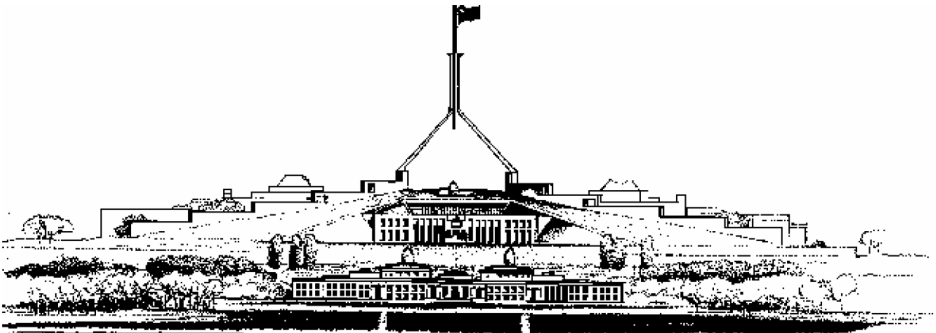




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



House of Representatives

Official Hansard

No. 28, 1906
Friday, 13 July 1906

SECOND PARLIAMENT
THIRD SESSION

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

PARLIAMENT OF THE COMMONWEALTH.

GOVERNOR-GENERAL.

His Excellency the Right Honorable HENRY STAFFORD, BARON NORTHCOTE, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Grand Commander of the Most Eminent Order of the Indian Empire, Companion of the Most Honorable Order of the Bath, Governor-General and Commander-in-Chief of the Commonwealth of Australia.

REID-McLEAN ADMINISTRATION.

(17th August, 1904, to 5th July, 1905.)

Minister of External Affairs	...	The Right Honorable George Houston Reid, P.C., K.C.
Minister of Trade and Customs	...	The Honorable Allan McLean.
Attorney-General...	...	The Honorable Sir Josiah Henry Symon, K.C.M.G., K.C.
Treasurer	...	The Right Honorable Sir George Turner, P.C., K.C.M.G.
Minister of Home Affairs	...	The Honorable Dugald Thomson.
Minister of Defence	...	The Honorable James Whiteside McCay.
Postmaster-General	...	The Honorable Sydney Smith.
Vice-President of the Executive Council		The Honorable James George Drake.

DEAKIN ADMINISTRATION.

(From 5th July, 1905.)

Minister of External Affairs	...	The Honorable Alfred Deakin.
Attorney-General...	...	The Honorable Isaac Alfred Isaacs, K.C., <i>Succeeded by</i> The Honorable Littleton Ernest Groom (13th October, 1906.)
Minister of Trade and Customs	...	The Honorable Sir William John Lyne, K.C.M.G.
Treasurer	...	The Right Honorable Sir John Forrest, P.C., G.C.M.G.
Postmaster-General	...	The Honorable Austin Chapman.
Minister of Defence	...	The Honorable Thomas Playford.
Minister of Home Affairs	...	The Honorable Littleton Ernest Groom, <i>Succeeded by</i> The Honorable Thomas Thomson Ewing (13th October, 1906.)
Vice-President of Executive Council		The Honorable Thomas Thomson Ewing, <i>Succeeded by</i> The Honorable John Henry Keating (13th October, 1906.)
Without portfolio	..	The Honorable John Henry Keating, <i>Succeeded by</i> The Honorable Samuel Mauger (13th October, 1906.)

MEMBERS OF THE SENATE.

SECOND PARLIAMENT.—THIRD SESSION.

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

Chairman of Committees—The Hon. William Guy Higgs.

Baker, Hon. Sir Richard Chaffey, K.C.M.G., K.C.	...	South Australia.
Best, Hon. Robert Wallace	...	Victoria.
Clemons, Hon. John Singleton	...	Tasmania.
Croft, John William	...	Western Australia.
Dawson, Hon. Anderson	...	Queensland.
de Largie, Hon. Hugh	...	Western Australia.
†Dobson, Hon. Henry	...	Tasmania.
Drake, Hon. James George	...	Queensland.
Findley, Edward	...	Victoria.
Fraser, Hon. Simon	...	Victoria.
Givens, Thomas	...	Queensland.
Gould, Lt.-Col., Hon. Albert John	...	New South Wales.
Gray, John Proctor	...	New South Wales.
Guthrie, Robert Storrie	...	South Australia.
Henderson, George	...	Western Australia.
†Higgs, Hon. William Guy	...	Queensland.
Keating, Hon. John Henry	...	Tasmania.
Macfarlane, Hon. James	...	Tasmania.
Matheson, Hon. Alexander Perceval	...	Western Australia.
McGregor, Hon. Gregor	...	South Australia.
Millen, Hon. Edward Davis	...	New South Wales.
Mulcahy, Hon. Edward	...	Tasmania.
†Neild, Col. Hon. John Cash	...	New South Wales.
O'Keefe, Hon. David John	...	Tasmania.
Pearce, Hon. George Foster	...	Western Australia.
Playford, Hon. Thomas	...	South Australia.
Pulsford, Edward	...	New South Wales.
Smith, Hon. Miles Staniforth Cater	...	Western Australia.
Stewart, Hon. James Charles	...	Queensland.
Story, William Harrison	...	South Australia.
Styles, Hon. James	...	Victoria.
Symon, Hon. Sir Josiah Henry, K.C.M.G., K.C.	...	South Australia.
Trenwith, Hon. William Arthur	...	Victoria.
Turley, Henry	...	Queensland.
Walker, Hon. James Thomas	...	New South Wales.
Zeal, Hon. Sir William Austin, K.C.M.G.	...	Victoria.

† Chairman of Committees.

‡ Temporary Chairman of Committees.

MEMBERS OF THE HOUSE OF REPRESENTATIVES.

SECOND PARLIAMENT.—THIRD SESSION.

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

Chairman of Committees—The Hon. Charles McDonald.

Bamford, Hon. Frederick William	...	...	Herbert. (Q.)
††Batchelor, Hon. Egerton Lee	...	...	Boothby. (S.A.)
Bonython, Hon. Sir John Langdon	...	...	Barker. (S.A.)
Brown, Hon. Thomas	...	...	Canobolas. (N.S.W.)
Cameron, Hon. Donald Norman	...	...	Wilmot. (T.)
Carpenter, William Henry	...	...	Fremantle. (W.A.)
Chanter, Hon. John Moore	...	...	Riverina. (N.S.W.)
Chapman, Hon. Austin	...	...	Eden-Monaro. (N.S.W.)
Conroy, Hon. Alfred Hugh Beresford	...	...	Werriwa. (N.S.W.)
Cook, Hon. James Newton Haxton Hume	...	...	Bourke. (V.)
Cook, Hon. Joseph	...	...	Parramatta. (N.S.W.)
Crouch, Hon. Richard Armstrong	...	...	Corio. (V.)
Culpin, Millice	...	...	Brisbane. (Q.)
Deakin, Hon. Alfred	...	...	Ballarat. (V.)
Edwards, Hon. George Bertrand	...	...	South Sydney. (N.S.W.)
Edwards, Hon. Richard	...	...	Oxley. (Q.)
Ewing, Hon. Thomas Thomson	...	...	Richmond. (N.S.W.)
Fisher, Hon. Andrew	...	...	Wide Bay. (Q.)
Forrest, Right Hon. Sir John, P.C., G.C.M.G.	...	...	Swan. (W.A.)
††Fowler, Hon. James Mackinnon	...	...	Perth. (W.A.)
Frazer, Charles Edward	...	...	Kalgoorlie. (W.A.)
Fuller, Hon. George Warburton	...	...	Illawarra. (N.S.W.)
Fysh, Hon. Sir Philip Oakley, K.C.M.G.	...	...	Denison. (T.)
Gibb, James	...	...	Flinders. (V.)
Glynn, Hon. Patrick McMahon	...	...	Angas. (S.A.)
Groom, Hon. Littleton Ernest	...	...	Darling Downs. (Q.)
Harper, Hon. Robert	...	...	Mernda. (V.)
Higgins, Hon. Henry Bournes, K.C.	...	...	Northern Melbourne. (V.)
Holder, Hon. Sir Frederick William, K.C.M.G.	...	...	Wakefield. (S.A.)
Hughes, Hon. William Morris	...	...	West Sydney. (N.S.W.)
Hutchison, James	...	...	Hindmarsh. (S.A.)
Isaacs, Hon. Isaac Alfred, K.C.	...	...	Indi. (V.)
Johnson, William Elliot	...	...	Lang. (N.S.W.)
Kelly, William Henry	...	...	Wentworth. (N.S.W.)
Kennedy, Hon. Thomas	...	...	Moir. (V.)
Kingston, Right Hon. Charles Cameron, P.C., K.C.	...	...	Adelaide. (S.A.)
Knox, Hon. William	...	...	Kooyong. (V.)
Lee, Henry William	...	...	Cowper. (N.S.W.)
Liddell, Frank	...	...	Hunter. (N.S.W.)
Lonsdale, Edmund	...	...	New England. (N.S.W.)
Lyne, Hon. Sir William John, K.C.M.G.	...	...	Hume. (N.S.W.)
Mahon, Hon. Hugh	...	...	Coolgardie. (W.A.)
Maloney, William Robert Nuttall	...	...	Melbourne. (V.)
††Mauger, Hon. Samuel	...	...	Melbourne Ports. (V.)
McKay, Hon. James Whiteside	...	...	Corinella. (V.)
McColl, Hon. James Hiers	...	...	Echuca. (V.)
**McDonald, Hon. Charles	...	...	Kennedy. (Q.)
McLean, Hon. Allan	...	...	Gippsland. (V.)
McWilliams, William James	...	...	Franklin. (T.)
O'Malley, Hon. King	...	...	Darwin. (T.)
Page, Hon. James	...	...	Maranoa. (Q.)
Phillips, Hon. Pharez	...	...	Wimmera. (V.)
Poynton, Hon. Alexander	...	...	Grey. (S.A.)
Quick, Hon. Sir John	...	...	Bendigo. (V.)
Reid, Right Hon. George Houston, P.C., K.C.	...	...	East Sydney. (N.S.W.)
Robinson, Arthur	...	...	Wannon. (V.)
Ronald, Hon. James Black	...	...	Southern Melbourne. (V.)
Salmon, Hon. Charles Carty	...	...	Laanecoorie. (V.)

MEMBERS OF THE HOUSE OF REPRESENTATIVES.

SECOND PARLIAMENT.—THIRD SESSION—*continued.*

Skene, Hon. Thomas	...	...	...	...	Grampians. (V.)
Smith, Hon. Bruce, K.C.	...	...	...	...	Parkes. (N.S.W.)
Smith, Hon. Sydney	...	...	...	...	Macquarie. (N.S.W.)
Spence, Hon. William Guthrie	...	...	...	...	Darling. (N.S.W.)
Storrer, David	...	...	...	...	Bass. (T.)
Thomas, Hon. Josiah	...	...	...	...	Barrier. (N.S.W.)
Thomson, David Alexander	...	...	...	...	Capricornia. (Q.)
Thomson, Hon. Dugald	...	...	...	...	North Sydney. (N.S.W.)
Tudor, Hon. Frank Gwynne	...	...	...	...	Yarra. (V.)
Turner, Right Hon. Sir George, P.C., K.C.M.G.	...	...	...	...	Balaclava. (V.)
Watkins, Hon. David	...	...	...	...	Newcastle. (N.S.W.)
Watson, Hon. John Christian	...	...	...	...	Bland. (N.S.W.)
Webster, William	...	...	...	...	Gwydir. (N.S.W.)
Wilkinson, Hon. James	...	...	...	...	Moreton. (Q.)
††Wilks, Hon. William Henry	...	...	...	...	Dalley. (N.S.W.)
Willis, Hon. Henry	...	...	...	...	Robertson. (N.S.W.)
Wilson, John Gratton	...	...	...	...	Corangamite. (V.)

** Chairman of Committees.

†† Temporary Chairman of Committees.

OFFICERS.

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

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

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

Library.—A. Wadsworth, Parliamentary Librarian.

COMMITTEES OF THE SESSION.

SENATE.

COMMITTEE OF DISPUTED RETURNS AND QUALIFICATIONS.—Senator de Largie, Senator Dobson, Senator Macfarlane, Senator Sir J. H. Symon, Senator Walker, Senator Col. Neild, Senator Styles.

STANDING ORDERS COMMITTEE.—The President, the Chairman of Committees, Senator Best, Senator Dobson, Senator Lt.-Col. Gould, Senator Playford, Senator Pearce, Senator Trenwith, and Senator Sir J. H. Symon.

LIBRARY COMMITTEE.—The President, Senator Keating, Senator Matheson, Senator Millen, Senator Stewart, Senator Styles, and Senator Clemons.

HOUSE COMMITTEE.—The President, Senator de Largie, Senator Fraser, Senator Col. Neild, Senator O'Keeffe, Senator Turley, and Senator Staniforth Smith.

PRINTING COMMITTEE.—Senator Dawson, Senator Findley, Senator Guthrie, Senator Henderson, Senator Macfarlane, Senator Pulsford, and Senator Sir William Zeal.

HOUSE OF REPRESENTATIVES.

STANDING ORDERS COMMITTEE.—Mr. Speaker, the Prime Minister, the Chairman of Committees, Mr. Kingston.

LIBRARY COMMITTEE.—Mr. Speaker, Sir Langdon Bonython, Mr. G. B. Edwards, Mr. Glynn, Mr. Groom, Mr. Isaacs, Mr. Bruce Smith, Mr. Spence.

HOUSE COMMITTEE.—Mr. Speaker, Mr. Fisher, Mr. Knox, Mr. Mauger, Mr. Page, Mr. Salmon, Mr. Dugald Thomson.

PRINTING COMMITTEE.—Mr. Ewing, Mr. Fowler, Mr. Harper, Mr. Mahon, Mr. Poynton, Sir John Quick, Mr. Watkins.

ACTS OF THE SESSION.

APPROPRIATION ACT (No. 23 of 1906)—

An Act to grant and apply a sum out of the Consolidated Revenue Fund to the service of the year ending the thirtieth day of June, One thousand nine hundred and seven, and to appropriate the supplies granted for such year in this session of the Parliament. [Initiated in House of Representatives by Sir John Forrest, 28th September. Assented to 12th October.]

APPROPRIATION (WORKS AND BUILDINGS) ACT (No. 7 of 1906)—

An Act to grant and apply a sum out of the Consolidated Revenue Fund to the service of the year ending the thirtieth day of June, One thousand nine hundred and seven, for the purpose of additions, new works, buildings, &c. [Initiated in House of Representatives by Sir John Forrest, 22nd August. Assented to 7th September.]

AUDIT ACT (No. 8 of 1906)—

An Act to amend the Audit Act 1901. [Initiated in House of Representatives by Sir John Forrest, 15th June. Assented to 24th September.]

AUSTRALIAN INDUSTRIES PRESERVATION ACT (No. 9 of 1906)—

An Act for the Preservation of Australian Industries, and for the Repression of Destructive Monopolies. [Initiated in House of Representatives by Sir William Lyne, 7th June. Assented to 24th September.]

CUSTOMS TARIFF (AGRICULTURAL MACHINERY) ACT (No. 14 of 1906)—

An Act relating to duties of Customs. [Initiated in House of Representatives by Sir William Lyne, 21st September. Assented to 12th October.]

CUSTOMS TARIFF (SOUTH AFRICAN PREFERENCE) ACT (No. 17 of 1906)—

An Act relating to preferential duties of Customs on certain goods the produce or manufacture of the British Colonies or Protectorates in South Africa which are included within the South African Customs Union. [Initiated in House of Representatives by Mr. Deakin, 5th October. Assented to 12th October.]

DESIGNS ACT (No. 4 of 1906)—

An Act relating to copyright in industrial designs. [Initiated in Senate by Senator Keating, 15th June. Assented to 28th August.]

ELECTORAL (ADVERTISEMENTS) ACT (No. 18 of 1906)—

An Act to amend the law relating to Parliamentary elections. [Initiated in House of Representatives by Mr. Groom, 28th September. Assented to 12th October.]

ELECTORAL VALIDATING ACT (No. 12 of 1906)—

An Act to validate the electoral divisions of the State of New South Wales. [Initiated in House of Representatives by Mr. Groom, 17th August. Assented to 8th October.]

EXCISE TARIFF (AGRICULTURAL MACHINERY) ACT (No. 16 of 1906)—

An Act relating to duties of Excise. [Initiated in House of Representatives by Sir William Lyne, 21st September. Assented to 12th October.]

EXCISE TARIFF (SPIRITS) ACT (No. 20 of 1906)—

An Act to amend the Excise Tariff 1902. [Initiated in House of Representatives by Sir William Lyne, 21st August. Assented to 12th October.]

