpose of overhauling the telephone systems in all the States.

Senator Sir JOSIAH SYMON.—Some of them require overhauling.

Senator DRAKE.—Yes. It will be sufficient to say that the same pitch of perfection has not been arrived at in all the States. I was rather tempted at first to make my own inquiries, but I came to the conclusion that it was better to hasten slowly and get the best advice from the best men upon the system to be adopted before attempting to make any alterations. I hope that now that these gentlemen have got to work we shall be able to make a start very shortly in the direction of improving the telephone service.

Senator WALKER.—Does the Government propose to acquire the cable between Tasmania and Victoria ?

Senator DRAKE.—I hope so. I have not yet taken any steps in that direction, but I hope the cable will become part of the system controlled by the Commonwealth. I think that concludes my description of the Bill. The

measure has been carefully drafted ; I know great pains have been bestowed upon it, but I cannot say that it is by any means perfect. So far from deprecating discussion, I hope I shall have the assistance of the Senate in making the Bill as perfect as possible. I have the interest of the department so much at heart, that my only desire is to get a Bill that will enable the service to be conducted on the very best lines. With such a field of operations as we have in Australia, with a people who so clearly see the advantages of the postal service and make such good use of it, I think we have an opportunity of obtaining under the Commonwealth, before many years have expired, a system which will be as good as any that exists in any civilized country. If we succeed in obtaining that, I desire that the credit of it shall attach not to any individual, or to any State, but to the whole Commonwealth.

The PRESIDENT.—Before putting the motion, I think it is my duty to call the attention of the Senate to a matter which may develop into one of great constitutional importance—a matter in reference to this Bill. I observe that in the Bill all the words relating to the imposition of penalties, or the appropriation of fines, are printed in *italics*. That is the House of Lords practice ; a practice which in fact is an admission by the House of Lords that they cannot initiate a Bill which imposes a penalty or appropriates a fine. The practice has been adopted by several Legislative Councils, who are prepared to make the same admission, but it has no application to this Senate. I call the attention of honorable senators to section 53 of the Constitution Act, which says :—

But a proposed law shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines, or other pecuniary penalties, or for the demand, or payment, or appropriation of fees for licences, or fees for services under the proposed law.

Therefore it is perfectly competent to introduce into this Senate a Bill which contains any of the provisions to which I have just referred, as stated in the Constitution Act. Having been engaged all the morning upon the standing orders, it was not until about five minutes before the Senate met that I observed this fact. Unless the Senate orders otherwise I will instruct the Government Printer to print these words in the same type as the rest of the Bill.

Several SENATORS.—Hear, hear.

Senator Major GOULD (New South Wales).—It is the general desire of honorable senators

that this debate should be adjourned till next week. We have heard the Postmaster-General's explanation of the measure, and I am sure it will be of great value and assistance to us in determining what course we should pursue in regard to the Bill. I therefore move—

That the debate be now adjourned.

Motion agreed to, debate adjourned.

LIBRARY COMMITTEE.

Senator DRAKE (Queensland — Postmaster-General).—Seeing that it has been decided that the standing orders that were laid on the table by my honorable colleague on the 23rd May are not to be adopted, there is no reason why the number of members on the sessional committees should be restricted to five. I believe that, according to the standing orders which we adopted this afternoon, the number may be increased to seven. A desire has been expressed by some honorable senators that on these committees there should be at least one representative from each State. I thoroughly agree with that desire, and therefore I propose to move the motion in a slightly altered form. On behalf of the Vice-President of the Executive Council, and at his request, I beg to move—

That the Library Committee be appointed, consisting of the President, Senators Drake, Sir F. T. Sargood, Sir J. H. Symon, Keating, De Largie, and O'Connor; with power to act during the recess and to sit with any similar committee of the House of Representatives.

I notice that the other House fixed the quorum of its committee at five, without giving it power to act with the committee of the Senate; but notice has been given in that House to give power to these committees to act with similar committees appointed by the Senate.

Senator WALKER.—How many has it appointed?

Senator DRAKE.—The other House has appointed seven, but it has provided for a quorum of five, which, I presume, will mean that when the committee acts alone it will require to have the quorum fixed, whereas when the committees are acting together I presume that the joint body will fix their own quorum.

Senator Sir JOSIAH SYMON.—Would it not be better to do so in both cases?

Senator DRAKE.—I am considering whether it would not be desirable in this case also to put it in after the names.

Senator Sir FREDERICK SARGOOD.—The library committees always act together.

The PRESIDENT.—They would have that power if fixing a quorum of the House does not do so.

Senator DRAKE.—What is troubling me is the question whether it is desirable to put in a quorum in case the committee be acting alone.

Senator Sir JOSIAH SYMON.—Let the Library Committee settle that for themselves.

Senator PLAYFORD (South Australia).—The practice in South Australia is to appoint all select committees by ballot. Although in the case of these departmental committees I have not the slightest objection to the Government nominating the members, I hope it will not be the practice of the Senate in regard to committees of more importance for the mover, as we may see from the notice paper, to propose that certain senators should be chosen. When the names of individual senators are mentioned to form a committee to inquire into any particular matter, we naturally shrink from saying a word on the subject. We do not like to say that any honorable senators ought not to be on the committee, or that somebody else should be in their place.

Senator Major GOULD.—Could we not demand a ballot?

Senator PLAYFORD.—I think the practice of the Houses in South Australia is far preferable to the practice we are adopting now. I ask you, sir, whether, in the future, we should not be governed in the appointment of select committees, other than departmental ones, by the standing orders of the House of Assembly of South Australia, and that when any honorable senator moves that a select committee be appointed for any special purpose it should be appointed by the Senate by ballot. I do not object, and I am sure that none of us object, to the way in which these departmental committees are being appointed; but in regard to other committees which may be moved for, we may have very considerable objection to offer.

The PRESIDENT.—We are going to be governed now by the standing orders of the House of Assembly of South Australia; but they use the words, "unless the House otherwise directs."

Senator DRAKE (Queensland — Postmaster-General).—With the permission of the Senate, I wish to say, as you, sir, have pointed out, that the standing orders provide that, unless otherwise ordered, the appointment of these committees shall be by ballot. I think it would be better not to adopt the ballot system now, because,

although it may be very useful to the House of Assembly of South Australia, the difference in the case of this Chamber is that we are representing States on an equality. A desire was expressed by some honorable senators that on these committees there should be one representative from each State, and I was very glad that, in consequence of the change in the standing orders, an opportunity was given to comply with the desire. If we should go to a ballot for these committees, it might happen that, instead of having one representative from each State, we might have six representatives from the State, which would be very undesirable. Without expressing any opinion with regard to the appointment of a committee by ballot in other cases, I think that in these cases it would be desirable if we were to adopt the old system.

Senator Sir JOHN DOWNER (South Australia).—What has struck me is that we passed some interim standing orders to-day, and the very first act we perform is to depart from them.

Senator Sir JOSIAH SYMON.—The honorable senator must not reflect on the Chamber.

Senator Sir JOHN DOWNER.—There is no reflection on any one. I am sure that I very highly esteem exactly what we are doing. I think that it is acting in the wisest way possible. Undoubtedly we passed standing orders by which the vote should be by ballot, but the first act we do is to say that it should not be by ballot.

Senator Lt.-Col. NEILD.—“Unless otherwise ordered.”

Senator Sir JOHN DOWNER.—I intend to support the motion.

Senator Sir WILLIAM ZEAL (Victoria).—There is one question on which I should wish to have a statement from Senator Drake. This committee, as I understand, is to be a joint committee. I think it is highly desirable that it should be stated at the outset that no section of the committee can act unless honorable members from both Houses are present. If that is not done it will be in the power of another place to appoint a committee to sit and deal with the matters pertaining to the library, and this House will have no voice. The sittings of this joint committee should not be legal or formal unless members of both Houses are present, so as to give the Senate a voice in the consideration of business.

Senator Major GOULD.—We cannot control the other House.

Senator Sir WILLIAM ZEAL.—We can control the House if this committee has the

control of the library. Otherwise another place will have the control of the library, and we shall only go in when the other stops sitting.

A SENATOR.—Cannot the new standing orders provide for that?

Senator Sir WILLIAM ZEAL.—I am not aware. I wish the attention of the Minister to be called to this point, because it is most important to preserve the rights and privileges of the Senate. As the President will be *de facto* chairman of the committee, it is absolutely necessary that the Senate at the outset should go on the right path, and that we should not give up one iota of our privileges in dealing with the consideration of matters pertaining to the library. I think it is the duty of the representative of the Government to see that the privileges of the Senate are upheld in that respect.

Senator Sir JOSIAH SYMON (South Australia).—There is a very great deal of force from another point of view in the remarks which have been made so opportunely by the last speaker. It has always been customary, I think, in the appointment of joint committees for the Government to take care that the motion is couched in exactly the same terms in both Houses, so as to avoid any difficulty or the necessity for any amendment. Senator Drake has indicated that the resolution of the other House is not identical with the terms of this motion.

Senator DRAKE.—It is being corrected now.

Senator Sir JOSIAH SYMON.—It still contains a limitation of the quorum. Otherwise, I understand it is the same in terms with this motion. What I would suggest is that Senator Drake should take care at the same time as he directs attention to the point raised by the last speaker that the two motions are made alike in that respect, and a reference to the quorum is omitted. Then in that case it will be left entirely to the committee, which is a large one, to fix its own quorum, and it will be left also to the committee which, I think, will take care that a provision is made for the regulation of their proceedings, to secure a joint representation before any business is done.

Senator DAWSON (Queensland).—I think it is very useful to honorable senators that this discussion has arisen at this stage, because it will direct their attention to a practice which has been found very beneficial in Queensland. Before the orders of the day are called on, the President reads any notice which may be on the business paper, and unless “not formal” is called by

an honorable member, there cannot be any discussion on the matter. We found that practice to be a very good one there, and I hope it will be adopted here. I quite agree with Senator Playford that the ballot is a very good system, but the right of senators to vote also carries with it the right of senators to be able to nominate. Senator Drake has nominated the whole of those honorable senators who are to be voted for, and Senator Playford wants the right of only selecting those who have been nominated.

Senator PLAYFORD.—Just the reverse.

Senator Sir JOSIAH SYMON.—He claims the right to ballot on the names of the whole Senate.

Senator DAWSON.—I think whenever a ballot is going to be taken the name of every senator should be on the ballot-paper. With that proposal I quite agree.

Senator Lt.-Col. NEILD (New South Wales).—I wish to take advantage of this motion to say a word or two on a point connected with the library, and I think I shall make myself perfectly in order by pointing out that the selection of this committee is an important matter, because we want the library to be a place of use, and not what it is at present. For instance, when I came here first I wanted to see the Inter-State newspapers. I was sent up a winding stair—very admirable from an Alpine climbing stand-point, but rather hard work to get up—and when I got up to the top I could not find an Inter-State newspaper to save my soul, and so I came down the stairs again. I made further inquiries. I went up a second time with an assistant to discover the Inter-State papers, and then I found them in a little room, which was about 8 feet by 9 feet—I stepped it—which contained a table, worth about 3s. 6d., and a chair worth about half-a-crown. In this little cupboard—about the size of a china closet for a decent residence—was to be found the only representative of the Inter-State press. I hope that this useful committee about to be appointed will give the rest of Australia some little show in the matter of the representation of the leading journals thereof.

Senator McGREGOR (South Australia).—I wish to say a few words on the question raised by Senator Playford, although I do not think it is exactly the proper time to do so. The proper time, in my opinion, will be when the standing orders are submitted for discussion. It has been pointed out that working as we are under the standing orders of South Australia, we are quite within our

power in electing this committee by ballot, or in any other way we wish, and that consequently we are not doing anything wrong; but there seems to be a misunderstanding in the mind of Senator Dawson, and, in fact, of other honorable senators, as to how this ballot selection should be carried out. An honorable senator interjected—"Why not call for a ballot now?" Of course we could call for a ballot at any time; but look at the confusion which would result if it were done, if the motion had been proposed in the way it has been done to-day. There would be no arrangement between honorable senators as to any course of action. Where the method of electing committees by ballot has been carried out—that is, in South Australia—it is understood that it will be adopted, and the different sections of the House arrange with each other. We were a very agreeable party sometimes, although we might quarrel occasionally. It was arranged by the different sections of the House as to who should get the votes, and whenever a ballot was taken all the members, with the exception of a few contrary people who would not be guided in any way by any one but themselves—

Senator GLASSEY.—I suppose there was a little log-rolling beforehand.

Senator McGREGOR.—A little log-rolling of that description is not an evil. I have not the least doubt that the honorable senator will agree that a little food when one is hungry is very good. But if you take too much of it it is very bad. The same with many other things. But I want to point out that if you demand a ballot now there could be no understanding; at any rate it would have to be arrived at in a very hurried manner; and, as Senator Drake has pointed out, it is the duty of the Senate, as far as possible, to give every State representation on these committees. Confusion would certainly arise, and the Senate would never be able to carry out the wishes of the majority. I believe that when the proposed standing orders come before us, if the ballot system is preferred, provision can be made for it. I am thoroughly satisfied with the way in which the matter is being dealt with at the present time, and I do not think any one has taken objection to the personnel of the committee as proposed. It is only necessary that, in the future, if the ballot system is adopted, we should thoroughly understand it, and know how to conduct the business.

Question resolved in the affirmative.

HOUSE COMMITTEE.

Senator DRAKE (Queensland — Postmaster-General).—I beg to move, on behalf of the Vice-President of the Executive Council—

That the House Committee be appointed, consisting of the President, Senators Lt.-Col. Neild, Ewing, Playford, Fraser, Cameron, and Ferguson, with power to act during the recess, and to sit with any similar committee of the House of Representatives.

In this case, also, I am increasing the number from five to seven, in order that the President and one senator from each of the States may be on the committee.

Question resolved in the affirmative.

PRINTING COMMITTEE.

Senator DRAKE (Queensland — Postmaster-General).—I beg to move, on behalf of the Vice-President of the Executive Council—

That the Printing Committee be appointed, consisting of Senators Pulsford, Clemons, Pearce, Charleston, Dawson, and Styles; four to be the quorum.