EXCISE TARIFF (SUGAR) AMENDMENT ACT (No. 15 of 1906)—

An Act to amend the Excise Tariff 1905. [Initiated in House of Representatives by Sir William Lyne, 28th September. Assented to 12th October.]

GOVERNOR-GENERAL'S RESIDENCES ACT (No. 2 of 1906)—

An Act relating to the residences of the Governor-General. [Initiated in House of Representatives by Mr. Groom, 28th June. Assented to 8th August.]

JUDICIARY ACT (No. 5 of 1906)—

An Act to amend the Judiciary Act. [Initiated in House of Representatives by Mr. Isaacs, 19th June. Assented to 28th August.]

LANDS ACQUISITION ACT (No. 13 of 1906)—

An Act relating to the acquisition by the Commonwealth of land required for public purposes and for dealing with land so acquired and for other purposes connected therewith. [Initiated in Senate by Senator Keating; 20th June. Assented to 12th October.]

METEOROLOGY ACT (No. 3 of 1906)—

An Act relating to meteorological observations. [Initiated in Senate by Senator Keating, 15th June. Assented to 28th August.]

PACIFIC ISLAND LABOURERS ACT (No. 22 of 1906)—

An Act to amend the Pacific Island Labourers Act 1901. [Initiated in House of Representatives by Mr. Deakin, 11th September. Assented to 12th October.]

PATENTS ACT (No. 19 of 1906)—

An Act to amend the Patents Act 1903. [Initiated by Sir William Lyne, 28th September. Assented to 12th October.]

REFERENDUM (CONSTITUTION ALTERATION) ACT (No. 11 of 1906)—

An Act relating to the submission to the electors of proposed laws for the alteration of the Constitution. [Initiated in House of Representatives by Mr. Groom, 28th August. Assented to 8th October.]

SPIRITS ACT (No. 21 of 1906)—

An Act relating to spirits. [Initiated in House of Representatives by Sir William Lyne, 21st August. Assented to 12th October.]

SUPPLY ACT (No. 1) (No. 1 of 1906)—

An Act to grant and apply out of the Consolidated Revenue Fund a sum for the service of the year ending the thirtieth day of June, One thousand nine hundred and seven. [Initiated in House of Representatives by Sir John Forrest, 21st June. Assented to 28th June.]

SUPPLY ACT (No. 2) (No. 6 of 1906)—

An Act to grant and apply out of the Consolidated Revenue Fund a sum for the service of the year ending the thirtieth day of June, One thousand nine hundred and seven. [Initiated in House of Representatives by Sir John Forrest, 23rd August. Assented to 29th August.]

TASMANIAN CABLE RATES ACT (No. 10 of 1906)—

An Act to amend the Post and Telegraph Rates Act 1902. [Initiated in House of Representatives by Mr. Chapman, 14th September. Assented to 28th September.]

BILLS OF THE SESSION.

BOUNTIES BILL—

[Initiated in House of Representatives by Sir William Lyne, 18th July; Order of the Day discharged, Bill discharged in Senate, 12th October.]

CANTEEN BILL—

[Initiated in House of Representatives by Mr. Mauger, 14th June; second reading negatived in Senate, 30th August.]

COMPANIES (REGISTERED OFFICES) BILL—

[Initiated in House of Representatives by Mr. Deakin, 11th September; Bill not introduced.]

CONSTITUTION ALTERATION (NATIONALIZATION OF MONOPOLIES) BILL—

[Initiated in Senate by Senator Pearce, 16th August; second reading negatived in Senate, 4th October.]

CONSTITUTION ALTERATION (SENATE ELECTIONS) BILL—

[Initiated in Senate by Senator Keating, 17th August; awaiting referendum.]

CONSTITUTION ALTERATION (SPECIAL DUTIES) BILL—

[Initiated in House of Representatives by Mr. Deakin, 30th August; laid aside in Senate, 2nd October.]

CONSTITUTION ALTERATION (STATE DEBTS) BILL—

[Initiated in House of Representatives by Sir John Forrest, 30th August; laid aside in Senate, 11th October.]

COPYRIGHT BILL—

[Initiated in House of Representatives by Mr. Deakin, 17th August; lapsed at prorogation.]

CUSTOMS TARIFF (BRITISH PREFERENCE) BILL—

[Initiated in House of Representatives by Sir William Lyne, 20th September; Royal assent reserved.]

CUSTOMS TARIFF (BRITISH PREFERENCE) AMENDMENT BILL—

[Initiated in House of Representatives by Mr. Deakin, 11th October; first reading negatived in Senate, 11th October.]

ELECTORAL BILL—

[Initiated in House of Representatives by Mr. Chanter, 21st June; lapsed at prorogation.]

ELECTORAL BILL—

[Initiated in Senate by Senator Pearce, 19th July; second reading negatived in Senate, 26th July.]

FIRE INSURANCE BILL—

[Initiated in House of Representatives by Mr. Frazer, 26th July; lapsed at prorogation.]

KALGOORLIE TO PORT AUGUSTA RAILWAY SURVEY BILL—

[Initiated in House of Representatives by Mr. Groom, 15th June; third reading negatived in Senate, 21st September.]

LIFE ASSURANCE (FOREIGN COMPANIES) BILL—

[Initiated in House of Representatives by Mr. Groom, 15th June; lapsed at prorogation.]

MARINE LIGHTS AND MARKS BILL—

[Initiated in House of Representatives by Sir William Lyne, 15th June; Bill not introduced.]

PAPUA BILL—

[Initiated in Senate by Senator Stewart, 9th August; lapsed at prorogation.]

BILLS OF THE SESSION—*continued.*

POSTAL RATES BILL—

[Initiated in House of Representatives by Mr. Chapman, 3rd August; lapsed at prorogation.]

POST AND TELEGRAPH BILL—

[Initiated in House of Representatives by Mr. Chapman, 28th September; lapsed at prorogation.]

PREFERENTIAL BALLOT BILL—

[Initiated in House of Representatives by Mr. Groom, 21st August; lapsed at prorogation.]

PUBLIC SERVICE BILL—

[Initiated in House of Representatives by Mr. Brown, 8th August; Order of the Day discharged, Bill withdrawn, 26th September.]

PUBLIC SERVICE (APPEALS) BILL—

[Initiated in House of Representatives by Mr. Hughes, 9th August; lapsed at prorogation.]

PUBLIC SERVICE (TELEGRAPH MESSENGERS) BILL—

[Initiated in House of Representatives by Mr. Groom, 28th September; first reading negatived in Senate, 5th October.]

QUARANTINE BILL—

[Initiated in Senate by Senator Playford, 19th July; Bill not introduced.]

PARLIAMENT CONVENED.

SECOND PARLIAMENT—THIRD SESSION.

Parliament was convened by the following Proclamation :—

(*Gazette No. 25, 1906.*)

PROCLAMATION

COMMONWEALTH OF
AUSTRALIA TO WIT.
(Sgd.) NORTHCOTE,
Governor-General.
(L S.)

By His Excellency the Right Honorable HENRY STAFFORD, BARON NORTHCOTE, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Grand Commander of the Most Eminent Order of the Indian Empire, Companion of the Most Honorable Order of the Bath, Governor-General and Commander-in-Chief of the Commonwealth of Australia.

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 also from time to time by Proclamation or otherwise prorogue the Parliament: And whereas on the twenty-ninth day of March, One thousand nine hundred and six, the Parliament was further prorogued until Saturday, the fifth day of May, One thousand nine hundred and six, and it is expedient to further prorogue the said Parliament: Now therefore I, HENRY STAFFORD, BARON NORTHCOTE, the Governor-General aforesaid, in exercise of the power conferred by the said Act, do by this my Proclamation further prorogue the said Parliament until Thursday, the seventh day of June proximo, and I do appoint the said Thursday, the seventh day of June proximo, as the day for the said Parliament to assemble and be holden for the despatch of business. And all Members of the Senate and of the House of Representatives respectively are hereby required to give their attendance accordingly, in the building known as the Houses of Parliament, situate in Spring-street, in the City of Melbourne, at half-past Two in the afternoon, on the said Thursday, the seventh day of June, One thousand nine hundred and six.

Given under my Hand and the Seal of the Commonwealth of Australia aforesaid, this fourth day of May, in the year of our Lord One thousand nine hundred and six, in the sixth year of His Majesty's reign.

By His Excellency's Command,

(Sgd.)

ALFRED DEAKIN.

GOD SAVE THE KING!

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FRIDAY, 13 JULY 1906

CHAMBER

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House of Representatives.

Friday, 13 July, 1906.

Mr. SPEAKER took the chair at 10.30 a.m., and read prayers.

IMPERIAL DEFENCE COMMITTEE'S RECOMMENDATIONS.

Mr. KELLY.—In view of the fact that the Government itself asked the advice of the Imperial Defence Committee on the question of Australian defences—(1) Will the Government inform the House as soon as a decision is come to if it is its intention not to follow the advice it has itself sought on the larger questions involved? (2) If the Government decides not to follow the Imperial Defence Committee's advice, will the Government put the House in possession of the Imperial Defence Committee's arguments on the question as well as that of its local advisers?

Mr. DEAKIN.—I have within the last few weeks addressed the Home authorities by despatch with regard to the very inconvenient and uncertain practice at present obtaining of marking "confidential" certain communications passing between them and ourselves. The principle followed is not at all clear, though we have been at some pains to try to discover it. The request preferred was for a complete scheme

of Australian defence, which must necessarily be discussed by Parliament. When Ministers have had an opportunity to read the document, and it has been considered by the Minister of Defence and his advisers, I propose to inquire whether it is inadvisable to make public any part of it. From a cursory inspection, I think that there are few, if any, passages which should not be published. If our views differ in any respect from the advice given by the high authority, whose opinion we have asked, it is only fair that we should give the reasons for the difference. We are not compelled to accept that advice, but we are bound to give our grounds for not following it. Honorable members will agree that the fullest information should be put before Parliament, so long as we do not touch on points which may indicate weakness in our chain of defence, or possibilities which it is not advisable to suggest. The whole matter should, and must, be laid before Parliament if it is to be effectively dealt with.

CITY TELEGRAPH OFFICES.

Mr. DUGALD THOMSON asked the Postmaster-General, *upon notice*—

1. Will he name the branch city telegraph offices in Sydney and in Melbourne from which instruments have been recently, or are to be, removed?

2. Which of those offices have tube connexion with the head office?

3. Which will require a messenger service for conveyance of messages to a despatching office?

4. How frequently will messengers leave each of such offices with the accumulated messages?

Mr. AUSTIN CHAPMAN.—Inquiries are being made, and answers will be furnished as early as possible.

DEATH OF MR. SEDDON.

Mr. DEAKIN (Ballarat—Minister of External Affairs) [10.38].—It is fitting that honorable members should be informed of the acknowledgment by the Acting Premier of New Zealand and Mrs. Seddon of the resolutions of this Parliament recording our regret at the untimely death of the late Prime Minister of that Colony, and expressing our sympathy with his family and the people of New Zealand. The Acting Prime Minister of New Zealand writes:—

Prime Minister's Office,
Wellington, 7th July, 1906.

Sir,

I have the honour to acknowledge receipt of your letter of 28th June, forwarding a memorial copy of the report of proceedings of the Commonwealth Parliament in passing the resolutions

of regret at the death of the Right Honorable R. J. Seddon, and in reply thereto I beg to tender you, on behalf of Mrs. Seddon, her family, and the Government of New Zealand our heart-felt appreciation of the graceful tribute paid to the memory of our late Prime Minister.

I have the honour to be, Sir,
Your obedient servant,
WM. HALL-JONES.

Mrs. Seddon's letter, although in part personal, is also public. She writes:—

Wellington, N.Z., 7th July, 1906.

Dear Sir,

Your kind letter of the 27th June, with copies of the reprint of the Parliamentary proceedings in connexion with the resolution of regret at the decease of my dear husband, and of deep sympathy with myself and family in our affliction, has just reached me. Words cannot express my grateful appreciation of the kind and sympathetic references by yourself and the other members of your National Parliament, and for the unanimous resolution of sympathy passed by Parliament. May I ask you to be good enough to convey my heart-felt thanks of myself and family to the members of Parliament, and accept the same yourself, for your never-to-be-forgotten kindness in my time of grief.

Yours sincerely,
LOUISE J. SEDDON.

AUSTRALIAN INDUSTRIES PRESERVATION BILL.

In Committee (Consideration resumed from 12th July, *vide* page 1293):

Clause 15—

1. The Comptroller-General, whenever he has reason to believe that any person, either singly or in combination with any other person within or beyond the Commonwealth, is importing into Australia goods (hereinafter called "imported goods") with the intention that they may be sold or offered for sale or otherwise disposed of within the Commonwealth in unfair competition with any Australian goods, may certify to the Minister accordingly.

2. The certificate of the Comptroller-General shall specify the imported goods and the Australian goods referred to, and the person whom he believes to be importing goods with the intention aforesaid.

3. Thereupon the Minister may—

- (a) appoint a Board of three persons to investigate and report upon all matters of fact material to the question whether the goods are being imported with the intention aforesaid; and
- (b) notify in the *Gazette* that a Board has been so appointed for the purpose of the said investigation and report.

Mr. JOSEPH COOK (Parramatta) [10.40].—I move—

That after the word "has," line 1, the words "received a complaint in writing and has" be inserted.

I wish to make it clear that before any drastic step of the kind provided for is

taken, the complaint shall be lodged in the Department in writing, so that it may be recorded. The officer cannot act except on information supplied from the outside.

Sir WILLIAM LYNE.—I accept that.

Mr. GLYNN (Angas) [10.42].—I desire to add at the end of sub-clause 3 in the proposed amendment the words "including the name, address, and occupation of any person upon whose statements he may have acted."

Mr. JOSEPH COOK.—That amendment can be made afterwards.

Mr. GLYNN.—I think that we ought to go further still, and make liable to costs the man upon whose wrong information the Comptroller-General may act.

Mr. ISAACS.—We propose to do that by amending clause 20.

Amendment agreed to.

Amendment (by Sir WILLIAM LYNE) agreed to—

That after the word "person," line 2, the words "hereinafter called the 'importer'" be inserted.

Mr. ISAACS (Indi—Attorney-General) [10.44].—I move—

That the words "the intention that they may be sold or offered for sale or otherwise disposed of," lines 6 to 8, be left out, with a view to insert in lieu thereof the words, "intent to destroy or injure any Australian industry by their sale or disposal."

As the honorable and learned member for Angas has pointed out, in the clause as it is proposed to be amended there would be an alternative owing to the addition of the words "or with the intention of destroying or injuring any Australian industry by unfair competition." If the amendment I now propose be adopted those words will be unnecessary.

Amendment agreed to.

Amendment (by Sir WILLIAM LYNE) proposed—

That all the words after the word "specify," in sub-clause 2, be left out, with a view to insert in lieu thereof the following words:—

- "(a) the imported goods;
- (b) the Australian industry and goods;
- (c) the importer;
- (d) the grounds of unfairness in the competition.

3. The Comptroller-General may add to his certificate a statement of such other facts as in his opinion ought to be specified to give the importer fair notice of the matters complained of."

Mr. GLYNN (Angas) [10.50].—I wish to make it obligatory that the Comptroller-General's certificate shall specify the

name of his informant. Consequently I move—

That the amendment be amended by the insertion of the following new paragraph in sub-clause 2 :—

“(e) The name, address, and occupation of any person not being an officer of the Public Service upon whose information he may have acted.”

My object is to insure that outside interlopers shall declare their names and occupations.

Mr. ROBINSON (Wannon) [10.51].—I hold that complaints under this Bill should be limited to persons who allege that they are suffering from unfair competition. These individuals should be compelled to put their complaints in writing. Officers of the Department should not be permitted to transform themselves into advocates for any particular manufacturer or producer.

Mr. BAMFORD.—The same argument might be applied to any Customs House officer at the present time.

Mr. ROBINSON.—But the complaint which is usually made by Customs officers is that some person is attempting to defraud the revenue. Under the clause in its present form, a special privilege is to be granted to persons lodging complaints. Unless we insist that they shall put their complaints in writing, backstairs influence must inevitably creep in.

Sir WILLIAM LYNE (Hume—Minister for Trade and Customs) [10.55].—If the honorable and learned member for Wannon will look at the early part of the clause he will see that under it any outside person lodging a complaint is bound to put his complaint in writing. An amendment has been inserted to that effect. The proposal to publish in the *Commonwealth Gazette* any memorandum or statement which may be made by an officer of the Department to the Comptroller-General would, to a very large extent, paralyze action on the part of the Comptroller-General.

Mr. ROBINSON.—We do not want that.

Sir WILLIAM LYNE.—The clause will work in this fashion: Let us suppose that an outside person were aggrieved. He would make his complaint in writing. When it came before the Comptroller-General, probably that officer would refer it to the Collector of Customs in the particular State affected. It is not proper that communications which pass between the Comptroller and his officers should be published in the

Gazette. But when the Comptroller-General makes a statement it must be made public. To a large extent he must rely upon the information that he has obtained from his officers. We must allow the Department some latitude in acquiring the necessary information upon which the Comptroller-General is to act.