In this case, also, I am adding two names, so that the committee will consist of one representative from each of the States. There will be two from one of the States; but those names have been mentioned, and I will not alter them.

Question resolved in the affirmative.

ELECTIONS AND QUALIFICATIONS COMMITTEE.

Senator DRAKE (Queensland — Postmaster-General).—At the request and on behalf of the Vice-President of the Executive Council, I beg to move—

1. That the President be requested to lay upon the table as early as practicable his warrant for the appointment of a Committee of Elections and Qualifications, consisting of seven members of the Senate, to inquire into and report on all questions respecting the qualification of any member of this House, or respecting a vacancy in this House, and all questions of disputed elections to this House.

2. That unless disapproved of by resolution of this House in the course of the four sitting days next after the laying of the warrant on the table, such warrant shall take effect as an appointment of such committee by this House.

It is necessary that some tribunal should be appointed for the purpose of determining election petitions. In this matter we are controlled, I think, by the 47th and 49th sections of the Commonwealth Act of Australia. Section 47 provides that—

Until the Parliament otherwise provides, any question respecting the qualification of a senator

or of a member of the House of Representatives, or respecting a vacancy in either House of the Parliament, and any question of a disputed election to either House, shall be determined by the House in which the question arises.

Section 49 provides—

The powers, privileges, and immunities of the Senate and of the House of Representatives, and of the members and the committee of each House, shall be such as are declared by the Parliament, and until declared shall be those of the Commons House of Parliament.

It is thus clearly laid down that a disputed election is to be determined by the House itself, and it will be necessary to follow the practice adopted already in several of the States, of appointing an Elections and Qualifications Committee. The Senate is aware that there are different methods of trying election petitions in the different States. In Queensland there is the Elections Tribunal Act of 1886. The practice in Queensland is that a petition is tried by a Judge of the Supreme Court, and six assessors, who are members of the Assembly. In Tasmania the practice is governed by the Electoral Act of 1896. Election petitions are tried by the Judges of the Supreme Court without a jury.

Senator DAWSON.—Six assessors are appointed in Queensland, but six assessors do not sit.

Senator DRAKE.—Yes, six do sit in Queensland. The practice is for the Speaker at the commencement of the session to lay his panel on the table, consisting of twelve members of the Assembly, and then each party to a petition has the right of striking out three, and the remaining six sit and hear the evidence. In Victoria the President and Speaker respectively, by warrant under his hand, appoints seven members willing to serve, and against whom no petition has been presented, and not being petitioners. The warrants are laid on the tables of the respective chambers, and if not disapproved of in the course of the three next following business days, operate as appointments. In South Australia there is a "Court of Disputed Returns," constituted of the junior or sole acting Judge of the Supreme Court, and four members of the Assembly, or of the Council. The members of the Assembly and of the Council are elected by their respective Chambers after each periodical or general election.

Senator Sir JOHN DOWNER.—That is the rule we are under.

Senator DRAKE.—We are governed by the Constitution. The standing orders we have adopted are subject to the Constitution.

No order which is inconsistent with the Constitution has any effect. The 47th section of the Constitution is perfectly clear—a disputed election is to be tried by the House. In New South Wales there is a Committee of Elections and Qualifications. The Speaker appoints nine members of the Assembly by warrant under his hand. The warrant is laid on the table of the Assembly, and, if not disapproved of in the course of the three next following business days, operates as an appointment of the committee. In Western Australia there is a court of disputed returns. The court is constituted of two Judges of the Supreme Court, and has power to hear and determine all questions of disputed returns. The procedure is by petition to the House affected. It being therefore perfectly clear that a question of disputed elections is to be tried by the House itself, it is proposed to follow the practice of those States where there is an Elections and Qualifications Committee as nearly as possible. I have, therefore, moved that the President be requested to lay his warrant on the table for a Committee of Elections and Qualifications, consisting of seven members of the Senate, and that that shall operate as an appointment, unless it is disapproved of in the course of four sitting days.

Senator Sir JOHN DOWNER (South Australia).—I am afraid there is a difficulty in carrying this motion. I do not disagree with it at all, but I am afraid that, through the singular tactics we have been adopting, we have placed ourselves in a condition of considerable confusion. I entirely agree with the honorable gentleman in charge of the Government business that this is a matter for the House to determine. But this House has determined it. The House has passed standing orders which particularly deal with this identical question. We have thrown one set of standing orders to the winds, and we have got another proposal before us which provides for a Committee of Disputed Returns to deal with the question in a manner different to the solemn standing orders that we have after much consideration, without having read them, adopted. There is not the slightest question about it, that we are now living under the standing orders of the South Australian Parliament, which are most excellent standing orders.

Senator DAWSON.—Perhaps the honorable senator is afraid of them.

Senator Sir JOHN DOWNER.—No; I like them myself.

Senator PLAYFORD.—Perhaps the honorable senator has read them.

Senator Sir JOHN DOWNER.—Well, I know them incidentally, but not too much.

Senator DRAKE.—It is a statute which deals with disputed elections in South Australia.

Senator Sir JOHN DOWNER.—I disagree with my honorable friend. The 47th section of the Constitution Act says:—

“Until the Parliament otherwise provides, any question respecting the qualifications of a senator or of a member of the House of Representatives, or respecting a vacancy in either House of the Parliament, and any question of a disputed election to either House, shall be determined by the House in which the question arises.”

Will the Minister tell me any more serious and solemn way in which the House can determine how the question can be determined?

Senator DRAKE.—But South Australia has not got a standing order on the subject.

Senator Sir JOHN DOWNER.—But I think we have. Will the President tell me that there is no standing order dealing with the question?

The PRESIDENT.—That is so. The matter of disputed returns is regulated by statute.

Senator Sir JOHN DOWNER.—Not by standing order?

The PRESIDENT.—I do not know of any. It is under an Act of Parliament.

Senator Sir JOHN DOWNER.—Then I am mistaken, although I believe we have got standing orders dealing with the question, yet they must be repetitions of the statute.

Senator McGREGOR.—The honorable senator has found a mare's nest.

Senator Sir JOHN DOWNER.—I do not think it is a very serious matter either way. I think it is also a matter to be considered whether we require to go into so much elaboration as this motion provides for. Do we need so many as seven members of the Senate on this committee? The motion reads:—

That the President be requested to lay upon the table, as early as practicable, his warrant for the appointment of a Committee of Elections and Qualifications, consisting of seven members of the Senate, to inquire into and report on all questions respecting the qualification of any member of this House, or respecting a vacancy in this House, and all questions of disputed elections to this House.

While we are quite satisfied that the matter should be dealt with in that way, I think in all the other States a Judge takes part in the proceedings.

Senator Major GOULD.—No; not in New South Wales.

Senator Sir JOHN DOWNER.—I am speaking from the limitation of my own little province where a Judge does take part in the proceedings, and with, I think, very excellently good effect. I think going beyond the question of the technicality of the subject to the matter of substance, it is well worth our while to consider whether this question of disputed elections shall be one in which all the prejudices of one side and the prejudices of another shall be brought in, or whether it shall be raised to a little higher arena by the introduction of an absolutely indisputably pure authority.