Mr. KELLY (Wentworth) [10.57].—It seems to me that the certificate which the Comptroller-General must issue in all these cases is a certificate to his own Minister, and, therefore, there is no reason why the original informant's name, whoever he be, should not go with it. The determination of the question of whether a prohibition shall be imposed on imported goods is afterwards to be referred to a Justice of the High Court, as provided in sub-clause 2. That provision, however, does not specify that the certificate shall be referred to a Justice. Obviously the Minister should know the source from which these charges have emanated.

Sir WILLIAM LYNE.—So he will.

Mr. KELLY.—The certificate is merely one from the Comptroller to the Minister, and the clause contains no direction that it shall be published.

Mr. ISAACS.—We have met the honorable member's part very fairly. I need scarcely point out to him that Parliament may call for the production of the certificate any time that it chooses.

Amendment of the amendment agreed to.

Mr. FOWLER (Perth) [11].—I move—

That the amendment be further amended by the addition of the following new sub-clause :—

“(4) If the unfairness in the competition is indicated in respect of prices the Comptroller-General shall specify what in his opinion are fair selling prices for the goods sought to be protected under this Act or which may be imported subject to any specified conditions or restrictions under this Act.”

My proposal fairly well explains itself, but I may mention that my object is to carry out what I think may be regarded as one of the intentions of the Bill, although the provisions for carrying out that intention are in one important respect very imperfect. I refer to the protection that will be afforded to the consumers.

Mr. JOSEPH COOK.—Where would the protection to the consumer come in, if, say, the price of raisins were fixed to-day at 3d. per lb., and to-morrow they went down to 2½d. per lb.?

Mr. FOWLER.—I merely wish to establish a maximum that will prevent the

consumer being exploited to an abnormal extent. Prices may be reduced as much as a competitor pleases, but the object of my amendment is to provide that they shall not go above a reasonable figure. One of my strongest objections to the policy of protection, as it has been understood, is that whilst the manufacturer secures the advantages of such a policy, the consumer is left at the mercy of the manufacturer, and of such competition as may be unlikely in the circumstances. If by a measure of this kind we establish what may be called abnormal conditions, by shutting out imports that would come into competition with local articles and thereby tend to keep down prices to a reasonable level, then, in fairness to the consumer, we ought to protect him from the possibility of having to pay such extortionate prices as would be possible if the prohibition intended in certain circumstances under this Bill were brought about. Within the last forty-eight hours I have had placed in my hands a small pamphlet bearing out my views on this subject, which was written by a gentleman who has had much to do with the sale and distribution of Canadian harvesters in Australia. I refer to Mr. T. J. McBride, who is at present in New Zealand. Whilst here Mr. McBride always took a keen and intelligent interest in the social and economic conditions of Australia, and I believe that he is now displaying a similar interest in regard to New Zealand. He was for many years general director of the business of the Massey-Harris Company in Australia, so that his views on this subject should be regarded as those of a man of sound business experience, and not those of an impracticable or unreasonably idealistic thinker. In the little pamphlet in question he is advocating in connexion with New Zealand's home industries a system by which protection could be extended both to the manufacturer, the worker, and consumer—a system of protection, to which, by the way, I should have very little objection, since it would in many respects very closely approximate to my ideal of the nationalization of such industries as are practically monopolies. The writer says amongst other things—

No reasonable person will at this time object to a fair compensation for capital, but, heretofore, capital has been permitted to take as a right, under the sanction of tradition, legislation, and established custom, all the surplus earnings made possible by the combined productive power of capital, labour, and society, that consumed their joint products.

We now see clearly and unmistakably that common fairness demands broader and wiser treatment for the consumers, who are the source of all profits. We also perceive that the continual labour agitation and the consumers' growing discontent are mainly about the customary retention by capital of all the surplus over and above a fair interest. This exploitation by the privileged few is unfair, unreasonable, and unjust, and cannot continue without bitterness, serious friction, stagnation, and great loss to the community.

Our manufacturers should be satisfied with a guaranteed liberal maximum percentage on their capital if given by protection all the trade of the country in their respective lines, and should return to the consumers annually, in cash or paid-up shares, the surplus that may have been temporarily but unnecessarily taken from the consumers.

Mr. SKENE.—What guarantee could be given that they had returned the surplus?

Mr. FOWLER.—Mr. McBride goes into the matter fully, but I do not wish to go into details at this stage. He goes on to say that—

Local combination and its attendant advantages would be infinitely better for all concerned than Tariff protection. I am, however, in favour of both combination and protection, provided the surplus savings thereby effected are returned to the consumers, but not otherwise, as any other basis will not endure.

He has also some observations in regard to the methods of controlling a combination that ought to be interesting to us at this juncture. He writes—

There are only two practical ways of controlling a combine or a trust, viz.:—1st. As a temporary or evolutionary expedient; to specify by law the maximum interest or profit, &c., to be allowed to capital, and to leave each line of business under the control of private owners. 2nd. If a guaranteed maximum profit is not accepted by capital whilst an uncertain minimum wage is accepted by labour, then the only alternative in the interests of the people and the State is complete public ownership of each and every consolidated industry, which will insure fair conditions for labour, and also that the goods in every line of production shall be supplied to the consumer at or near cost.

I commend the last observations to the Committee. Although not strictly relevant to my proposals, they are worthy of attention, coming as they do from a level-headed, practical, successful business man, who has been identified with the production and distribution of goods under a trust in Australia, and who ought, therefore, to know what he is talking about. The amendment which I now propose is the first of a series of amendments, the others being consequent upon it. My idea is that when this unfairness is indicated in connexion with prices, it should be part of the duty of the Comptroller-General to go into the

matter, and if he sees that there is, or is likely to be, some exploitation of the public in the way of prices, he should say what, in his opinion, would be a fair and reasonable price for the goods proposed to be protected under this Bill. Then his recommendation, along with the other recommendations and information indicated by the clause, would be sent on to the Justice, who would again consider what would be a fair selling price for the goods proposed to be protected, or introduced into the country under special restrictions. Having done that, the Justice would determine that the goods against the importation of which a protest had been lodged should be excluded from the local market altogether, or should be introduced only under the specified conditions, and what should be the maximum price at which such goods might be sold if their importation were permitted. I wish to make it clear that I do not desire to establish a definite price. The intention and object of my amendment is simply to fix a maximum, and below that anything can be done in the way of competition. The maximum would be a figure which might be recognised by the Justice as something beyond which the goods ought not to go in price, in common reason, and in the ordinary dealings of business people.

Mr. JOSEPH COOK.—How, for instance, would the honorable member fix the price of fruit?

Mr. FOWLER.—I do not think it is likely that we shall be applying legislation of this kind in connexion with the introduction of fruit.

Mr. JOSEPH COOK.—The price of fruit ranges from 6d. to £1 per box.

Mr. FOWLER.—If it goes up to £1 per box on that particular class of goods, the Justice would have no hesitation in declaring £1 per box as the maximum price. It is easy to express doubt as to whether such a provision as I propose is workable, but, in my opinion, it is quite as workable as are many of the clauses which the Committee has already passed. I believe that this Bill is largely an indication of future possibilities in legislation of a more effective character, and the fact that we emphasize the necessity for the protection of the consumers by fixing a maximum price will probably afford some basis for future legislation in regard to this very important and necessary phase of protection. I have given some consideration to the matter, and in view

of the testimony I have submitted from a shrewd business man, who has for some time been engaged in work closely connected with the kind of operations with which this Bill deals, I am sure the Committee will give that consideration to my amendment to which it is fairly entitled in accordance with the principles which have actuated honorable members in dealing with the measure.

Mr. CONROY (Werriwa) [11.16]. — I am very glad that the honorable member for Perth has seen fit to propose an amendment of this sort. It is one which I think should receive the cordial indorsement of every member of the Committee—

Mr. JOSEPH COOK.—Who is a Socialist.

Mr. CONROY.—It should certainly receive the support of every member of the Committee who is a Socialist, but it should also receive the support of every honorable member who, though he may not be a Socialist, still does not desire to see a local monopoly created under the provisions of this Bill, with power to raise prices against all the consumers in the States, and without any obligation to contribute any portion of their profits to the workers in their employ. This is all that the amendment aims at. It practically says only that when competition is declared to be unfair in the terms of the Bill, and to come within the prohibition sections of the Commonwealth Customs Act—because it must not to be forgotten that under sub-clause 2 of clause 18 of this Bill—

The Governor-General may, under the powers of the Customs Act 1901, prohibit the importation of the imported goods either absolutely or under such conditions—

and so on. Honorable members will see that under this provision the Governor-General is given power to absolutely prohibit the importation of certain goods, and we may be placing the whole of the consumers throughout Australia at the mercy of every little local combination that is able to get the provisions of the Bill put into operation. In the circumstances, it is but right and fair that some regard should be had to the interests of the great mass of the people, and that before any manufacturer should be able to have the Bill put into operation for his benefit, he should at all events be obliged to disgorge a portion of the profit he would thus be enabled to make, and which, but for this amendment, he could retain. Failing that, under the amendment he would have to sell his goods at such a fair and reasonable

price that he would not be able to take advantage of an absolutely closed market to raise prices to such an extent that the great bulk of the people would be as effectually prevented from purchasing his goods as if their manufacture did not exist.

Mr. JOSEPH COOK.—Conroy advocating prohibition!

Mr. CONROY.—I point out that I am supporting this amendment because of the other provisions of the Bill. Considering the spirit of the measure, and dealing with it in its entirety, I say that it is absolutely necessary to have some guarantee that the Bill shall be what, on the face of it, it purports to be, but what it is not at the present time, a measure to safeguard the interests of the workers and consumers, and not merely those of the manufacturers. A provision such as that contained in the amendment, would no doubt tend to bring about some spirit of fairness on the part of manufacturers. They would not appeal as readily to the provisions of the measure when they found that a share of the profit they would otherwise make must go to the consumers of the articles they manufacture. Under the circumstances, I have no hesitation in supporting the amendment. I can quote excellent precedents for it. One is an English Act of 1368; and, in this connexion, I foreshadowed my present intention by giving notice of an amendment. This English Act provided that the Justice should, on the motion of any person, assess the prices at which articles must be sold, so that the manufacturer should have "reasonable gains and no more." It is the latter part of that provision that I quote literally, as it provides for fair prices. By that English Act, however, a manufacturer was liable to a penalty if he did not observe the prices fixed; and here, it will be observed, there is an omission in the clause under consideration. The English Act provided that any manufacturer who refused to accept the prices assessed should be liable to a penalty of £100 for each offence; and a similar provision in the Bill would put an end to much sham patriotism. When manufacturers found that the profits were not likely to go into their own pockets, but to go into the pockets of the workmen, their anxiety for Parliament to meddle would sensibly diminish; and it would be desirable to bring an end to the log-rolling in which some of the manufacturers endeavour to indulge. I regard

an amendment of this character as vitally necessary. Another precedent is afforded in an English Act of 1532, whereby the mayors of boroughs and the rulers of counties and shires were called upon to assess the prices at which meat and other victuals should be sold. In the following year, however, the butchers complained that the graziers, breeders, and drovers would not sell the cattle at such prices as enabled the retailers to get "reasonable gains, and no more."

Mr. JOSEPH COOK.—Is there not an English Act of about the same period relating to the sale of herrings?

Mr. CONROY.—The Act relating to herrings was passed in the fifteenth century, and dealt with forestalling. When the butchers complained of the action of the graziers, breeders, and drovers, an Act was passed in 1538 providing that any breeder, grazier, or drover who refused to sell stock at reasonable prices should appear before the Justices, and that the latter should thereupon appoint "indifferent men"—that is disinterested men—to assess the prices. If the breeder, grazier, or drover refused to sell at the prices assessed he was haled before the Star Chamber, there to await the pleasure of King's Counsel.

Mr. JOSEPH COOK.—Things seem to have been much the same in those days as at the present day.

Mr. HUGHES.—The honorable and learned member for Werriwa has forgotten to mention the fixed prices for food in San Francisco recently.

Mr. CONROY.—There was an earthquake in San Francisco. The Minister in charge of the Bill ought to make further provision to meet the case of manufacturers who choose to work only half time, or take any other action of the sort. Legislation of this class ought to be carried right through to its logical conclusions. If the premises are such as to lead to absurd conclusions, the fault is not ours, but is that of those who assert the premises. This Bill is said to be in the interests of the workers, and amendments to that end ought to be accepted. Nobody can contend that this amendment would not be in the interests of the workers and the consumers, or that it would in any way prevent the manufacturer from appealing to the Court if he thought he was suffering injury. Indeed a manufacturer, who was acting from purely patriotic motives, and

who intended to divide the profits with his workers, would appeal to the Court with additional strength.

Mr. McWILLIAMS.—Not many manufacturers would appeal to the Court under such circumstances.

Mr. CONROY.—That may be; but we must not introduce legislation solely on behalf of two or three particular individuals. We must take care that consumers are not mulcted in extra prices, as they would be under prohibition provisions; at all events, we should take care that any extra prices or profits do not all go to the capitalist, but are distributed amongst the workers engaged in the production of the particular articles. The amendment would necessitate a further amendment. In order to prevent a manufacturer declaring that he had already sold all his goods—

The CHAIRMAN.—The honorable member must not anticipate an amendment.

Mr. CONROY.—To put myself in order I shall add the consequential amendment. In this connexion I intend to use the exact words of the celebrated English Act of 1368 in relation to forestalling. There were, of course, earlier English Acts of the kind, such as that provided for assizes to fix the prices of bread, corn, and ale.

Mr. WILSON.—What was the price of ale?

Mr. CONROY.—In those days four gallons of ale could be bought for a penny.

Mr. GLYNN.—One could get chops and tomato sauce for about 1½d. in those days!

Mr. CONROY.—A pig could then be bought for 4d. I have already read the words of the English Act in regard to forestalling, but, as some honorable members were not present when I did so, I shall read them again.

The CHAIRMAN.—That would be tedious repetition, the honorable member having already read the words.

Mr. CONROY.—I have not quoted the words in connexion with this clause.

The CHAIRMAN.—The honorable member read the words a few moments ago.

Mr. CONROY.—No; what I propose to read now is another section of the English Act, which is directly consequential on the addition to the amendment suggested by me. It is not my fault if the logical conclusions of such legislation as that now before us is not palatable to members of the Ministry. We should prevent a manufacturer from saying "I have sold all my goods," and so escaping the operation of the very clause which we have inserted in the

Bill. The words, the insertion of which I intend to move, will be somewhat as follows:—

Any forestaller which is an open oppressor of poor people and an enemy of the whole Commonwealth, which for greediness of his private gain buyeth in advance such things intending to sell them more dear, shall be liable to a penalty of £500.

Mr. WEBSTER.—Why not say "imprisonment for life"?

Mr. CONROY.—The honorable member, with his views on coercion, might be ready to support such a proposal, but I will be more moderate and fix only a monetary penalty to be paid by the manufacturer. As the money will remain in the country, the fine will not injure him, from his point of view.

The CHAIRMAN.—I must remind the honorable member that he moved a similar amendment last night, and that it was negatived. He cannot re-open that question.

Mr. CONROY.—Then a loophole will be left for the escape of offenders. For the reasons which I have given I have no hesitation in supporting the amendment of the honorable member for Perth. It commends itself to me as much more logical than any of the clauses already in the Bill. If it were proposed apart from a measure of this kind, it is quite possible that some of us would not be able to support it, but as we are dealing with a Bill of this kind it is incumbent upon us to make it as effective as possible. Although I am in opposition, I recognise that when a Bill has passed its second reading and gets into Committee, it is our duty to make it as consistent and logical with its own principles as we can.

Mr. DUGALD THOMSON (North Sydney) [11.34].—I must admit at once that the amendment of the honorable member for Perth embodies a logical extension of the principles of this measure. But as I have already opposed clauses in the measure which I think ridiculous, I am not going to support an amendment which will make it more ridiculous. That it is impossible of application the honorable member will himself recognise when I give an instance. Suppose an importer has a cargo of tea. No importer expects to obtain an exactly even profit on the different lines of tea in a cargo. Its quality depends largely on the season in the country from which it is procured.

Mr. FOWLER.—But we do not produce tea in Australia.

Mr. DUGALD THOMSON.—There are many other commodities which we do produce. We produce coffee, for instance.

Mr. FOWLER.—The amendment would work very well in the case of harvesters.

Mr. DUGALD THOMSON.—It might in that instance. The importer might find that he had to sell a portion of his cargo at a loss, some at cost, and some at a good profit. His net profit would depend upon the whole operation. But apart from that argument, I would ask honorable members to recollect that the deputy leader of the Opposition has given an undertaking to try to get this measure through this afternoon. Therefore, we should not prolong the debate on amendments which can lead to nothing.

Mr. CONROY.—I am thoroughly in accord with the amendment if this Bill is to be passed.

Mr. DUGALD THOMSON.—At any rate, we ought to get to a division as soon as possible.

Mr. LONSDALE (New England) [11.36].—I must admit at once that this amendment, no matter how silly it may be, is the logical outcome of the Bill. As the measure proposes not only to protect the manufacturer, but as the hypocritical pretence behind it is that it is intended also to protect the worker and consumer, we should take care that the consumer is effectually protected. I do not believe in this kind of legislation, but if, on the one side, we are going to prevent competition, then we ought to fix what is a fair price, we should take care of the other side also. I do not quite agree with the terms of the amendment, which, apparently, fixes the prices of imported goods. I suggest that the price inside at which all manufactured goods are to be sold should be fixed. We should prevent manufacturers from getting, by the aid of this Bill, increased prices. Why should we put it in the power of manufacturers to obtain just what prices they like? The Minister, on a former occasion, has accepted evidence from competitors as to the price of goods, and, on *ex parte* statements, has increased the price for Customs purposes. We should clip his angelic wings a little, and should, at any rate, prevent that kind of thing occurring in future. When prices have to be fixed, the matter should come before Parliament. And if we can fix the price of goods by

means of a duty, or in any other way, why should we not fix it positively? Why should not a Court, where evidence could be taken from all sides, have the right to fix the price?

Mr. DUGALD THOMSON. — Would the honorable member have the Court fixing the price to-day and changing it to-morrow?

Mr. LONSDALE.—Yes. Let us keep the Justice sitting to fix the price every day. I am against this kind of legislation, because it is absolutely absurd. The pretence is that the Bill is intended to help the consumers and workers. We have inserted a provision to help the workers, and why should we not insert a provision to prevent manufacturers from charging extreme prices? The particular friends of the Minister of Trade and Customs, in whose interest the Bill has been introduced, could insist upon the price of harvesters being kept at the very highest point. Why should we not say to these manufacturers, "You must sell your goods at a certain price, or you shall not get any relief under the Act"? Is there anything wrong in doing that? If there is, then the Bill is wrong all through. Of course, the Minister has his idea, and that is to help the rich against the poor. Outside and inside the House he poses as a great lover of the poor. But in every act he keeps his eye upon the wealthy, and does not care a straw as to what may become of the consumers or the workmen, so long as his special friends, the manufacturers, can be helped. With that alteration, I feel very much inclined to support the amendment, not because I believe in it, but because I consider that, if we are going to help everybody, we should try to adopt the best method. I admit that we cannot by law help everybody; but, as some classes of the community believe that certain words, when printed upon a piece of paper, can make persons rich and help the community, we might as well try to do so in this direction as in any other.

Mr. HENRY WILLIS (Robertson) [11.43].—I regard this proposal as impracticable as applying to the general trade of this country. The honorable and learned member for Werriwa was, I think, ironical. He cannot possibly agree with this proposal to determine what shall be the fair selling price of goods, if he calls to mind the definition of "probably" given by the Attorney-General, namely, that before the goods get into circulation they shall be seized if they would probably

destroy trade. The Bill is complete in its effort to interfere with trade; but what would a Justice know of general commerce to enable him to determine the price of goods?

Mr. LEE.—What would he know about unfair competition?

Mr. HENRY WILLIS. — Nothing at all. A Justice knows nothing about commercial affairs. This duty should be entrusted to an expert commercial man, or to a board of experts permanently appointed, and removed from political influence.

Mr. McWILLIAMS. — Would the honorable member like to be tried by a jury of experts?

Mr. HENRY WILLIS.—I would much sooner be tried by an expert than by an ignorant person. The proposal to determine the price of goods is absolutely absurd. Under the Bill the goods would be impounded. The use of the word "probably" would really be an inducement to incompetent persons to operate, because they would say, "The goods will then be set free, and we can determine the price, possibly with the assistance of the Comptroller-General of Customs."

Mr. LONSDALE.—I would not allow the Comptroller-General to act.

Mr. HENRY WILLIS.—No; but he is already authorized by the Bill to act. With a majority at their backs, the Government can do what they like. But I shall be no party to a proposal to interfere with trade in such a way as is indicated in the amendment. It is not an improvement upon the proposals of the Government, because it would offer an inducement to the deciding authorities to act. They would say, "The hardship will be minimized if we determine the price"—a thing which they would be absolutely unfit to do. Admitting that a man may be most competent as a Justice of the High Court, he may still be quite incompetent to fill a position in which he would have to deal with trade. And a man who is experienced in only one line of trade would not be competent to discharge the duty. It could only be properly performed by one who had a general knowledge of trade and commerce, a very wide experience, and very long standing in more than one country. I can not possibly support the amendment.

Mr. FOWLER.—The Justice could call expert evidence, and have access to the books of all those concerned.

Mr. HENRY WILLIS.—No. I think that the honorable member pointed out an

instance in which it might work. It is admitted to be practicable as regards certain classes of machinery, where the selling price in the country of production, and the selling price in the importing country are known. But when we come to think of the million and one manufactures the prices of which might have to be determined by the Justice or the Comptroller-General, we must see that the proposal is impracticable.

Mr. JOHNSON (Lang) [11.47].—I do not agree altogether with the opinions expressed by the honorable member for Robertson in regard to the amendment. It seems to me that if it is fair to legislate for the purpose of protecting the profits of the local manufacturers by limiting competition—and I disagree with the contention that it is—then it is equally right, by similar legislation, to seek to limit the power of a local manufacturer to raise the price of his goods to the public. The purpose of the amendment is to prevent the local manufacturer, when once he has secured a monopoly, from unduly raising the prices beyond what the Court—which, I suppose, will be the deciding body—may deem to be fair and reasonable. I quite agree with the honorable member for New England and the honorable and learned member for Werriwa, that all legislation of this character is mischievous and dangerous. But if we are to have such legislation, let us see that we protect everybody all round. If the manufacturer is to be protected, the wage-earner should also be protected. We must see that he shall get his "cut" out of the benefits of the monopoly, and also that the public, who, after all, are the principal persons to be considered, shall not be made to pay unduly through the nose for the benefits which have been conferred upon the manufacturers. Although I do not believe in the principle of the amendment, as a principle generally, still, as it is operating all through the Bill for the purpose of protecting other sections of the community, it is about time that the interests of the public were considered. It is, I admit, a late hour at which to consider them, but the amendment certainly makes an effort to recognise that there is a public to be considered, and to have its pocket protected against undue onslaughts by local monopolists. For that reason, I feel inclined to support the amendment. I desire to call the attention of the honorable member for New England to the fact that he seems to have read the clause

a little wrongly, because he assumed that the amendment is for the purpose of regulating the price of the imported article.

Mr. LONSDALE.—That is how it strikes me.

Mr. JOHNSON.—As a matter of fact, it is for the purpose of regulating the price of goods protected under this provision; that is to say, locally-produced goods. Therefore, it meets the objection which was in the mind of the honorable member for New England.

Mr. LEE (Cowper) [11.51].—I shall support the amendment of the honorable member for Perth. Objection has been taken to the proposal that the Court should say what is a reasonable selling price; but the Court must do this in order to determine what is unfair competition, and consumers are entitled to know what is the fair selling price fixed upon. Of course, this arrangement will play into the hands of the importers to some extent, who, if they have been selling their goods at prices lower than those at which articles can be manufactured locally, will immediately raise their rates. Indeed, the measure gives no protection to the consumer; it has been introduced entirely in the interests of the manufacturers, while those of the public have been altogether neglected.

Question.—That the words proposed to be added be so added—put. The Committee divided.

Ayes	19
Noes	23

Majority	4
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AYES.

Batchelor, E. L.	Lonsdale, E.
Brown, T.	McWilliams, W. J.
Carpenter, W. H.	Spence, W. G.
Conroy, A. H. B.	Thomson, D. A.
Fisher, A.	Watson, J. C.
Fowler, J. M.	Webster, W.
Frazer, C. E.	Wilks, W. H.
Fysh, Sir P. O.	<i>Tellers:</i>
Hughes, W. M.	Johnson, W. E.
Liddell, F.	Lee, H. W.

NOES.

Bamford, F. W.	Page, J.
Chanter, J. M.	Poynton, A.
Chapman, A.	Ronald, J. B.
Cook, J.	Salmon, C. C.
Culpin, M.	Skene, T.
Ewing, T. T.	Storrer, D.
Forrest, Sir J.	Thomson, D.
Glynn, P. McM.	Wilkins, J.
Hutchison, J.	Wilson, J. G.
Isaacs, I. A.	<i>Tellers:</i>
Kelly, W. H.	Cook, Hume.
Lyne, Sir W. J.	Mauger, S.

PAIRS.

Tudor, F. G.	Deakin, A.
O'Malley, K.	Robinson, A.
Thomas, J.	Gibb, J.
Maloney, W. R. N.	Knox, W.
Mahon, H.	Groom, L. E.

Question so resolved in the negative.

Amendment of the amendment negatived.

Amendment, as amended, agreed to.

Amendment (by Sir WILLIAM LYNE) proposed—

That the following new sub-clauses be added:—

"4. Except where delay would, in the opinion of the Comptroller-General, defeat the objects of this Part of this Act, the Comptroller-General shall, before making his certificate, give to the importer an opportunity to show cause why the certificate should not be made.

5. On receipt of the certificate the Minister may—

(a) by order in writing refer to a Justice the investigation and determination of the question whether the imported goods are being imported with the intention alleged; and if so, whether the importation of the goods should be prohibited either absolutely or subject to any specified conditions or restrictions; and

(b) notify in the *Gazette* that the question has been so referred."

Mr. DUGALD THOMSON (North Sydney) [12.0].—I should like to know why, under any circumstances, an importer should be denied an opportunity to show why the certificate should not be made. If the Comptroller-General has time to get information from other people, he can surely show the importer a little consideration. I move—

That the amendment be amended by leaving out the words "Except where delay would in the opinion of the Comptroller-General defeat the objects of this Part of this Act," lines 1 to 3.

Sir WILLIAM LYNE.—I accept that.

Amendment of the amendment agreed to.

Amendment (by Mr. JOSEPH COOK) agreed to—

That the amendment be further amended by the addition to sub-clause 4 of the words "and furnish him with a copy of the complaint."

Mr. GLYNN (Angas) [12.5].—We have already agreed to an amendment providing that the name, address, and occupation of the person who gives information shall be supplied to the importer. I would point out, however, that the informer may be a man of straw put forward by some person of means. To prevent the possibility of anything of that kind, I think that a bond should be taken from the informer that he

will comply with any order of the Court as to costs in the event of the adjudication being in favour of the importer. I move—

That the amendment be further amended by the insertion of the following new sub-clause, to follow sub-clause 4 :—

“4A. No certificate shall be issued on information supplied by any person not being an officer of the Public Service unless such person gives to the Minister a bond for such amount and with such surety as the Minister may approve to abide any order of the Justice as to costs if the Justice determines the question in favour of the importer.”

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs [12.8].—I trust that the honorable and learned member will not press his amendment, because I am endeavouring to meet the wishes of honorable members as far as I can. I intend to move the insertion of a new clause which will provide that the person giving information may be ordered by the Justice to whom the question is referred under this part of the Act to pay the whole, or part, of the costs incurred by the importer in whose favour the question is determined. That would apply to the case of a person wilfully making a false declaration or giving misleading information.

Mr. GLYNN.—That would afford no security.

Sir WILLIAM LYNE.—Does the honorable member suppose that in the event of a man of straw coming forward, the Comptroller-General, or the Minister, would take action?

Mr. GLYNN.—I am afraid he would.

Sir WILLIAM LYNE.—I do not think the amendment would be workable. On the other hand, abundant safeguards would be afforded under the provision I intend to insert.

Mr. LONSDALE (New England) [12.9].—I trust that the honorable and learned member for Angas will press his amendment. If a number of workmen were put forward by their employer to say that the importation and sale of certain goods in Australia would have a tendency to reduce their remuneration, how would it be possible to recover costs from them? I suppose that the Minister would act on information supplied by workmen who believed that their interests were suffering.

Mr. MCWILLIAMS.—The Bill is intended for the benefit of the manufacturer, and not for that of the workers.

Sir WILLIAM LYNE.—The amendment would not help the working man.

Mr. LONSDALE.—The question is would there be anything unfair in the amendment? Is it not fair that an importer, who may be involved in heavy loss, owing to false information being given to the Customs authorities, should have some redress? The Minister has asked “Would any Minister act upon the information of a man of straw?” We know that the Minister himself has acted upon the testimony of local manufacturers without even taking the preliminary precaution of examining their books. He has acted upon their mere *ipse dixit* to do things which were absolutely wrong.

Mr. WEBSTER.—What things?

Mr. LONSDALE.—The Minister raised the valuation upon imported harvesters for Customs purposes upon the unsupported statements of local manufacturers.

The CHAIRMAN.—Order!

Mr. LONSDALE.—I am not here to conceal facts, but to make my position absolutely clear. Personally, I decline to trust a Minister who has got the ear of the manufacturers. We should safeguard the interests of the men at whom this Bill is aimed. If the honorable and learned member for Angas presses his amendment to a division, I shall be found supporting him. It is only just that persons who lay an information should back up their statements with a bond as an evidence of their *bona fides*.

Mr. KELLY (Wentworth) [12.13].—The Minister declares that his aversion to the amendment is due to the fact that it would prevent any person in the position of a workman from initiating proceedings.

Sir WILLIAM LYNE.—No, I said that it might have that effect.

Mr. KELLY.—We all recognise that it would be extremely difficult for a workman to bring the Act into operation. But if the Minister will scrutinize its provisions carefully he will find that the Bill itself affords a sufficient answer to his fears. Clause 14 defines “unfair competition”—which is the essential element underlying the commencement of any action—as something which, under ordinary circumstances of trade, “would probably lead to the Australian goods being no longer produced, or being withdrawn from the market, or being sold at a loss, unless produced at an inadequate remuneration for labour.” How

can anybody, except the manufacturer, know that competition is going to affect his industry in the way suggested? A workman may fear that his own employment will be prejudiced, but I take it that the Government will not act upon mere assumption. They will act only upon some *bonâ fide* assurance, and that assurance can only properly emanate from the manufacturer. Consequently I cannot see how the Government can refuse to accept the amendment.

Mr. McWILLIAMS.—If they do not consent to it we shall never have a responsible person making a charge.

Mr. KELLY.—Exactly. The object of this part of the Bill is to prevent dumping, but the clause in its present form is an absolute inducement to "dummying." I can understand the Minister's original reluctance to accept the amendment, but now that he recognises that under the Bill the only persons who can approach him are the local manufacturers, I think that he should insist upon them backing their statements with a substantial bond. I hope that the amendment will be pressed to a division.

Mr. GLYNN (Angas) [12.17].—The Minister has asked whether I think that any Minister of Trade and Customs would act upon the evidence of a man of straw? That depends entirely upon the character of the evidence, and not upon the solvency of the individual. The clause reads—

The Comptroller-General, whenever he has reason to believe that any person, &c.

The words "reason to believe" constitute a clear answer to the statement of the Minister.

Question—That the words proposed to be inserted be so inserted—put. The Committee divided.

Ayes	...	...	...	15
Noes	...	...	...	26
				—
Majority	...	...	...	11

AYES.

Brown, T.	Lonsdale, E.
Conroy, A. H. B.	McWilliams, W. J.
Cook, J.	Thomson, D.
Glynn, P. M.	Wilks, W. H.
Hughes, W. M.	Wilson, J. G.
Johnson, W. E.	<i>Tellers:</i>
Knox, W.	Kelly, W. H.
Lee, H. W.	Liddell, F.

NOES.

Batchelor, E. L.	Poynton, A.
Carpenter, W. H.	Ronald, J. B.
Chanter, J. M.	Salmon, C. C.
Chapman, A.	Spence, W. G.
Culpin, M.	Storror, D.
Ewing, T. T.	Thomson, D. A.
Fisher, A.	Tudor, F. G.
Forrest, Sir J.	Watson, J. C.
Hutchison, J.	Webster, W.
Isaacs, I. A.	Wilkinson, J.
Lyne, Sir W. J.	
Maloney, W. R. N.	<i>Tellers:</i>
Mauger, S.	Cook, Hume
Page, J.	Frazer, C. E.

PAIRS.

Smith, S.	Higgins, H. B.
Gibb, J.	Thomas, J.
Fuller, G. W.	Phillips, P.
Robinson, A.	O'Malley, K.
Skene, T.	Deakin, A.
Edwards, R.	Groom, L. E.

Question so resolved in the negative.

Amendment of the amendment negatived.

Amendment (by Mr. KELLY) agreed to—

That the amendment be further amended by the addition of the following new paragraph:—

"(c) Forward to the Justice a copy of the certificate."