Senator McGREGOR.—Where shall we get that?

Senator Sir JOHN DOWNER.—Well, I mean as near as you can get it. I would indicate my honorable friend if I were forced to the last issue, but short of him I would take the next best. We are speaking locally and limitedly, and yet with a fairly large experience, and we think that the practice in South Australia has worked well. Questions of disputed elections are not merely relegated to three party members on one side and three party members on the other, with an odd man chucked in somehow or other, but the court is presided over by an independent judicial authority in whom everybody has confidence.

The PRESIDENT.—Does the honorable senator think it is relevant to the question to discuss a proposed alteration of the Constitution?

Senator Sir JOHN DOWNER.—Well, it is very difficult to know where we are. Perhaps I might ask you whether you think it would be out of order if I were to move that a Judge of the Supreme Court should be one of the members of this committee?

Senator HARNEY.—It must be determined by the House.

Senator Sir JOHN DOWNER.—A Judge need not sit. The fact of our saying that one of these members should be a Judge of the High Court would not have the effect of compelling him to sit, because you want statutory authority to make him sit. But, at all events, it is a matter we might leave to the Bench to determine whether they would act upon it or not. I must say it will be a very wise thing if we consider this matter a little further and try to make our tribunal so high and unquestionable that questions of party politics could never be said to have interfered with the ultimate decision. I will not move an amendment at the present

time. I merely make this suggestion for the consideration of the Senate.

Senator EWING (Western Australia).—No doubt the remarks of Senator Sir John Downer would come very well at the proper time, and that is when we are considering what should be the tribunal for the trial of questions of this kind. Undoubtedly, to my mind, the further removed from political influence the court is the better it will be. But the Senate itself must take the ultimate action of declaring a seat void. The committee is appointed primarily to enable evidence to be taken and a decision on the facts come to by the members of that committee. They can make a recommendation to the Senate as to the course to be followed; but there can be no doubt that, under the Constitution, any steps as the outcome of a petition must be taken by the Senate itself. The Act says distinctly that the House shall determine the question for itself. We may appoint a committee to bring the matter forward in such a condition that we will readily appreciate the issue to be tried; but the committee can do no more than take evidence and make such recommendations as it sees fit. The House itself is the tribunal which must decide.

Question resolved in the affirmative.

SITE OF FEDERAL CAPITAL.

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

1. That it is desirable that a joint committee of members of both Houses of the Commonwealth Parliament be appointed to inquire into and report upon a suitable site for the federal capital.
2. That this Senate be represented upon such committee by Senators Sir F. T. Sargood, Sir J. H. Symon, Glassey, Ewing, Keating, and the mover.
3. That the House of Representatives be invited to appoint a like number of members to such committee.
4. That the said joint committee be empowered to call for and examine witnesses, make visits of inspection, and sit during any sitting of this Senate.

In moving this motion, I wish it to be clearly understood that it is not to be regarded as a party or as a State matter, but as relating solely to a duty in which we are all alike interested. In naming certain senators, I have pursued the course which is customary in the Parliament of which I was a member for nearly twenty years. I have been careful to name one representative from each of the six States, but I am not wedded to the particular names. If the Senate desire to elect the committee by ballot that will meet with

my ready acceptance. I have no predilection for any particular names; I only desire to see fair representation of each of the States. It has been announced in the press from time to time that a scheme is on foot for members of the Federal Parliament to visit certain proposed sites for the federal capital. If a national picnic of that kind is desired I for one have no objection to raise against it. My motion will not conflict in any way with a joint inspection by members of both Houses. I submit, however, with great respect that if a huge excursion of the kind is to be of any use it is necessary that honorable members when visiting the sites should have in their possession some definite information as to climate, accessibility, water supply, and other matters of a cognate character. If this committee were appointed—a joint committee from both Houses—it would have first of all an opportunity of availing itself of the somewhat exhaustive inquiries made by Mr. Alexander Oliver, a gentleman of considerable experience, who was appointed some time ago by the New South Wales Government as a special commissioner. Having paid a great many visits to a great many places, he came to certain conclusions in reference to three or four proposed sites. Popular opinion in New South Wales has added to his list certain other sites, which are deemed to possess advantages at least worthy of investigation. It is purely with a view to the initiation of some action that will enable the Commonwealth Parliament to arrive at a reasonably early decision as to the most desirable site that I move the motion standing in my name. I do not know that it is necessary to trouble the Senate with a lengthy speech. It is one of the duties of the Commonwealth Parliament to select a site for the federal capital at a reasonably early date. We cannot make a selection without an investigation. I own that the chief subject for debate will centre round the point, whether this investigation should be made by a select committee, or by a Royal commission. I would deferentially point out that there are advantages connected with a committee that are not possessed by a Royal commission. The latter would probably consist chiefly of experts, but a committee of Parliament would have the advantage of getting the opinion of experts in the form of evidence. It would have a knowledge of public questions which experts do not, as a rule, possess, and it would thus be better able to judge many

of the reasons for the selection of a site. I do not think I have made a mistake in naming six honorable senators, one from each State, which is the practice in the Parliament of New South Wales, but if the standing orders laid upon the table rightly reproduce those that we have temporarily adopted some little alteration may be necessary. Standing Order 334 says:—

All select committees shall, unless the Senate otherwise direct, consist of the mover and six other members, to be nominated unless otherwise ordered.

Senator DRAKE.—That is not the same as ours.

The PRESIDENT.—This is the standing order:—

All committees shall, unless the Senate otherwise direct, consist of seven members, of which one shall be the mover.

Senator Lt.-Col. NEILD.—If it is desired to add another member I would respectfully suggest the appointment of one of the Ministers in the Senate. I trust that the representative of the Government will entirely accept my assurance that I am merely moving this motion from a sense of public duty, and not with any idea of forcing the hands of the Government. I simply take the action which I am entitled to take as a member of the Senate. I know that honorable senators will courteously discuss the motion, and I trust it will receive the acceptance of the Senate.

Senator DRAKE (Queensland—Postmaster-General).—I have not the slightest doubt that the honorable and gallant senator who has submitted this motion is animated by the very best of motives, and I thoroughly appreciate also the great importance of the matter to which it relates. The Commonwealth will shortly have to select a site which will be the home of the Commonwealth Government, we hope for centuries to come, and it is very desirable not only that the best site should be selected, but that there should be a large area of land available within the limits of the federal territory. When we come to consider the usefulness of this motion, I find I am not in accord with the honorable senator. He has told us, and I have heard something of it before, that it is proposed before the selection is made that the members of the Federal Parliament shall pay a series of visits to the suggested sites. Such a course is very desirable. I should like it myself as an individual member, and I also credit other members with being animated by the same feeling that before such an important

matter is decided, we should see every one of the sites in the running. I see no very great difficulty in the way. A great many of the sites will be upon railway lines, and honorable senators have their railway passes. If they are not on railway lines, probably they will not be very remote, so that no great expense will be incurred in visiting them. What will be the advantage, then, of this committee? If the committee are appointed they will visit certain sites no doubt, and their descriptions will incite all Members of Parliament to visit them themselves, but if the committee are not appointed it will still be necessary for members to do that. There is another point in connexion with the matter which I should like to touch on. If it is desirable to appoint a joint committee, we should approach another place in some way other than that proposed. I think that by passing this motion appointing six honorable senators to a committee, and then inviting the other Chamber to appoint alike number to it, we should be exposing ourselves to the chance of meeting with a rebuff by the other Chamber simply refusing to take any notice of us. I think we should be in an undignified position if, after we had taken the initiative ourselves, another place were to disregard the matter. I am therefore of opinion that it is not desirable that this motion should be pressed. The Government of New South Wales have already taken steps in regard to the inspection and selection of probable sites. A commissioner from that State has made a report upon three sites, which has been laid before Parliament and published. In these circumstances, I think that the appointment of this committee would not have any useful effect, while it would expose us to the chance of a rebuff from the other Chamber. If the motion is pressed, I shall have to vote against it.

Senator HIGGS (Queensland).—Those of us who come from other States will appreciate the desire of Senator Lt.-Col. Neild to get the question of the federal capital site settled as soon as possible, but I think that most of us will be of opinion that the appointment of a committee of this kind is a Government matter. I do not take any exception to the honorable senators whose names have been selected to form the committee. I believe that we could trust to them to get every information that was obtainable, and that they would do their work thoroughly; but it does seem to me that we are starting out on an expense which at the present time is not justifiable. I

think we can help along the speedy settlement of the site by passing this amendment, which I now move—

That all the words after the word "that" be omitted, with the view to the insertion of the following words:—"In the opinion of the Senate the Government should, at its earliest convenience, place in the hands of members all information in its possession concerning proposed sites for the federal capital."

On coming to the great city of Melbourne, I found, to my surprise, that many persons thought that we should be here for the next ten years. It is said that a great deal of the courtesy which has been shown to us, and the placing of this splendid building at our disposal, proceeds from a desire to make us so comfortable that we shall not wish to move for many years to come.

Senator BEST.—We should not complain then.

Senator HIGGS.—I do not think we can complain at all, and if we are as comfortable in the federal capital as we are here, it will be a matter of very great surprise to me.

Senator DOBSON.—It is going to cost Victoria £45,000, I believe, to have us here.

Senator HIGGS.—I think it is the duty of this Parliament to get that question settled as soon as possible. I believe the Government have in their possession a very great deal of information which has come from the Government of New South Wales, and the royal commissioner who was appointed to collect information. The Commonwealth Government no doubt have in their possession a number of arguments from various persons in different parts of New South Wales as to why their particular town or its vicinity should be selected by this Parliament as a site for its federal capital. I shall content myself, sir, with moving the amendment.

Senator McGREGOR (South Australia).—I have very much pleasure in seconding the amendment. I wish in the most courteous manner to point out to Senator Lt.-Col. Neild that, in my opinion, this is an attempt to take national business out of the hands of the Government.

Senator Sir JOHN DOWNER.—Of course that is the intention.

Senator McGREGOR.—When it comes to a question of the work which the Government have a legitimate right to do, I am not going to support any honorable senator who wishes to take that work out of their hands unless they show some disposition to delay matters unduly. When they do that

it will be time enough for us to take action of this kind. Senator Higgs has said that rumours are current that it may be ten years before we leave Melbourne. Of course, when you put two and two together and make all the calculations that you possibly can arising out of the necessary arrangements that will have to be made, it will be some considerable time before we can leave here, but then the Government should take the steps to shorten that time if they possibly can. The evidence which may be collected by any select committee will never be of such value to Members of Parliament as a personal inspection. Although the mover has stated that his motion is moved with the intention to secure economy and with the desire to facilitate all the arrangements which ought to be made, yet I can only see additional expenditure sticking out everywhere. I believe that all the members of the Senate, and even members of another place, have made up their minds not to give a verdict on a question of this kind unless they have very reliable evidence, and the most reliable evidence is the evidence of their own senses. It would not obviate the necessity of carrying out that intention if you were to appoint sixty select committees, that is unless you alternately appointed members of both Houses on them. Some rumours have been circulated with respect to the courtesy which has been shown to members of this Parliament. I have never seen or received any courtesy. I want to disabuse the minds of everybody on the point. So far as the Victorian representatives and the Victorian officers are concerned, I have been accorded the utmost consideration. Rumours of this description must have arisen out of the action probably of one or two selfish and short-sighted individuals who may not have known what they were doing. In a general sense, no matter what part of the world we were to land in, we could not be better treated than we have been treated here. For that reason honorable senators may come to hanker after this place, and I would advise the Government to take immediate steps to furnish all the information they possibly can, and to give every facility to honorable senators to come to a fair and just conclusion.

Senator Sir FREDERICK SARGOOD (Victoria). — It is but right to state that I was not consulted about the motion, and I take it that the object of the mover is to bring this question as quickly as possible under the attention of not only the Senate, but another place. In that he is simply

attempting to carry out a duty imposed upon Parliament by the Constitution. But, having gone so far, I venture to think that it will be wise on his part to withdraw the motion. He has attained his object, and I certainly do agree with the opinion expressed by two honorable senators, that this is clearly a matter which should be left to the Government. It is one of the most important questions under the Constitution, and there is no necessity to attempt to relieve the Government of a duty which, I believe, they are quite prepared to carry out as quickly as possible. With regard to the proposed amendment, I am afraid that Senator Higgs has hardly considered not only the immense amount of labour that will be involved in the compilation of all these reports and the printing of them, but the labour he will inflict on his brother senators in asking them to read them. We know of the reports which have gone in to the Government of New South Wales, and, judging from the number of documents I have received on the same question from all conceivable and inconceivable places, I can imagine that the reports which have been sent to the Commonwealth Government are so voluminous as to be almost useless to honorable senators. I think that the better plan for us is to leave the matter in the hands of the Government, thoroughly convinced that they will take it up as quickly as possible.

Senator Sir JOHN DOWNER (South Australia).—I stand by the Constitution.

Senator Lt.-Col. NEILD.—And the standing orders.

Senator Sir JOHN DOWNER.—I wish to make no mistake in this or any other matter. I stand by the Constitution, which says that the seat of Government is to be in a certain State. I shall do everything in my power to insure that being brought about at the proper time, and in the proper way. At the same time, I think that this motion is quite unnecessary. We have no possible reason to suppose that the Government will be regardless of the Constitution, or regardless of their duties in respect of it. It simply means that this is another attempt to take the business of the country out of their hands before they have given us any intimation that they are not cognisant of what their duties really are. I care not whether the amendment is carried or whether the motion is negatived. It may be, if the amendment is carried, that we shall not be much further than we were before. I always feel

impressed when Senator McGregor speaks, and I agree with him entirely that not all the reports in the world, by all the senators we may appoint, will have as much effect on us as our going and having a look at it for ourselves, and that is what undoubtedly in the end will occur. Before the capital is agreed upon we should get all the information we possibly can in respect of the relative advantages of the different sites proposed, and then we should go and look at the places and please ourselves.