Amendment, as amended, agreed to.

Mr. McWILLIAMS (Franklin) [12.27].—I move—

That the following new paragraph be added:—

"(d) In the case of the following agricultural implements:—Ploughs of all kinds over 1½ cwt., tine harrows, disc harrows, grain drills, combined grain seed and manure drills, land rollers, cultivators, chaff cutters, seed cleaners, stripper harvesters, and any other implement usually used in agriculture, the Justice shall inquire into and determine the question whether the goods are being imported with the effect of benefiting the primary producers of the Commonwealth."

This is an exact copy of the provision in the New Zealand Act, under which agricultural implements which are tools of trade of farmers are exempt.

Mr. ISAACS (Indi—Attorney-General) [12.29].—If the honorable member for Franklin would allow me, I should like to point out that the clause with which we are now dealing relates only to disputes. What the honorable member desires to do is to put in a direction to the Justice as to what he shall determine, and that can be done more appropriately in clause 17.

Amendment, by leave, withdrawn.

Clause, as amended, agreed to.

Clause 16—

From the date of the *Gazette* notice until the report of the Board has been dealt with by the Governor-General, goods the subject of the investigation shall not be imported except upon such security and subject to such conditions as the Minister approves; and those goods shall, if imported in contravention of this section, be deemed to be prohibited imports within the meaning of the Customs Act 1901, and the provisions of that Act shall apply to the goods accordingly.

Amendment (by Sir WILLIAM LYNE) proposed—

That the words "report of the Board has been dealt with by the Governor-General" be left out, with a view to insert in lieu thereof the words "publication in the *Gazette* of the determination of the question by the Justice."

Mr. DUGALD THOMSON (North Sydney) [12.31].—There is a very serious provision in this clause. Immediately it is considered by the Comptroller-General that there is unfair competition, for instance, the goods are to be held up.

Mr. ISAACS.—Not by the Comptroller-General, but by the Minister.

Mr. DUGALD THOMSON.—The Comptroller-General takes the initiative, and then if the Minister acts upon his report the goods are to be held up.

Mr. ISAACS.—Has the honorable member seen the amendments which are proposed in this clause?

Mr. DUGALD THOMSON.—I see that it is proposed that the importer shall give the Minister a bond with such sureties as the Minister approves.

Mr. ISAACS.—And later on it may be voided if the Justice determines the question in favour of the importer.

Mr. DUGALD THOMSON.—That is better than the original clause, and I shall not, therefore, press my objection.

Amendment agreed to.

Amendment (by Sir WILLIAM LYNE) agreed to—

That the words "except upon such security and subject to such conditions as the Minister approves" be left out, with a view to insert in lieu thereof the following words:—

"unless the importer—

(a) gives to the Minister a bond with such sureties as the Minister approves, for such amount (not exceeding the true value of the goods for Customs purposes) as the Minister considers just and reasonable by way of precaution in the circumstances, and conditioned to be void if the Justice determines the question in favour of the importer; or

(b) gives such other security and complies with such other conditions as the Minister approves."

Clause, as amended, agreed to.

Clause 17—

1. The Board shall expeditiously and carefully investigate and report upon the matter, and for the purpose of the investigation shall have power to inquire as to any goods, things, and matters whatsoever which they consider pertinent, necessary, or material.

2. For the purpose of the investigation the Board shall be deemed to be and to have all the powers of a Commission within the meaning of the Royal Commissions Act 1902, and the provisions of that Act shall apply to the investigation.

3. The investigation shall extend to ascertain whether the competition is or probably will be unfair, and if unfair then in what respects, and the Board shall report to the Minister accordingly.

4. In the event of a difference of opinion among the members of the Board as to any matter arising in the course of the investigation or report, the opinion of the majority shall be the opinion of the Board, but the dissenting member of the Board may separately state his opinion.

Clause consequentially amended.

Amendment (by Sir WILLIAM LYNE) proposed—

"That sub-clauses 2, 3, and 4 be left out with a view to insert in lieu thereof the following new sub-clauses:—

2. For the purpose of the proceeding the Justice shall sit in open Court, and shall have all the powers of a Justice in the exercise of the ordinary jurisdiction of the High Court, including the power, if he thinks fit, to state a case for the opinion of the Full Court upon any question of law arising in the proceeding.

3. The certificate of the Comptroller-General shall be *prima facie* evidence of facts by this Act if required to be specified thereby.

4. In addition to the Comptroller-General and the importer the Justice may, if he thinks fit, allow any person interested in importing imported goods to be represented at the investigation.

5. The Justice shall be guided by good conscience and the substantial merits of the case, without regard to legal forms or technicalities, or whether the evidence before him is in accordance with the law of evidence or not."

Mr. DUGALD THOMSON (North Sydney) [12.40].—I draw attention to the fact that under this clause no appeal is allowed except as to a question of law. I think there ought to be an appeal to the Full Court from a decision of a Judge in such an important matter. A man's livelihood may depend on the decision, and I point out that the Judge himself may refer to the Full Court on questions of law. The Judge has not only to decide questions of fact, but to practically form an opinion and come to certain conclusions; and he may form a wrong opinion. Why not allow appeal, as in many other less important

cases? It is not as if any injury would thereby be done to the plaintiff.

Mr. ISAACS. — There is not generally any appeal as to questions of fact.

Mr. DUGALD THOMSON.—But it is not a question of fact; it is a question of opinion and decision. The facts may be admitted, and on those facts the Judge comes to a certain determination which may seem to the party affected so unjust that he will desire to appeal to the Full Court. These decisions may affect whole classes of trade—may affect very seriously a large portion of the trade of the country—and surely there ought to be the right of appeal, in order to ascertain whether the Full Court will sustain the decision of a single Judge.

Mr. ISAACS.—The decisions will not be more extensive in their operation than the decisions of the Judge under the Arbitration Act.

Mr. DUGALD THOMSON.—The Arbitration Act differs from nearly all other Acts.

Mr. ISAACS.—But under the Arbitration Act there are many cases similar to those which will arise under this Bill.

Mr. DUGALD THOMSON. — Under the Arbitration Act it is provided that there shall be no delay, such as would result in keeping a business in a state of disturbance.

Mr. ISAACS.—There is the same provision under the Bill; the same words are adopted.

Mr. DUGALD THOMSON. — But under the Bill the person who suffers is the person who may desire to appeal, and he cannot conduct his business without entering into bonds until the appeal is settled.

Mr. ISAACS.—The business is not disturbed, but may go on.

Mr. DUGALD THOMSON.—A man has to provide bonds, and that in itself is a great disturbance. A man cannot find bonds to an unlimited extent.

Mr. ISAACS.—It is not unlimited.

Mr. DUGALD THOMSON. — A man might have to find a number of bonds one after another, in order to be permitted to carry on his business.

Mr. ISAACS.—Would there not be delay in any case?

Mr. DUGALD THOMSON. — There would only be delay as affecting the party who desired to appeal. No doubt the decision of the Full Court would take some little time to obtain. The importer would

be affected more than anybody else, and if he were willing to incur the delay, and give bonds, why should he not have the opportunity to appeal? The instances will not be occasional, but, even from the Minister's stand-point, continuous. If appeal were allowed, it would only mean that, for a little time, the party concerned would have to continue his business under bond, and then the Court would finally settle the conditions.

Mr. ISAACS.—I can quite see that the difficulty mentioned might arise under the proposed new sub-clause 7.

Mr. DUGALD THOMSON. — I must say that I do not place so much importance on the point in connexion with the proposed new sub-clause 2, but I thought I would mention the matter now. The amendments are so complicated that one is apt to get confused; but I would point out that the decision may mean the forfeiture of the goods under clause 16. Under the Customs Act there are certain prohibited goods, and the Bill includes the provisions of that Act. Section 229 of the Customs Act declares that certain goods shall be forfeited.

Mr. ISAACS.—An appeal to the Court would not affect clause 16.

Mr. DUGALD THOMSON.—But the seriousness of the matters involved make it desirable to have the power to appeal. Under the provisions of the Customs Act the goods might be absolutely forfeited. The more important question as to unfair competition, should, I think, also be subject to appeal, if the party affected takes the great risk of giving bonds to cover his business in the meantime.

Mr. GLYNN (Angas) [12.48].—I think that the proposed new sub-clause 3 ought not to stand. We have passed clauses under which the opinion of the Judge or the Comptroller-General establishes the fact of unfair competition. The Comptroller-General may be of opinion that unfair competition exists, and when the question is sent on, the Judge is to have the power to determine that it does exist; in other words, the slightest possible evidence will justify the Judge in expressing that opinion, which no one can possibly challenge. Notwithstanding that we give this tremendous power to the Judge, we say that every allegation in the certificate shall be deemed to be correct. That is not consistent with the ordinary methods of proof. By clause

15 we provide that the certificate must contain certain statements, including one that the goods are being imported with the intention to destroy Australian industry.

Mr. ISAACS.—No.

Mr. GLYNN.—I beg the Attorney-General's pardon.

Mr. ISAACS.—Will the honorable and learned member look at—

Mr. GLYNN.—I know perfectly well that the Attorney-General is going to refer me to sub-clause 2.

Mr. ISAACS.—Yes.

Mr. GLYNN.—I do not think that sub-clause is at all exhaustive. This is a particularly clever Bill, and we have to be cautious.

Mr. ISAACS.—I have no objection to add to the proposed new sub-clause 3, the words "required by sub-section 2 of section 15."

Mr. GLYNN.—Not only the matters in this sub-clause 2 which the Attorney-General now thinks ought to be the limit of this *prima facie* evidence, but also the matters specified in sub-clause 1, which contain the whole gist of these provisions, are presumed to be correct, no matter how elaborate and exhaustive they may be, unless the importer can show that the evidence concerning any one of them is false. It will be exceedingly difficult for the importer to counteract the effect of that *prima facie* presumption. He will not only have to give evidence, but will have to go into the matter of foreign prices in foreign markets, fair rates of wages, and I do not know what. Not only should we amend the clause in the direction suggested by the Attorney-General, so as to confine its operation to sub-clause 2—which is a considerable limitation—but even with that amendment the clause should not stand in the Bill. I move—

That the amendment be amended by the insertion, after the word "by," line 12, of the words "sub-section 2 of section 15 of."

Mr. KELLY (Wentworth) [12.52].—Under sub-clause 2 of clause 15 the grounds for interference with the competition will be amongst the matters dealt with. If those grounds are to be taken as *prima facie* evidence, would it be competent for the accused to call for the person who has alleged those grounds to the Comptroller-General, in order to examine him as to his reasons?

Mr. ISAACS.—Certainly. There is power to call any witnesses. There is no limitation.

Amendment of the amendment agreed to.

Amendment, as amended, agreed to.

Mr. ISAACS (Indi—Attorney-General) [12.54].—I move—

That the following new sub-clause be added:—

"6. No person shall in any proceeding before a Justice be excused from answering any question or producing documents on the ground that the answer or production may criminate or tend to criminate him, but this answer shall not be admissible in evidence against him in any criminal proceedings other than a prosecution for perjury."

Mr. KELLY (Wentworth) [12.55].—Would this provision protect the witness from any penalties under clause 21 in the event of his making a false declaration?

Mr. ISAACS.—Yes, the falsity would have to be proved against him. It is a well-known principle that no one is obliged to incriminate himself.

Mr. KELLY.—I can see a loop-hole for any one who had made a false statement as to unfair competition, which would bring him within the provisions of clause 21. If he goes into Court and gives evidence of his own criminal intent, he is saved from prosecution therefor.

Mr. ISAACS (Indi—Attorney-General) [12.56].—If this new sub-clause is not inserted, a witness can refuse to answer, on the ground that to do so will incriminate him. The sub-clause is intended to compel him to answer. It opens his mouth; it does not close it. If we assume that he has wilfully given false evidence, he may refuse to answer any questions about it, because to do so may tend to incriminate him. This sub-clause is to leave it open for the Justice to say, "You must answer, although you cannot, on your own admission, be proceeded against, unless you commit perjury."

Mr. KELLY.—Would it be possible to institute proceedings for perjury under clause 21?

Mr. ISAACS.—We will consider that on the recommittal stage.

Amendment agreed to.

Amendment (by Sir WILLIAM LYNE) proposed—

That the following new sub-clause be added:—

"7. The Justice shall forward his determination to the Minister."

Mr. KNOX (Kooyong) [12.59].—I move—

That the amendment be amended by the insertion, after the word "Minister," of the following words:—

"who shall—

"(a) lay the determination before both Houses of the Parliament within seven days after its receipt, if the Parliament is then sitting, or, if the Parliament is not then sitting, within seven days of the next meeting of the Parliament; and

"(b) cause to be submitted to both Houses of the Parliament a resolution approving of the determination.

"If the resolution is passed by both Houses of the Parliament, the Governor-General may, under the powers of the *Customs Act* 1901, prohibit the importation of the imported goods, either absolutely or under such conditions and restrictions as he deems just, and in that case the provisions of that Act shall apply to goods so prohibited."

Sitting suspended from 1 to 2 p.m.

Mr. KNOX.—The objects of the amendment are, I think, sufficiently clear to honorable members, without calling for much explanation on my part. The sub-clause, as it stands, reads—

The Justice shall forward his determination to the Minister, who shall, &c.

Since I gave notice of my intention to move this amendment, there has been a very important alteration made, and that is the substitution of a Justice of the High Court for the Board. But I still believe that the object and purpose of the measure would have been much more effectively and fairly secured if the course I am now suggesting had been adopted, even without the intervention of the Justice. As soon as the receipt of the certificate of the Comptroller-General had been acknowledged by the Minister it should have placed an obligation upon the latter to at once consult Parliament if sitting. But if it be not sitting, I venture to suggest that the procedure proposed under a Justice will occupy a considerable time. No inspector can be at the beck and call of the Comptroller-General or Minister; he may be in another part of the Commonwealth; and consequently there may be a long interval before a decision can be obtained.

I hold that a similar objection will apply to the employment of a Justice. I do not think that there should be any opposition offered to the amendment on that ground. I would remind the Minister that the Bill is intended to deal with extraordinary conditions. The Attorney-General has stated that he regards the Tariff as dealing with ordinary importations, but this Bill as dealing with extraordinary importations. I may be told that the Minister would always be responsible to Parliament, and that it would always be open to it to dissent from his action. But that argument, I submit, does not properly apply here, inasmuch as there may reasonably be a diversity of opinion on a subject of this magnitude. I earnestly hope that this fair and just proposal may receive serious consideration from the Minister. He perhaps still adheres to his view that, after representations have been made and justified before a Justice of the High Court, importations which may be of great magnitude may be justly prohibited, and that there is no justification for the position I have taken up. But I earnestly submit that there is a serious responsibility placed upon the Minister as to the manner in which the Bill shall be applied, and that any suggestion is worthy of consideration. I understand that a distinct promise has been given by the Opposition to push the Bill through its Committee stage to-day. Therefore, I do not propose to deal exhaustively with the subject-matter of the amendment, or to show to what extent restraint of trade may be involved. It is a tremendous power which is being given to the Minister. I think that even with the reference to the Justice, it will be found to be rather complicated and expensive machinery, and to entail enormous hardship upon certain importers. I submit that inasmuch as the Ministry has substantially affirmed that the object of the Bill is to deal with extraordinary conditions, we are justified in asking that Parliament should be afforded an opportunity of considering extraordinary determinations of the Minister. Every item of the Tariff had to be approved by both Houses, and surely when drastic action is taken by the Minister in regard to certain imports his determination ought to be subject to review by the same tribunal. I sincerely believe that if the amendment is adopted, it is likely to improve the condition of things. It is not submitted out of any feeling of hostility to the principle underlying the measure. If

the Bill is seriously applied, even with the numerous alterations which have been made, and the concessions which have been secured, I fear that serious consequences may result. Parliament is the expression of the will of the people, and it should, I think, be called in as arbitrator in a matter of this importance.

Mr. JOSEPH COOK (Parramatta) [2.9].—I rise to support the amendment, which I hope will be agreed to. It has a great deal more importance than appears on the surface. For the first time in the history of a British Parliament, there is a deliberate proposal to put the power of prohibiting trade outside Parliament. I see nothing inconsistent with the machinery providing for full and fair inquiry by a Justice with all the powers of a Court, thus guaranteeing a disinterested, impartial, and thorough sifting of all the facts concerning allegations of dumping. That will be an advantage, I have no doubt, because when we receive such evidence from the Justice, it will be practically the last word as to the substantiality of the facts alleged or otherwise. Therefore, I think that instead of leaving the matter for the final determination of a Justice, we ought to reserve to ourselves the right to determine whether goods shall be prohibited from entering the Commonwealth even though they may be subject to the Tariff impositions which Parliament has already provided for. We have established trading relations with other parts of the British Empire, and with the rest of the world, meeting differences in skill, advancement, numbers, or efficiency between our workmen and their competitors by the imposition of duties. But it is now proposed to hand over to the Minister the right to arbitrarily prohibit importation, without the necessity of consulting Parliament in the matter. This is the first time that the giving of such power to the Minister has been suggested. Parliament should not let this power leave its hands. If it does, it fritters away the sovereign control with which it is invested. I hope that the honorable member for Kooyong will press his amendment to a division.