Senator Lt.-Col. NEILD.—That is precisely what I suggested.

Senator Sir JOHN DOWNER.—It is exactly what we are all suggesting, and therefore it is quite charming to be so absolutely agreed, and shows that the motion is not necessary.

Senator Lt.-Col. NEILD.—When a number of people agree upon a thing it shows that it is not necessary! What beautiful logic!

Senator Sir JOHN DOWNER.—I do not profess to be the same sort of a logician as my honorable friend opposite, but I have been a Minister many times, and have had much experience of parliamentary proceedings, and I generally understand that it is not necessary to take the business out of the hands of a Government unless you want to give them a slap in the face, and if I happen to be on the side of the Government—as I happen to be just now—I do not propose to take out of their hands business which I am quite sure they will deal with most ably, without something more than a suggestion coming from the honorable senator. I am quite willing to support the amendment, and the one thing I am quite clear about is that I shall not support the motion.

Senator STANIFORTH SMITH (Western Australia).—I am inclined to favour the appointment of a committee with regard to the federal site, but I think that the responsibility for the appointment should rest with the Government. The proposal is that the Senate shall appoint a committee to meet a similar committee of the other House. As the Government have a majority, or are presumed to have a majority in both Houses, they can best arrange for such a joint committee. If we were to agree to this motion the matter might not be taken up by the other House, and that would place us in rather a false position. I am quite aware that certain persons in New South Wales have gone to considerable trouble and expense in ascertaining which sites are suitable for a federal capital. We ought to feel very

much obliged to them for the trouble they have taken, and the very valuable information they have given. But it is possible for people in New South Wales to be, perhaps, unconsciously biased in the selection of a federal site, and, therefore, I think it is better for a committee appointed by this House and the other to select, say, half-a-dozen of the best sites to be chosen in New South Wales. If we adopt the suggestion of Senator McGregor, and visit every site—and I hope they will not confine themselves solely to the sites which the gentlemen in New South Wales have recommended—it will take a very long time. We shall have a glorious picnic travelling over New South Wales in our zeal and desire to find a federal capital. It is really a most important subject, because the capital will last for all time, I hope. The site, and the various factors which have to be taken into consideration in deciding upon the site, are matters of the utmost importance. I think it would narrow the issue if a joint committee were to ascertain, say, half-a-dozen of the most suitable places for a federal capital, and honorable members of both Houses were then given an opportunity of going up there, and determining for themselves which of them was the best. We should not recognise the commission appointed in New South Wales, although I know that the information which it collected will be very valuable to us. A committee should be appointed to select certain sites which we should visit, otherwise we shall be travelling all over New South Wales, and in my opinion there would be no finality.

Senator Sir WILLIAM ZEAL.—We have Mr. Oliver's report, and we cannot have anything better.

Senator STANIFORTH SMITH.—Mr. Oliver is a gentleman appointed by New South Wales, and I do not think we can officially recognise him.

Senator Sir WILLIAM ZEAL.—We can recognise his evidence.

Senator STANIFORTH SMITH.—We shall be very glad to take his evidence and read it in conjunction with that taken by a committee of the Senate. I think, in order to carry out the spirit of the Constitution, we should set about the selection of the site at as early a date as possible. It is all very well to say that we have a very suitable place here, and that the people of Victoria have been exceedingly good in giving up this handsome building for our use. I am sure I echo the sentiments of all when I say that we feel under a very great obligation for the

kindly and federal spirit shown by the legislators of this State in the action they have taken. At the same time, if we are going to carry out the spirit of the Constitution and keep the agreement made with New South Wales when we entered into federation, we should set about the selection of a site as soon as possible. I am very anxious to see a site selected. I am very anxious to see the great practical experiment in land nationalization made. There are many things which can be done in the federal capital which will be of very great instruction more as experiments to guide us in future legislation. I believe that a site for the federal capital could be chosen more expeditiously by a committee to be appointed to select certain sites which the members of both Houses could afterwards visit.

Senator PEARCE (Western Australia).—While agreeing with the proposal that a committee should be chosen to inquire into the best site for the federal capital, I altogether disagree with the mode of choosing it. I indorse what Senator Playford has said. I think that such a committee should be chosen by the Senate by ballot. But I disagree with this committee on other grounds. It has often been said, during the debate on the Address in Reply, that in choosing the capital we should take into consideration the suitability of the site, and I certainly do not think that any members of this Senate, by reason of their being members of the Senate, possess capabilities for choosing a suitable site for the capital.

Senator Lt.-Col. NEILD.—That is not proposed.

Senator PEARCE.—To suggest a committee infers that they possess the capability. We were returned here, I presume, on account of our capability as politicians, and not on account of our capability as engineers. This is a matter that should be given over to civil engineers to determine. We want a site where we shall have a good water supply, accessibility, and a good supply of building stone; and these are subjects which I take it members of the Senate are not intimately acquainted with. Therefore, I think this committee should consist of experts to gather evidence, choose three or four sites, and report to the House. Then would be the time for members of this House to visit the sites and decide which of the three or four selected should be the site of the capital. I think it would be foolish to appoint a body of amateurs to tour New South Wales for this purpose. I indorse what has been said with regard to the

manner in which the motion has been moved. I think the Government should have been given the opportunity of showing what they were prepared to do; but this seems like endeavouring to steal a march on the Government and take the credit for having forced the question to the front.

Senator STYLES (Victoria).—I regard the motion as an attempt to belittle the Government. We must all agree that this is a matter the Government should take in hand. It has been clearly pointed out that no object would be served by appointing a committee. They would visit the various sites, and after that every member of this Chamber would like to see the site for himself. It would be his duty to do so, and not accept the report of a committee not composed of experts. As to the saving of time, I understood Senator Staniforth Smith to point out that a saving of time would be effected if a committee were appointed. The committee would visit every site that has been mentioned by the people of New South Wales, and then the whole of the two Houses would follow in their tracks. What object is there in appointing a committee unless we bind ourselves to accept their report? If we do not, their time and trouble will be wasted. I shall support the amendment, and I will do so because I consider this to be an attempt to belittle the Government. Senator Sir Frederick Sargood saw that himself, when he advised that the motion should be withdrawn although he seconded it.

Senator Major GOULD (New South Wales).—It appears to me that honorable senators are giving themselves a great deal of concern as to the intentions of the motion. So far as I am aware, there is no desire to belittle the Government.

Senator Lt.-Col. NEILD.—I have said so, and according to the rules of Parliament, my assertion is entitled to acceptance.

Senator STYLES.—I was not in the chamber.

Senator Major GOULD.—It may be that Senator Lt.-Col. Neild has not adopted the wisest course to push this matter on as speedily as possible, but whatever our opinion may be, we should give him credit for having acted honestly, and with an earnest desire to determine a question which under the Constitution has to be dealt with. The honorable senator, Sir John Downer, told us he was going to stick to the Constitution. I presume every senator is going to do that. Whether he wishes to do it or not, he cannot

help himself, and there need be no declaration by any man that he is going to stand by the Constitution. The mover of this motion no doubt thought it would be of assistance to both Chambers to have a report from a committee of their own members as to which would be the best site. It is all nonsense to say that a committee of this House is not competent to submit a report or make a recommendation, because they do not happen to be engineers or gardeners. The idea is that a committee should be appointed with a view of taking evidence and then formulating a report for the consideration of Parliament.

Senator HIGGS.—You have not been able to collect enough evidence yet to form a party. You are all independent.

Senator Major GOULD.—Yes; we are all independent. The House has only recently met, the Government are desirous of pushing this matter forward as much as possible; and, knowing that, I think it would be just as well at the present juncture to leave things as they stand. If the Government show an inclination to neglect the matter, it will become our bounden duty to push the thing forward as far as we possibly can. For that reason I think it would be wiser to allow not only this motion but the amendment to be withdrawn, because we do not want to cumber up the records with a large number of papers that may be unnecessary, and will entail an enormous amount of trouble to honorable members if they are going to pretend to read them all.

Senator HIGGS.—The honorable senator wants us to allow him to climb down easily.

Senator Major GOULD.—We do not want anything of the kind. The honorable senator has said we appear to be independent. As far as Senator Lt.-Col. Neild is concerned, he is playing off his own bat, and I am playing off my own bat. Therefore, there is no desire to climb down, because we have never climbed up. This motion is open to the objection pointed out by the leader of the Government that the other Chamber might decline to fall in with a proposal of this character, and that would practically be a rebuff to this Chamber. When we find that the influence of the Government in this Chamber is opposed to the appointment of a committee, we may assume that their influence in another Chamber will also be opposed to it, and the probability is that the other Chamber will say—“With all due respect to you, gentlemen, we do not consider it necessary to appoint a committee at the present time.” I think, under all conditions, it would be well if the motion and amendment were withdrawn.

Senator Lt.-Col. Neild will have the satisfaction of knowing that he has brought the matter prominently before the Senate and the country, and has shown to the people of the State of New South Wales that he is by no means unmindful of what is part of the duty of every man who represents that State.

Senator WALKER (New South Wales).—As one of the representatives of New South Wales, I am quite prepared to give Senator Lt.-Col. Neild every credit for what he has done, but I hope he will take the advice of Senator Gould, and withdraw from the position he has assumed. Some remarks have been made with regard to the voluminous reports which would be laid before us if the amendment were accepted. I quite agree with that; but I take the liberty of suggesting to the Government, that if they would communicate with the New South Wales Government, and ask them to be kind enough to forward to each member of the Federal Parliament a copy of Mr. Oliver's report, it would be most interesting reading, and would do something towards assisting members in deciding which of the sites should be accepted. It is a voluminous report, but I am sure it will be supplied.

Senator McGREGOR.—I would like Wragge's report.

Senator WALKER.—It will not cost us anything, and it will be interesting reading. The New South Wales Commission has taken evidence of experts with regard to the climate and water supply, and accessibility, and generally such information as will save us hereafter a great deal of time when we come to inspect the respective sites. I trust the motion will be withdrawn.

Senator FRASER (Victoria).—I do not agree with the motion at all, and there are many reasons why I should urge that it be withdrawn. This is a matter the Government should take in hand. We have no justification or reason for saying that the Government are not dealing with it. We have been only sitting here a few days, and it is premature for members to take matters like this out of the hands of the Government. Of course, every member will adhere to the Commonwealth Act, and no doubt the Government will select the site soon in the State of New South Wales. Therefore, while the Government are dealing with the question, it is not for private members to jump the situation. I am not reflecting on Senator Lt.-Col. Neild or the members nominated on the committee. The intention of the honorable senator is perhaps right, and the names cannot be taken exception to, but,

while I say that, I say that the motion ought not to be passed.

Senator CHARLESTON (South Australia).—On the ground of economy I intend to oppose the motion and the amendment, because I think that they are unnecessary. What I think the Government will do will be to send out expert engineers, and those men will probably select two or three sites, and make a report. Then probably the Government will submit those sites to Parliament, and ask it to make its choice. Whatever we do we must keep down as much as possible the initial cost. I am afraid, what with committees and picnics, unless we are extremely careful we shall run to great excesses. Therefore, I shall oppose the motion, and leave the matter entirely in the hands of the Government.

Senator STEWART (Queensland).—This appears to be a most important subject, and one which is exercising the minds of our New South Wales friends very much. Therefore I may as well say something about it as other honorable members. The honorable and gallant senator, Lt.-Col. Neild, has been subject to a great deal of what I consider unnecessary criticism because he has had the temerity to bring forward this motion. I have no doubt in bringing it before the Chamber the gallant colonel is acting in the interests of his State. There are about 100 different sites in New South Wales which are ambitious of becoming the capital of the Commonwealth of Australia. There are Bombala, Yass, Canobolas, and Tumut. In the interest of the State of New South Wales I suppose senators are anxious that this question should be settled. For my part I believe in making haste slowly when fixing the site of the federal capital.

Senator McGREGOR.—How would Tenterfield suit the honorable senator.

Senator STEWART.—Tenterfield would suit me very much better than Melbourne. We must remember that once the position of the federal capital is chosen it is chosen for all time. We fix upon the site not only for ourselves, but for all the generations that are to come as far as we can see. Therefore, for that particular reason it appears to me we ought to be very careful in choosing this site. Now, there are a great many things to consider in relation to the matter. One very important feature in connexion with the matter is this: I find that a large number of senators favour some site about 3,000 feet above the sea level, where they will be able to see snow upon the

mountains during twelve months of the year. That may be all very good for people who live down here in Victoria, Tasmania, and South Australia, and who are inured to the cold; but I would like senators to keep this fact continually before their eyes, that the great bulk of the population of Australia in the future will not be in the southern portion of it at all, but away in the tropical portion, and senators and members of the House of Representatives who come from there have to be considered.

Senator Lt.-Col. NEILD.—New Guinea will be part of the Commonwealth some day:

Senator STEWART.—Yes, I suppose it will, and it will not be very pleasant for senators from New Guinea to come down and live during the winter months in some high altitude of New South Wales.

Senator PLAYFORD.—We will meet in future in summer I hope.

Senator STEWART.—There are a number of reasons why I do not think we ought to hurry. In the first place the expenditure in connexion with the federal capital will undoubtedly be large. I suppose Parliament will be anxious to build Houses of Parliament worthy of the Commonwealth. Then we will require a great number of public offices, printing offices, lands offices, and so forth, so that the expenditure will be very great, and we do not know yet how the Commonwealth is going to fare so far as her cash is concerned. Of course I know some honorable senators will say—"Oh, but we can borrow the money." I object to borrowing money for building Houses of Parliament and other public buildings. I think we ought to begin the Commonwealth by erecting our public buildings out of revenue instead of going to the pawnbroker—John Bull.

The PRESIDENT.—Does the honorable senator think he is discussing the question of the appointment of the committee?