Question—That the words proposed to be inserted be so inserted—put. The Committee divided.

Ayes	...	...	15
Noes	...	...	29
			—
Majority	...	...	14

AYES.

Cameron, D. N.	McLean, A.
Cook, J.	McWilliams, W. J.
Edwards, R.	Robinson, A.
Glynn, P. McM.	Thomson, D.
Kelly, W. H.	Wilks, W. H.
Knox, W.	<i>Tellers:</i>
Lee, H. W.	Conroy, A. H. R.
Lonsdale, E.	Johnson, W. E.

NOES.

Bamford, F. W.	Mahon, H.
Batchelor, E. L.	Mauger, S.
Carpenter, W. H.	O'Malley, K.
Chapman, A.	Page, J.
Crouch, R. A.	Poynton, A.
Culpin, M.	Ronald, J. B.
Deakin, A.	Salmon, C. C.
Ewing, T. T.	Storror, D.
Fisher, A.	Thomson, D. A.
Forrest, Sir J.	Tudor, F. G.
Frazer, C. E.	Watkins, D.
Groom, L. E.	Webster, W.
Hutchison, J.	<i>Tellers:</i>
Isaacs, I. A.	Cook, Hume.
Lyne, Sir W. J.	Wilkinson, J.

PAIRS.

Skene, T.	Maloney, W. R. N.
Gibb, J.	Thomas, J.
Fuller, G. W.	Phillips, P.
Smith, S.	Higgins, H. B.

Question so resolved in the negative.

Amendment of the amendment negatived.

Mr. ROBINSON (Wannon) [2.20].—The former proposal was that the Justice's determination should have no effect until Parliament had approved of it, but I now suggest that the determination should have effect until thirty days after the meeting of Parliament. This would maintain the supremacy of Parliament in matters of taxation. The form of the amendment is as follows:—

Provided that any determination shall have effect only until thirty days after its publication in the *Gazette* if the Parliament be then in session, or until thirty days after the next session of Parliament if Parliament be not in session, unless in the meantime a resolution is passed by both Houses of Parliament approving the determination.

I do not know that the wording is the best that could be adopted, and, therefore, in order to test the feeling of the Committee, I move—

That the amendment be amended by the addition of the word "Provided."

Mr. KELLY (Wentworth) [2.22]. — I think that the Minister might very well accept the amendment. I could understand, although I could not approve of, his refusal to accept the previous amendment. He might hold that it would be impossible

for the Justice to meet a sudden emergency, if Parliament were not sitting. Under the amendment proposed by the honorable and learned member for Wannon, however, the Justice would be able to decide a question *pro tem.*, and we should afterwards have an opportunity to say whether or not his decision should stand.

Mr. McWILLIAMS.—A question of that kind could always be raised in the House.

Mr. KELLY.—No. It might not be possible, under the Bill as it stands, because a Government with strong fiscal views might approve of a verdict, and avail themselves of the forms of the House to preclude honorable members from reviewing it. The Government can have no reasonable excuse for resisting the amendment, unless they are prepared to delegate the powers of Parliament absolutely to an outside tribunal.

Question.—That the word proposed to be added be so added—put. The Committee divided.

Ayes	...	...	16
Noes	...	...	31
Majority	...	...	15

AYES.

Cameron, D. N.	McLean, A.
Conroy, A. H. B.	McWilliams, W. J.
Cook, J.	Robinson, A.
Edwards, R.	Thomson, D.
Glynn, P. McM.	Wilson, J. G.
Kelly, W. H.	
Knox, W.	
Lee, H. W.	
Lonsdale, E.	

Tellers:

Johnson, W. E.
Wilks, W. H.

NOES.

Bamford, F. W.	Mahon, H.
Batchelor, E. L.	O'Malley, K.
Carpenter, W. H.	Page, J.
Chapman, A.	Poynton, A.
Crouch, R. A.	Ronald, J. B.
Culpin, M.	Salmon, C. C.
Deakin, A.	Spence, W. G.
Ewing, T. T.	Storror, D.
Fisher, A.	Thomson, D. A.
Forrest, Sir J.	Tudor, F. G.
Frazer, C. E.	Watkins, D.
Groom, L. E.	Webster, W.
Hughes, W. M.	Wilkinson, J.
Hutchison, J.	
Isaacs, I. A.	
Lyne, Sir W. J.	

Tellers:

Cook, Hume
Mauger, S.

PAIRS.

Smith, S.	Higgins, H. B.
Fuller, G. W.	Phillips, P.
Gibb, J.	Thomas, J.
Skene, T.	Kennedy, T.
Knox, W.	Bonython, Sir J. L.
Cameron, D. N.	Batchelor, E. L.
McWilliams, W. J.	Storror, D.
Fysh, Sir P. O.	Crouch, R. A.

Question so resolved in the negative.

Amendment of the amendment negatived.

Amendment agreed to.

Mr. McWILLIAMS (Franklin) [2.30].—I move—

That the following new sub-clause be added:—

"(8) In the case of the following agricultural implements:—Ploughs of all kinds over $1\frac{1}{2}$ cwt., tine harrows, disc harrows, grain drills, combined grain seed and manure drills, land rollers, cultivators, chaffcutters, seed cleaners, stripper harvesters, and any other implement usually used in agriculture, the Justice shall inquire into and determine the question whether the goods are being imported with the effect of benefiting the primary producers of the Commonwealth."

One of the reasons given for the introduction of this Bill was that a combine of agricultural implement makers might be formed with the object of ruthlessly destroying the Australian industry, and afterwards of inordinately increasing the price of their manufactures for the purpose of fleecing the agriculturists. Personally, I have never entertained the slightest fear of anything of the kind, and there has not been a tittle of evidence adduced in support of it. I regard the plough, the harrow, and the seed drill as the tools of trade of the farmer. If Australia is ever to progress, it must be by attracting a rural population.

Mr. WILKS.—Are these implements made in Great Britain?

Mr. McWILLIAMS.—Yes; they are manufactured there very largely. Australia can only progress by the settlement of the people upon the land. That fact is generally admitted, but I notice that any proposal to directly assist the agriculturists usually meets with very little sympathy in this House. We have only to look at the enormous improvements which have been made in farming implements during the past decade to recognise the necessity which exists for the insertion of the amendment which I have submitted. Ten years ago the position of the agriculturists was very different from what it is to-day. Since then all sorts of labour-saving appliances have been introduced. For example, a better crop can be obtained to-day by means of the seed drill, using only half the quantity of seed, than could be procured under the old method of sowing broadcast. Year by year further improvements are being effected. We know

that at the present time enormous rewards are being offered in America for labour-saving appliances in connexion with cotton-picking, and if Australia is ever to become a cotton-producing country, it must be either by the use of very cheap labour—which none of us wish to see employed—or by the use of the most up-to-date machinery. I believe that the employment of labour-saving appliances would probably solve the problem which is to-day presented by our Northern Territory by enabling us to successfully cultivate tropical products. Agricultural machinery is at present in a state of evolution. The machine which was perfect last year may next year be out of date. In the United States and Canada especially, the enormous fortunes acquired by great implement makers are being utilized for the one purpose of steadily improving their machinery. So far as many of our primary producers are concerned, we must recollect that they have to face the markets of the world with their surplus products. Our wheat, butter, and fruit have to compete with countries which employ the most up-to-date machinery. No Tariff can possibly assist them. If our farmers are to increase their export trade, it can only be by the use of the best labour-saving appliances obtainable. I am aware that a clause has already been inserted in the measure which, to some extent, protects the manufacturer. But if we pass the Bill in its present form, it will be within the power of those who are engaged in the manufacture of out-of-date machinery to hold up the importation of the most modern labour-saving appliances, and thus to place our agriculturalists under an enormous disadvantage.

Sir WILLIAM LYNE (Hume—Minister of Trade and Customs) [2.39].—I certainly cannot accept the amendment of the honorable member in its present form, but if he is prepared to agree to its modification by the insertion after the word "producers," of the words "without unfairly injuring any other section of the community," I will agree to it.

Mr. MCWILLIAMS.—That would spoil the effect of the clause.

Sir WILLIAM LYNE.—It will spoil the honorable member's little game. I move—

That the amendment be amended by inserting after the word "producers" the words "without unfairly injuring any other section of the community."

Mr. LONSDALE (New England) [2.40].—I am in favour of the amendment of the amendment proposed by the honorable member for Franklin.

Mr. JOSEPH COOK.—I rise to a point of order. I submit that the amendment of the amendment just proposed by the Minister of Trade and Customs cannot be submitted. An amendment moved by the honorable gentleman is under discussion, and he cannot move to amend an amendment of that amendment until it has been dealt with.

The CHAIRMAN. — The Minister is quite in order in moving the amendment of the amendment.

Mr. LONSDALE.—I was about to say when the deputy leader of the Opposition rose to a point of order, that the attitude of the Ministry would be more honest if they simply negatived the amendment of the amendment, instead of proposing the addition of other words. If that course were adopted, we should have a fair straight-out vote on the honorable member for Franklin's proposal. Let us consider for a moment what would be the effect of passing the amendment of the amendment in the form now proposed by the Minister. Experiments with a view to the improvement of agricultural machinery are being made month after month and year after year. It is only a little while since complaint was made to the Minister that so-called foreigners were conducting a trial of disc ploughs with the object of discovering the improvements necessary to secure a machine best suited to the various soils of the country. If an improved plough on this pattern were sought to be introduced, the Minister, under his further amendment of the amendment, would be able to prevent its importation. We should desire to give free play to the improved machinery which comes here from other countries, instead of seeking to prevent its importation because our own manufacturers do not keep pace with modern development. The amendment of the amendment refers to stripper-harvesters. There can be no doubt that great improvements will be made in those machines as the result of experiments being made by agricultural experts. But what would be the position if an improved stripper-harvester were sought to be introduced? Is it to be said that because the improved machine would interfere with the business of a local manufacturer the farmers should be

prevented from obtaining it? Should the farmers be injured in this way merely to strengthen the position of a manufacturer of obsolete machines? The Committee have largely followed the lead of the Ministry, failing to recognise that they are taking this action in the interests of the manufacturers alone, but I trust that they realize the true position. Had the Government agreed to the amendment enabling the Justice to fix prices, we might have allowed the present proposal to pass; but they seem to be endeavouring to do all they can to help the manufacturers, who comprise the smallest section of the community. That is the one object of the Bill. I shall vote for the amendment moved by the honorable member for Franklin. The proposal submitted by the Minister is absurd. If the Government are opposed to the amendment of the honorable member for Franklin, the Ministry should negative it in a straight-out, honest way, and not seek to defeat it by a side wind. No doubt the Minister of Trade and Customs will boast to his constituents that he has assisted the farmer by reducing the price of stripper-harvesters; but he knows that his one object has been to enable local manufacturers of those machines to obtain a higher price for them. If he speaks the truth he will admit that his object is to prevent the competition which keeps down prices. If he were honestly pursuing the object that he claims to have before him, he would simply refuse to give an advantage to Mr. McKay when he was in a combine to keep up prices against the farmers. They certainly deserve no consideration. If I were satisfied that the business of Mr. McKay was being ruined by importations of harvesting machinery, I should not be prepared to give him any assistance, because he was in combination with others to keep up the price of agricultural machinery against the farmer. Throughout the consideration of this Bill Ministers apparently have assumed that there is only one class in the community in whose interests legislation should be passed. Amendments in the direction of helping other classes have come only from the Opposition, who have endeavoured to secure that some protection shall be afforded under this measure to the worker and to the consumer. I shall support the amendment.

Mr. CAMERON (Wilmot) [2.52].—I need hardly say that I strongly support the amendment proposed by the honorable

member for Franklin. The Minister of Trade and Customs proposes to add to it the words "without unfairly injuring any other section of the community." It appears to me that those words would cover too much ground. If they are accepted, and one or two persons claim to be unfairly injured, they will prevent the primary producer from being considered. It is almost universally accepted that in all cases the majority should rule. That is the principle followed in this House, and I think it should be applied in this case. If it is shown that only a very limited number of persons are likely to be injured by the importation of the articles specified, and that their importation will benefit the great majority of the primary producers, it is the majority who should be considered. I am aware that the Minister has a majority of supporters behind him, but I still ask the honorable gentleman to so alter the amendment which he has proposed as to enable the interests of the majority of the persons concerned to be considered. Knowing how fond the honorable gentleman is of fair play, and that he is a strong believer in majority rule, I ask him not to impose conditions which may have disastrous effects upon the primary producers as a whole, and merely for the benefit of a few small men engaged in a particular trade.

Mr. KELLY.—The honorable member does not call McKay a small man?

Mr. CAMERON. — I do not know whether he is a small or a big man, but I consider that he is a most unfair man. I am sorry to see that Ministers, who should consult the interests of the people as a whole, are prepared to consider the interests of individuals as against those of the great majority. We know that the interests of the towns are frequently diametrically opposed to those of the country, but if the country suffers the towns must feel the effect. In all the circumstances, it appears to me that the Minister should take a broadminded view of this matter. As the honorable gentleman is strong, he should be merciful. As this is about the last occasion in connexion with this Bill on which members of the Opposition can appeal to honorable members opposite to do justice to the primary producers, I hope they will respond unanimously to the appeal, and will accept the amendment of the honorable member for Franklin.

Mr. KELLY (Wentworth) [2.55].—Like the honorable member who preceded me, I also rise to make an appeal to the humanitarian instincts of the Minister in charge of this Bill. I hope the appeal will be successful, as otherwise I am afraid that the Committee will be called upon to divide on the question as to which of the great industries of the Commonwealth is of more importance—the primary industries or the secondary industries, for whose benefit this Bill has been introduced. Without intending to be offensive, I think that the Minister may be congratulated upon the slimness of his amendment.

Mr. PAGE.—The honorable gentleman has outslimmed honorable members opposite.

Mr. KELLY.—The Minister's amendment is a very slim one, but I do not think it will go down with the people when they understand it properly. Under the amendment moved by the honorable member for Franklin, the Justice, in certain cases, would be required to take into consideration the question whether goods being imported will benefit the primary producer. If the Justice takes that into consideration, *ipso facto* he must also take into consideration the question whether their importation will not benefit every industry in Australia. Every industry we have, and every phase of trade in the Commonwealth, depends to some extent on the success of the primary industries. If, through lack of the proper implements and tools of trade, the primary industries languish, every industry in the Commonwealth must suffer. What is asked by the amendment of the honorable member for Franklin is, not that the primary producers should be given some unfair advantage, but merely that they shall be enabled without interference to continue their avocations, which are of so much benefit to the whole Commonwealth.

Mr. ISAACS.—The honorable member is referring to the Minister's amendment.

Mr. KELLY. — No; the Minister's amendment is quite different. It is very specious, but it will not stand investigation. The Minister's proposed addition of the words "without unfairly injuring any other section of the community," would enable any manufacturer to hold up the whole of the primary producing industries of the Commonwealth. One manufacturer has only to prove that "unfair competition," not in the usual acceptance of the term, but according to this Bill—and unfair competition according to this Bill is successful

competition—is taking place, and if it is shown that goods are being imported successfully against the local manufacturer, the whole of the producing industries of Australia may be held up. We have had enough of these catch cries. The Minister will deeply regret it if he insists on the insertion of the word, because the farmers of his own electorate will see the hollowness of the proposal, which is drafted to hoodwink them. The farmers of the Hume are quite as intelligent as the farmers in other parts of the Commonwealth, although they have in the past returned the Minister of Trade and Customs as their representative.

Sir WILLIAM LYNE.—And they always will return me.

Mr. KELLY.—I am sure the farmers of the Hume will not retain their confidence in the Minister if he insists on these provisions. I do not seem to have been able to induce the Minister to meet our views, or to act in the interests of his constituents; and we must have a division, so as to force on honorable members the duty of deciding whether we ought, on the one hand, to consider the great primary industries, or, on the other hand, the private fortunes of one or two manufacturers.