Senator STEWART.—I was merely giving a reason why there should be no undue hurry in pressing the matter forward. With regard to the committee itself, I do not see any particular objection to it. I find there is a good deal of wire-pulling in connexion with the choosing of the site of the federal capital, and a large number of land speculators are, as usual, on the *qui vive*. That being the case, I am not altogether sure that a report from the senators named in this motion would be altogether undesirable. I do not believe that any one of those senators, or all of them, would be likely to insist on land jobbing considerations. That

being the case, I am not so very sure that a report from them would not be advantageous to this Chamber. A large number of honorable senators seem to think that this is a matter which should be left to the Government. I do not know that we are here to wait until the Government moves, or to follow the Government blindly when it does move. I suppose the Ministry will appoint its own committee, but I think it is far better that the Senate should appoint a committee. What guarantee have we that the Government will appoint an independent body?

Senator CHARLESTON.—It would be a committee of experts.

Senator STEWART.—What does the honorable senator mean by a committee of experts?

Senator Lt.-Col. NEILD.—The idea is the spending of as much money as possible in fees.

Senator STEWART.—What do we want in connexion with the proposed site? We want an ideal site. What is an ideal site? In the first place, a healthy location. Then it should have plenty of good water.

Senator WALKER.—Accessibility.

Senator STEWART.—I do not know that that is a very important matter, because New South Wales will be honeycombed with railways before very long. There should also be plenty of stone available for building purposes. There are some honorable senators who are just as competent to deal with the matters I have mentioned as any committee of experts that could be selected. If experts are appointed they will charge exorbitant fees, and they will not be experts after all. We hear a great deal about the advantage of employing them, but when we come to put the microscope upon their so-called knowledge we find it does not exist. This is not a question in which the knowledge of experts is required. Any honest sensible every day experience is much more valuable in a matter of this kind, and I think we have an abundance of that class of experience in the Senate. The honorable senator who has brought this motion forward seems inclined to drop it. The tone of the debate has shown that he will get very little support, and apparently he is not disposed to press it. With regard to Senator Higgs' amendment, that we should have before us all the information in the possession of the Government, I think it is rather premature to press for that. The Government has the matter in hand, and no doubt the fullest information will be obtained. Would it not be better, when the

case for the capital, so to speak, has been closed, that the whole of the information should be laid before us then, and so give us an opportunity of dealing with the question finally. I should have supported the motion if the honorable senator who moved it had pressed it.

Senator DE LARGIE (Western Australia):—I desire to say a few words in favour of the amendment. Apparently the motion is not going to be carried, but I trust that the amendment will be accepted. The senators from New South Wales may have a full knowledge of the reports on proposed sites for the federal capital, but we who come from Western Australia are not in the same position. We have not had an opportunity of seeing those reports. We want some food for thought on the matter, and there should be no objection whatever to submitting the expert evidence to the Senate. I do not see what objection the Government could have to the adoption of that course. Any additional evidence they obtain later on will always be accepted by us. At the present time senators are receiving pamphlets from different land jobbers in New South Wales; but we do not want *ex parte* statements on this great national question. We desire the fullest possible information, and from the little I have heard concerning Commissioner Oliver's report, it must be well worthy of perusal. Few senators from Western Australia have seen the reports on the subject, and an opportunity should be given us such as that proposed by the amendment.

Senator DRAKE (Queensland — Postmaster-General).—Before the debate closes I desire to say a word or two with regard to the amendment. I think I should do so because I do not like to be in the position of voting against a motion asking for information. At the same time, I should not like to consent to an absolutely unnecessary amount of printing work. I think I understand what Senator Higgs desires. I do not suppose he wants all the reports that have come to hand from time to time in regard to different localities, and nearly all of which have been supplied to members. A technical compliance with the terms of his amendment would, however, probably require that all this information should be printed and supplied to members. That would be a wholly unnecessary work.

Senator Higgs.—If the word "all" were struck out of the amendment the Government would be able to choose for itself.

Senator DRAKE.—That would not be of much use, because it would leave it in the

hands of the Government to supply everything or anything. I can give Senator Higgs an assurance, on behalf of the Government, that all information which will be useful to senators will be supplied to them. I will see to that. I shall also be glad to fall in with the suggestion made by Senator Walker, and communicate with the New South Wales Government with the object of obtaining copies of Commissioner Oliver's report for every senator. Under these circumstances, I would ask Senator Higgs, if he is satisfied with my assurance, to withdraw his amendment in order to allow my honorable friend Senator Lt.-Col. Neild to withdraw his motion. Then we shall all retire with the honours of war equal, having had a pleasant discussion without doing any harm.

Amendment, by leave, withdrawn.

Senator Lt.-Col. NEILD (New South Wales).—I shall only say a word or two before taking an action which will probably meet with the wishes of the Senate. If honorable senators had listened to my speech with any degree of care, a great deal of this discussion would have been unnecessary. The dreadful fear has been voiced from several quarters that, if this committee is appointed, senators will be debarred from participating in the splendid picnic to which reference has been made in the press. That seems to be the burning anxiety on the part of some honorable senators. I thought I had made it clear, however, that I have no desire to deprive them of the inestimable joys of visiting the country at the expense of the public.

Senator Higgs.—Of course, the honorable senator did not want a picnic when he proposed this committee.

Senator Lt.-Col. NEILD.—No, I wanted hard work. The suggestion of a possible rebuff from the other Chamber has been put before the Senate. What in the world is the use of the Senate ever attempting to ask for a joint committee, then, because on every occasion we might meet with a rebuff? Some honorable senators seem to be absolutely unacquainted with their duties. They seem to think they are merely here to blindly and helplessly follow the lead of some one else. I do not think that is our duty. A senator sent here by tens of thousands of electors is surely not to be a mere automaton; a mere pendulum swung to and fro by a Ministerial spring. It seems impossible.

The PRESIDENT.—My attention has been called to one of the standing orders we have adopted. It provides—

A reply shall be allowed to a member who has made a substantive motion to the House or moved

the second reading of a Bill, but not to any member who has moved an order of the day (not being a second reading of a Bill), an amendment, or instruction to a committee.

The honorable senator has moved an order of the day, which is not a second reading of a Bill, and therefore he cannot reply.

Senator Lt.-Col. NEILD.—I hope I am not out of order, Mr. President, in saying I was not aware of the existence of this playful little South Australian eccentricity—

Senator Sir JOHN DOWNER.—Is the honorable senator in order in replying contrary to the terms of the standing order?

Senator Lt.-Col. NEILD.—I suppose I am at least at liberty to fall in with the suggestions that have been made as to the withdrawal of the motion.

The PRESIDENT.—The honorable senator ought not to make a speech.

Senator Lt.-Col. NEILD.—Am I debarred from giving reasons for withdrawing the motion?

The PRESIDENT.—According to the standing orders you cannot make a speech.

Senator Lt.-Col. NEILD.—I beg leave to withdraw the motion.

The PRESIDENT.—The question is that the honorable senator do have leave to withdraw the motion.

Senator Higgs.—I object.

The PRESIDENT.—Then I will put the motion.

Question resolved in the negative.

SPECIAL ADJOURNMENT.

Resolved (on motion by Senator DRAKE, with concurrence)—

That the Senate at its rising do adjourn until Wednesday next, the 12th June, at 2.30 p.m.

Senate adjourned at 6.25 p.m.