Mr. ROBINSON (Wannon), [3.2].—There must be a division on this question, in order to test the sincerity of Ministers, and of a section of the Committee, in their statement that nothing in the measure is likely to injure the primary producers. The description of the implements given in the clause is taken from the New Zealand Act, the only addition being "stripper harvesters and any other implement usually used in agriculture." On the second reading we discussed the New Zealand Act, and it was pointed out by the honorable member for Echuca, and others, that Mr. Seddon provided that, if the manufacturers of such implements were suffering from unfair competition, they should receive a bonus. The honorable member for Franklin desires to provide that the Justice shall inquire whether the goods used by farmers, or likely to be used by them, are imported with the effect of benefiting the primary producers. The effect of the amendment proposed by the Minister is that any manufacturer who produces obsolete implements which are superseded by an imported article, would be able to block the importation on the ground that it injured himself and those whom he employed. It would

be far more courageous and sincere if Ministers, instead of endeavouring to wriggle out of their difficulty by such an amendment, were to vote directly against the clause. However, I do not think that the amendment of the Ministry will have the effect of blinding the country people. The amendment proposed by the honorable member for Franklin affords an opportunity to show that the Ministry are not prepared to consider the interests of the primary producers when we put them to a crucial test.

Mr. MAHON.—I thought the honorable member was against class legislation.

Mr. ROBINSON.—And so I am; and I saw that two-thirds of the measure is class legislation. The honorable member for Coolgardie must admit this part of the Bill has been introduced for the benefit of one class—for the benefit, indeed, of one member of that class. This part of the measure is proposed in the interests of the manufacturers of agricultural implements; and we should never have heard of provisions of the kind, but for the skilful outcry raised throughout the country by one gentleman engaged in the industry. This amendment of the honorable member for Franklin is for the purpose of protecting—

Mr. MAHON.—A class.

Mr. ROBINSON.—The amendment is for the purpose of protecting one section of the community against class legislation for which the honorable member for Coolgardie has voted in every division. A good clean-cut issue is now presented to us.

Mr. MAHON.—Why is the miner not included?

Mr. ROBINSON.—If the honorable member chooses to propose that miners shall be included I shall vote with him; indeed, I should have the greatest pleasure in submitting such an amendment on his behalf.

Mr. ISAACS.—We protect the miner in our further amendment.

Mr. ROBINSON.—Really, I think we ought to subscribe, and present the Attorney-General with a leather medal. Of all the honorable and learned gentleman's protestations of patriotism, and regard for other people's interest, his last interjection reaches the culminating point. The Attorney-General has protested his patriotism on every platform; and I have no doubt that when he goes down to his grave, his simple epitaph will be "A Patriot." Just as a lady, now dead, is said to have had engraved on her heart one word, so shall we find on the

heart of the Attorney-General, "Patriotism." The question before us is whether the primary producers are to have their interests considered in these determinations. No doubt their interests ought to be considered; but, in contrast to the amendment of the honorable member for Franklin, the amendment of the Ministry seeks to put those interests in a secondary place. I am very glad to say that a large portion of the manufacturing classes have protested against the Bill, but, when dealing with legislation of the kind, we ought to pay some consideration to those who provide the means whereby the interest on our public debt is paid, and the country enabled to carry on business from day to day. The question is whether the primary producers are to be considered, or whether their interests are to be scattered to the winds. I hope honorable members will accept the amendment of the honorable member for Franklin, because, if they do not, they will act to the detriment of the interests of the primary producers.

Mr. CONROY (Werriwa) [3.8].—The clause under discussion is substantially taken from the New Zealand Act. Out of £120,000,000 worth of products of Australia, excluding New Zealand, £90,000,000 worth is the result of the work of the primary producers, and over 650,000 persons are engaged in these great primary industries. If we take as an example New South Wales before any duties were imposed, we find that out of £30,000,000 worth of secondary products, £28,000,000 worth were created without the aid of any Tariff. Thus, in the primary industries £90,000,000 worth of produce, and in the secondary industries £28,000,000 have been created without any artificial aid. At the present time we are paying £10,000,000 in order to get less than £2,000,000 worth of manufactures in another direction; in other words, we are paying £5 for every pound we get back, apart from the extra value people have to pay in the retail trade. I may further show the position by stating, shortly, that out of £120,000,000 worth of produce, £118,000,000 worth is created without any extraneous help whatever; and, that being so, it is only right and proper that we should consider the interests of the great primary producers. The proposal of the Government means that if a manufacturer of stripper harvesters likes to come forward and say that he

is being injured, it will be within the power of the Minister to penalise the farmers and producers in order to bolster up the industry of that gentleman. The Government has already opposed an amendment which provided that fair and reasonable wages should be paid, and that fair prices should be fixed at which the articles affected should be sold; showing that they intend to make this Bill, as far as possible, operate in favour of one or two individuals. The amendment upon the amendment would prevent the primary producers from getting the benefit of any improvements in machinery which might be introduced. I am glad that the Bill, even at this late stage, has been somewhat improved, but it still requires many radical modifications.

Mr. LONSDALE (New England) [3.15].—I rise to reply to an interjection made by the honorable member for Coolgardie.

The CHAIRMAN.—Interjections are disorderly, and the honorable member has no right to reply to them.

Mr. LONSDALE.—It has been said that this amendment does not exempt the miner. I am prepared to test the honesty of the honorable member who made that interjection by moving an amendment which will exempt the miner. The honorable member for Coolgardie said that the amendment is for the benefit of one special class. The Bill throughout is intended to benefit the smallest class in the community. Yet the honorable member who made that remark does not dare to raise his voice against it. He sits calmly behind the Ministry voting for class legislation of the worst description. The amendment widens the scope of the Bill. I am prepared to widen it as much as possible. I do not come here to vote for legislation in the interests of two or three manufacturers. I am prepared to place the miners on the same footing as that upon which this amendment seeks to place the agriculturists. I like men to be consistent. and when some honorable members condemn class legislation and at the same time sit behind a Ministry which is guilty of the grossest legislation of that description, and never open their mouths in protest against it, I stigmatise their interjections as simply hypocritical.

Mr. CONROY (Werriwa) [3.17].—I wish to give another reason why the amendment should be adopted. When the Tariff was being dealt with, the manufacturers

obtained large exemptions for their tools of trade. We are simply asking that the primary producers should be treated in the same manner. I am prepared also to accept the suggestion of the honorable member for Coolgardie, and to exempt the miners. I should be only too happy to support an amendment in that direction.

Question—That the words "without unfairly injuring any other section of the community," be inserted in the proposed new sub-clause—put. The Committee divided.

Ayes	...	...	31
Noes	...	...	16
Majority	...	...	15

AYES.

Bamford, F. W.	Mauger, S.
Chanter, J. M.	Page, J.
Chapman, A.	Poynton, A.
Cook, Hume	Ronald, J. B.
Culpin, M.	Salmon, C. C.
Deakin, A.	Spence, W. G.
Ewing, T. T.	Thomson, D. A.
Fisher, A.	Tudor, F. G.
Forrest, Sir J.	Watkins, D.
Frazer, C. E.	Watson, J. C.
Groom, L. E.	Webster, W.
Hughes, W. M.	Wilkinson, J.
Hutchison, J.	
Isaacs, I. A.	
Lyne, Sir W. J.	
Mahon, H.	
Maloney, W. R. N.	

Tellers:

Carpenter, W. H.
O'Malley, K.

NOES.

Brown, T.	Robinson, A.
Cook, J.	Thomson, D.
Edwards, R.	Wilks, W. H.
Glynn, P. M.	Willis, H.
Johnson, W. E.	Wilson, J. G.
Kelly, W. H.	
Liddell, F.	
Lonsdale, E.	
McLean, A.	

Tellers:

Conroy, A. H. B.
Lee, H. W.

PAIRS.

Higgins, H. B.	Smith, S.
Phillips, P.	Fuller, G. W.
Thomas, J.	Gibb, J.
Kennedy, T.	Skene, T.
Bonython, Sir J. L.	Knox, W.
Batcheler, E. L.	Cameron, D. N.
Storrier, D.	McWilliams, W. J.
Crouch, R. A.	Fysh, Sir P. O.

Question so resolved in the affirmative.

Amendment of the amendment agreed to.

Amendment, as amended, agreed to.

Amendment (by Sir WILLIAM LYNE) proposed—

That the following new sub-clause be inserted:—

"(g) The determination of the Justice shall be final and conclusive, and without appeal, and shall not be questioned in any way."

Mr. DUGALD THOMSON (North Sydney) [3.27].—Some time ago I referred to the desirability of providing in the clause for an appeal from the decision of the Justice. Since that time I have been given reasons for not giving an appeal which might cover a matter of fact, but I can see no objection—and I think that the Attorney-General agrees with that view—to giving an appeal on a matter of law. Of his own motion, the Justice can state a case for the opinion of the Full Court on a question of law, and I desire to give either party the right to obtain, by request, such an appeal. I understand from the Attorney-General that it will have to be inserted after sub-clause 2. I should like to know if he agrees to the right of appeal being granted.

Mr. ISAACS (Indi—Attorney-General) [3.28].—We have no objection to that, but it can only be done on a recommitment of the clause. We shall recommit it for that purpose.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 18—

1. Upon the receipt of the report of the Board, the Minister shall forthwith submit it for the consideration of the Governor-General.

2. If the Board report that the imported goods do or probably will compete unfairly with Australian goods, the Governor-General may, under the powers of the Customs Act 1901, prohibit the importation of the imported goods either absolutely or under such conditions and restrictions as he deems just, and in that case the provisions of that Act shall apply to goods so prohibited.

Amendments (by Sir WILLIAM LYNE) agreed to—

That the words "report of the Board," lines 1 and 2, be left out, with a view to insert in lieu thereof the words "determination of the Justice."

That the words "submit it for the consideration of the Governor-General" be left out, with a view to insert in lieu thereof the words "cause it to be published in the *Gazette*."

Amendment (by Sir WILLIAM LYNE) proposed—

That sub-clause 2 be left out, with a view to insert in lieu thereof the following words:—

"2. If the Justice determines that the imported goods are being imported with the intent alleged, and that their importation should be prohibited either absolutely or subject to any specified conditions or restrictions—

(a) the determination when so published shall have the effect of a proclamation under the Customs Act 1901 prohibiting the importation of the goods either absolutely or subject

to those conditions or restrictions as the case may be; and in that case the provisions of that Act shall apply to goods so prohibited; and

(b) The Justice may by order reduce the amount recoverable under any bond given in pursuance of this part of this Act to such sum as the importer satisfies him is reasonable and just in the circumstances."

Mr. DUGALD THOMSON (North Sydney) [3.32].—I think that the amendment should be amended by inserting after the word "Act," line 16, the words "except as to forfeiture." As I read the provision, the goods to which it refers are to be prohibited imports according to section 52 of the Customs Act, and section 229 of that Act declares that all prohibited imports shall be forfeited to His Majesty.

Mr. ISAACS.—It might be that the importation of certain goods was prohibited, but that they were being imported in defiance of the prohibition.

Mr. DUGALD THOMSON.—The importation could be stopped. The goods whose importation is prohibited by the Customs Act are works infringing copyright, false money, counterfeit coin, blasphemous, indecent, and obscene publications, prison-made goods, exhausted tea, oleomargarine and butterine, and goods whose importation has been prohibited by proclamation as undesirable.

Sir WILLIAM LYNE.—The Minister is not compelled by the Customs Act to forfeit.

Mr. DUGALD THOMSON.—The Act says "the following goods shall be forfeited to His Majesty." I see no reason for forfeiture under the Bill. Bonds have to be given, and penalties can be imposed. Some of the competition which it is desired to prevent is, in my opinion, fair competition.

Mr. ISAACS (Indi—Attorney-General) [3.34].—The goods which are brought into Australia may be the subject of a proceeding before the Justice, and, if a bond is given, will be permitted to go into circulation. But if the Justice determines that there is unfair competition, future importations may be prohibited, and if, in defiance of that prohibition, the importation continues, there will be no distinction between the goods prohibited under this measure and those prohibited under the Customs Act.

Mr. DUGALD THOMSON (North Sydney) [3.35].—This part of the Bill prohibits only certain action in connexion with

imported goods, yet the Minister is asking to have the power to prohibit the importation of goods.

Mr. GLYNN.—The mischievous part of the provision is that it may allow the prohibition of the importation of a whole class of goods, no matter what alteration of conditions takes place.

Mr. HIGGINS.—If the unfair competition ceases, the prohibition may be at once rescinded.

Mr. DUGALD THOMSON.—But why should goods which, in themselves, are harmless be forfeited if imported? It is not the nature of the goods which offends, but the fact of their sale under conditions which the Judge determines amount to unfair competition.

Mr. ISAACS.—Prohibition of importation may be the only way to stop the commission of the offence.

Mr. DUGALD THOMSON.—Why should goods be forfeited because of a mere opinion?

Mr. ISAACS.—They can be forfeited only upon the determination of the Justice.

Mr. DUGALD THOMSON.—That will be merely a legal opinion. Persons will not send goods here if the Justice decides that their importation under certain conditions amounts to unfair competition.

Mr. ISAACS.—The Minister of Trade and Customs pointed out some time ago that he has, under the Customs Act, the power to prohibit importation, but that he would not use it in this connexion.

Sir WILLIAM LYNE.—I have refused to use it until I get a specific authority under this measure.

Mr. DUGALD THOMSON.—Another Minister might use the power.

Mr. JOSEPH COOK.—It is given to be used.

Mr. DUGALD THOMSON.—No forfeiture takes place in Canada, the goods there being admitted subject to the payment of an increase in duty. I see no reason for forfeiture, because the Justice can impose what conditions he likes as to entry. Surely that is sufficient.

Mr. ISAACS.—This is a reserve power which will be used only in case of wilful defiance, when there is no other way to enforce the Justice's order.

Mr. DUGALD THOMSON.—I see no necessity for it. The Justice will determine the conditions under which goods may be imported, and the prohibition is not because of anything deleterious in the nature of the goods themselves. The Judge

could fix conditions, however severe, under which the goods should be imported.

Mr. ISAACS.—Suppose that those conditions were not complied with?

Mr. DUGALD THOMSON.—Then the goods would be shut out altogether. It is not right that the goods should be forfeited. There might be no objection to the goods themselves. In the cases in which the powers of forfeiture are exercised under the Customs Act, the goods are supposed to be deleterious or harmful. The articles with which we are now proposing to deal might be perfectly sound and desirable, and there would be no reason to object to their introduction under certain conditions, which the Judge could make as drastic as he pleased.

Mr. HIGGINS (Northern Melbourne) [3.41].—I should like to know if the Attorney-General thinks that under the clause as it stands a prohibition applying to the goods introduced by one importer would extend to all similar goods of the same manufacturer, irrespective of the conditions under which they were imported and sold. It seems to me that under paragraph *a* the determination of the Justice would have the effect of a proclamation under the Customs Act 1901, and would apply to all goods of a certain class. I find, on looking at the interpretation clause, that imported goods include all goods of certain classes, or all parts or ingredients thereof.

Mr. ISAACS (Indi—Attorney-General) [3.43].—Absolute power is given to the Justice to make an order that he thinks will meet the case. If only one person is concerned in the offence, he will make an order accordingly. Power is given to the Justice to look into the circumstances, and to make his order fit them.

Mr. HIGGINS.—Does the Attorney-General think that the Justice will have power to differentiate between different importers of the same class of goods?

Mr. ISAACS.—Yes, I think so. I do not know of any other words that would meet the case. We can only give the Justice unrestricted power, and trust him to make no more stringent order than is necessary.

Mr. HIGGINS (Northern Melbourne) [3.44].—I think it is necessary to clearly indicate that the Justice is empowered to differentiate between one importer and another, otherwise the provision will fail to accomplish its object. If the Justice finds that by making a determination it will

apply to all the goods manufactured by one person, he may hesitate to practically exclude the whole of such articles from our market. There may be two importers of goods made by the same manufacturer, and one only may be unfairly competing. I feel sure that the Attorney-General does not desire to prevent the Justice from restricting the effect of his proclamation by determining that it shall apply only to goods consigned to certain persons, or imported under certain conditions.

Mr. GLYNN (Angas) [3.46].—Throughout the Bill the provisions for prohibition are directed against classes of goods, and this fact has to a large extent inspired the opposition of honorable members on this side of the Chamber. Although an offence may be committed by only one importer of a certain class of goods, all similar articles will be placed under a ban. The power to remove the ban is given, not to Parliament, or to the Justice, but to the Executive only. Six months after a proclamation had been made it might be found that the circumstances of the trade had undergone a complete change, and yet the prohibition would continue in force. The remarks of the honorable and learned member for Northern Melbourne indicate clearly the harsh character of the provisions of the measure, and I am sorry that he did not at an earlier stage grant us his assistance in toning down their effect. I am glad that he has suggested that the Judge should have power to limit the prohibition to the goods introduced by the offending importer. Under the Bill, as it stands, if one importer of machines, such as harvesters, were competing unfairly, twenty other importers of similar goods operating under perfectly fair conditions, might be prevented from continuing to carry on their business.

Mr. HIGGINS (Northern Melbourne) [3.48].—I understand that the Attorney-General will consent to an amendment in the direction I have indicated, and I therefore move—

That the amendment be amended by the insertion after the word "restrictions," line 8; of the words "or limitations of any kind whatsoever."

Mr. CONROY (Werriwa) [3.49].—I do not think that the amendment would go quite far enough. In paragraph d, of sub-clause 2 of clause 14, it is provided that competition shall be deemed unfair—

If the imported goods have been purchased abroad, by or for the importer from the manu-

facturer or some person acting for or in combination with him or accounting to him, at prices greatly below their ordinary cost of production where produced or market price where purchased.

It is clear that that might happen in only one or two isolated cases. A man might import certain goods, and a Justice of the High Court might make an order which would affect the whole of that class of goods. In other words, because one man chose to act unfairly by importing certain commodities, a prohibition might be imposed upon the whole of that particular class of goods. Surely that cannot be the intention of Ministers.

Mr. HIGGINS. — But clause 18 is the operative clause, and no harm can be done if we define unfair competition.

Mr. CONROY.—As the clause stands, I hold that it is not sufficient. Even if the honorable and learned member for Northern Melbourne be right, I still say that it should not be within the power of any single Justice to make an order from which there can be no appeal whatever. Perhaps the Attorney-General will now see the force of allowing an appeal from the decision of a Justice upon a matter of fact, as well as upon a question of law. If such extraordinary powers are to be vested in a single Justice, it is highly desirable that we should permit of an appeal being made to the Full Court. Upon questions of law there can be an appeal in any case.

Mr. ISAACS.—No.

Mr. CONROY.—Under the Constitution Act an appeal is allowed upon questions of law. Having regard to the decision of the Privy Council the other day, in the case of an appeal from the High Court, I say that we cannot prohibit appeals upon points of law under certain circumstances. Clearly, we ought to vest in the High Court the power to decide whether or not one of its Justices has acted properly. I do not think that the addition of the words "all limitations of any kind whatsoever" is sufficient, and the Attorney-General ought to recognise that. It would be very much better to make an alteration in the direction I have suggested. It ought not to be within the power of a single Justice to prohibit the importation of any particular class of goods.

Mr. ISAACS.—That power is not contained in this clause.

Mr. CONROY.—Will the Attorney-General agree to permit of an appeal being made to the High Court in cases where

the determination of a single Justice absolutely prohibits the importation of a certain class of goods?

Mr. ISAACS.—Personally, I would object, but the matter is one for the Minister to decide.

Sir WILLIAM LYNE.—It is a legal point, and I am content to leave it to the Attorney-General.

Mr. ISAACS.—Appeals would prove very expensive, and it would be against the interests of business men to have the matter hung up so long.

Mr. CONROY.—The penalty provided is a very severe one. Not merely are the goods which form the subject of the proceedings under the Act to be forfeited, but all other consignments which may have been ordered by a number of individuals prior to the initiation of those proceedings. Under the Customs Act of 1901 there is no power to revoke that prohibition.

Mr. ISAACS.—The power is contained in a subsequent section.

Mr. CONROY.—The Executive may at a subsequent period revoke it.

Mr. ISAACS.—They may do so immediately if they choose.

Mr. CONROY. — But the damage will have been done in the meantime. The forfeiture clauses of the Customs Act operate immediately, and there is no power vested in the Minister to restore the goods to their original owner. The forfeiture is absolute, and cannot be revoked.

Mr. ISAACS.—We have already stated that we cannot agree to the honorable and learned member's suggestion.

Mr. CONROY.—Surely the matter is too important to be lightly brushed aside in that way. We have established a High Court for the purpose of determining all appeals, and yet it is now proposed to take away from it the right to hear them. To my mind, that is casting a stigma upon the tribunal in question. If we prevent the High Court from hearing these appeals it is only necessary to go a step further, and to deprive it of some of its original jurisdiction, to enable three Justices to be more than equal to all the work that will come before it. If we are to take away from importers the right of appeal, as is sought to be done by the Government, I cannot support the appointment of any additional Justices to the High Court Bench.

Mr. FRAZER.—Does the honorable and learned member favour taking away the original jurisdiction of the High Court?

Mr. CONROY.—In certain cases, I do absolutely. I would have cases decided in the most inexpensive way possible. If the Attorney-General maintains that a single Justice can determine these matters, why should we appoint more Justices? If the powers of appeal to the High Court are to be swept away, I cannot support the appointment of any additional Justices for many years to come. Under the Bill it is proposed to vest extraordinary powers in a single Justice, and to allow no appeal from his decision upon matters of fact.

Mr. ISAACS.—Upon matters of fact only.

Mr. CONROY.—Under the Constitution Act there is an appeal from his decision upon matters of law. We are putting it in the power of the Justice to declare that all goods—and not merely the particular consignment in question—shall be absolutely prohibited and come under the Customs Act of 1901. On referring to that Act, we find that it contains provisions relating to prohibited goods which involve absolute forfeiture. In these circumstances there should be an appeal to the High Court before any one Justice could take it upon himself to declare goods absolutely forfeited.

Mr. MAHON.—Does not the honorable and learned member think that, as a Justice is permitted to deal with questions affecting the life and liberty of a man, he might be allowed to deal with these matters?

Mr. CONROY.—In criminal cases the Justice has the assistance of a jury, and there is always an appeal to the Full Court on questions of law. Parliament is asked to give away so much of its rights in this regard that the determination of the matter should not be left to the idiosyncrasies of a Justice.

Mr. MAHON. — He might be a free-trader.

Mr. CONROY.—And he might be a protectionist. We have nothing to do with a Justice's likes or dislikes; but, since we are giving up our right to determine these important matters, we should insist upon the High Court itself dealing with them.

Amendment of the amendment agreed to.

Amendment (by Mr. HIGGINS) agreed to—

That the amendment be further amended by the insertion after the word "restrictions," line 14, of the words "or limitations."

Mr. CONROY (Werriwa) [4.7].—I appeal to the Attorney-General to accept the following amendment of the amendment, as a proviso to the clause—

Provided that in any case where the proclamation prohibits the importation of the goods absolutely, an appeal shall lie to the High Court.

Mr. ISAACS.—The honorable and learned member is proposing to reverse what has been done in clause 17.

Mr. CONROY.—No. Under my provision the appeal to the High Court would be permissible only in extreme cases.

Mr. ISAACS.—Wait until we recommit sub-clause 2 of clause 17. The honorable and learned member will then be able to take action.

Mr. CONROY.—Do the Government propose to move for the recommitment of that clause?

Mr. ISAACS.—We promised the honorable member for North Sydney that we should move the recommitment of sub-clause 2 of clause 17, for the purpose of enabling the Committee to deal with the proposal that either party should be permitted to ask the Justice to state a case on a question of law.

Mr. CONROY.—I think that my amendment might well be inserted where proposed by me.

Mr. ISAACS. — We will recommit sub-clause 2 of clause 17, to enable the honorable and learned member to move the amendment proposed by him.

Amendment, as amended, agreed to.

Clause, as amended, agreed to.

Clause 19—

In all cases of prohibition, the report of the Board shall be laid before both Houses of the Parliament within seven days after the proclamation or, if the Parliament is not then sitting, after the next meeting of Parliament.

Amendments (by Sir WILLIAM LYNE) agreed to—

That the words "report of the Board," lines 1 and 2, be left out with a view to insert in lieu thereof the words "determination of the Justice and any proclamation affecting the same."

That the word "proclamation," line 4, be left out, with a view to insert in lieu thereof the words "publication in the *Gazette*."

Clause, as amended, agreed to.

Amendments (by Sir WILLIAM LYNE) agreed to—

That the following new clauses be inserted:—

"11A. The jury panel for the trial of any offence against this Part of this Act, or for the trial of any action or issue under this Part of this Act, shall be taken from the list of special

jurors (if any) in the State or part of the Commonwealth in which the trial takes place."

"11AA. (1) Any offence against this Part of this Act (not being an indictable offence), shall be tried before a Justice of the High Court without a jury."

"(2) Any offence against this Part of this Act committed by a person who has previously been convicted of any offence against this Part of this Act shall be an indictable offence, punishable on conviction by a penalty not exceeding Five hundred pounds, or imprisonment for any term not exceeding one year, or both; in the case of a corporation, by a penalty not exceeding One thousand pounds."

"11B. The penalty of imprisonment shall not be inflicted upon any person upon his first conviction for an offence under this Part of this Act."

"11C. (1) No criminal proceeding shall be instituted under this Part except by the Attorney-General or some person authorized by him."

"(2) No civil proceeding shall be instituted under this Part without the written consent of the Attorney-General."

"18A. The Governor-General may at any time, by proclamation, simultaneously with or subsequently to any prohibition under this Part of this Act, rescind in whole or in part, the prohibition in any condition or restriction in importation imposed thereby."

"20. The Justices of the High Court, or a majority of them, may make Rules of Court, not inconsistent with this Act, for regulating the proceedings before a Justice under this Part of this Act, and for carrying this Part of this Act into effect."

"21. Any person who wilfully—

(a) makes to the Comptroller-General or to any officer of Customs any false statement in relation to any action or proceeding taken or proposed to be taken under this Part of this Act; or

(b) misleads the Comptroller-General in any particular likely to affect the discharge of his duty under this Act shall be guilty of an indictable offence.

Penalty: One hundred pounds."

Amendment (by Sir WILLIAM LYNE) proposed—

That after paragraph b, clause 21, the following new sub-clause be inserted—

"(2) Any person convicted under the last preceding sub-section may be ordered by the Justice to whom a question is referred under this Part of this Act to pay the whole or part of the costs incurred by the importer in whose favour the question is determined.

Mr. KELLY (Wentworth) [4.15].—Ministers have now accepted the principle of penalizing the person who maliciously sets the ball rolling against an innocent importer, but such a man can only be hit if he has anything worth hitting. If he is a dummy put up by some local manufacturer he cannot be touched. How can a dummy pay costs? It would be taking blood from a stone. We none of us have

any desire to protract the proceedings this afternoon, and perhaps the Attorney-General would promise to look into the matter carefully, with a view to see that no loophole is left in this matter.

Mr. ISAACS.—What I intended was to strike out the word "indictable" in this clause, and make it a summary offence. An indictable offence would be too cumbersome a proceeding, I think.

Mr. KELLY.—Does the honorable and learned gentleman think that would meet the situation?

Mr. ISAACS.—It would then be a matter which justices could deal with, and would not require the cumbersome proceeding of a jury case.

Mr. KELLY.—Would it enable any person putting up a man of straw to be got at?

Mr. WATSON.—The complaint is to be investigated in the first instance by the Attorney-General.

Mr. KELLY.—If the honorable member for Bland will look at clause 15 he will find that when the Comptroller-General "has received a complaint in writing" certain things are to happen. Some of these complaints may be as to loss of employment.

Mr. WATSON.—The Attorney-General, on looking into the complaint, may decide to carry it no further.

Mr. KELLY.—That is so; but I submit this position, which the honorable gentleman will no doubt appreciate. A union secretary may be told by the manufacturer employing the men of his union that if certain competition is allowed to go on unchecked the members of the union may be seriously affected in the matter of their employment. He might make an application under clause 15, and there might be nothing behind that application. The union secretary might be *bonâ fide* in the case, but the employer might not, and I desire that in such a case as I have submitted the union secretary shall be placed in such a position that he will have to take such a risk as will make him careful to be sure of his facts before he proceeds.

Mr. WATSON.—The Attorney-General will look for a *primâ facie* case before the Crown proceeds.

Mr. ISAACS (Indi—Attorney-General) [4.18].—In order to save time, may I suggest that when we get a clean reprint of the Bill, with the amendments made so far, we can look into all these things.

Mr. KELLY.—Will the honorable and learned gentleman give me an opportunity to raise the question then, if it should appear to be necessary?

Mr. ISAACS.—Yes.

Mr. JOSEPH COOK (Parramatta) [4.19].—May I ask whether, if when we have a clean reprint of the Bill with amendments, there is a desire for a recommitment of the measure for good cause shown, the Minister in charge will raise any objection to that?

Sir WILLIAM LYNE.—I do not desire to recommit the Bill for the reconsideration of the whole of the clauses.

Mr. JOSEPH COOK.—But for good cause shown.

Sir WILLIAM LYNE.—If reasonable cause be shown, I shall not object.

Amendment agreed to.

Proposed new clause, as amended, agreed to.

Mr. HIGGINS (Northern Melbourne) [4.21].—I move—

That the following new clause be inserted:—

"11D. (1) Any person party to a contract or member of a combination or in any way concerned in carrying out the contract or the objects of the combination may—

(a) lodge with the Attorney-General a statutory declaration by himself, or in the case of a corporation by some one approved of in that behalf by the Attorney-General setting forth truly, fully, and completely the terms and particulars of the contract, or the purposes, objects, and terms of agreement or constitution of the combination, as the case may be, and an address in Australia to which notices may be sent by the Attorney-General; and

(b) publish the statutory declaration in the *Gazette*.

(2) The Attorney-General may at any time send notice to the person above-mentioned (hereinafter called the declarant) to the address mentioned in the statutory declaration that he considers the contract or combination likely to restrain trade or commerce to the detriment of the public, or to destroy or injure an Australian industry by unfair competition.

(3) In any proceeding against the declarant in respect of any offence against section four or section five of this Act alleged to have been committed by him in relation to the contract or combination after the time the statutory declaration has been lodged and published, and before any notice as aforesaid has been sent to him by the Attorney-General it shall be deemed (but as regards the declarant only and not as regards any other person) that the declarant had no intent to contravene the provisions of the section, if he proves that the statutory declaration contains a true, full, and complete statement of the terms and particulars of the contract, or the purposes, objects, and terms

of agreement or constitution of the combination, as the case may be, at the date of the statutory declaration and at the date of the alleged offence."

I understand that the proposed new clause has the approval of the Government. In my speech on the second reading I expressed the wish that an honest man, who desired to make certain that he was not breaking the law, should be able to submit the question to some official, whose certificate should exonerate him so long as it lasted. Nine out of every ten of these agreements are perfectly valid, honest, and impugnable, and there are cases where a man would not object to show the terms of a combination to an official; and, therefore, I suggest in the new clause that a man may submit an agreement to the Attorney-General, who may give a certificate that it does not operate to the harm of the public or involve unfair competition, and that, so long as the certificate is not withdrawn, the arrangement or contract is not to be deemed as contravening the Bill. However, Ministers, especially the Attorney-General, who has kindly looked into my proposal during the last few days, see some need for a limitation. Although I confess I should like the clause to pass as I at first proposed, I recognise that what the Government agree to will meet my object three-fourths of the way, and, in order to save the time of honorable members, I shall submit the new clause in the form which has been approved. The effect of the new clause is substantially that any person may submit an agreement or arrangement for a combination to the Attorney-General, accompanied by a sworn declaration as to its truth. The Attorney-General may then send a reply that he regards the arrangement as detrimental to the public, or as unfair competition, and in such case the combination is, of course, illegal. But until the Attorney-General does say that he regards the arrangement as unfair it is deemed to be fair.

Mr. ISAACS.—No; that is as to the intent.

Mr. HIGGINS.—The combination is deemed to be fair, so far as regards any intent on the part of the person who makes the declaration. I admit that the clause does not go to the full extent that I desire, but it will at least prevent any man from being subject to criminal prosecution, and liable to be thrown into gaol, in relation to a matter as to which he had no intent to do anything against the law. I think

[46]—2

I have explained sufficiently what I have in view; and, although the clause is a little elaborate, it is plainly worked out to attain the desired end.

Proposed new clause agreed to.

Bill reported with amendments.

Mr. ISAACS: (Indi—Attorney-General) [4.28].—I move—

That the Bill be recommended to a Committee of the whole House for the reconsideration of clauses 4, 5, 6, 10, 14, and 21.

The recommittal is necessary to make those clauses harmonize with the amendments made in other parts of the Bill, and I submit this motion in accordance with an arrangement which has been made.

Question resolved in the affirmative.

In Committee: (Recommittal.)

Clause 4—

Any person who, either as principal or as agent, makes or enters into any contract, or is or continues to be a member of or engages in any combination is guilty of an indictable offence.

Penalty: Five hundred pounds, or one year's imprisonment, or both; in the case of a corporation, Five hundred pounds. . . .

Amendments (by Mr. ISAACS) agreed to—

That the word "indictable," and also the words "or one year's imprisonment, or both; in the case of a corporation, Five hundred pounds," be left out.

Clause, as amended, agreed to.

Clause 5 consequentially amended.

Clause 6—

. . . . Unfair competition means competition which is unfair in the circumstances; and in the following cases the competition shall be deemed to be unfair unless the contrary is proved—

(c) If the competition would probably, or does in fact, result in greatly disorganizing Australian industry or throwing workers out of employment.

Amendment (by Mr. ISAACS) agreed to.

That the words "greatly disorganizing," lines 7 and 8, be left out, with a view to insert in lieu thereof the words "creating substantial disorganization in."

Clause, as amended, agreed to.

Clause 10—

The Attorney-General, or any person thereto authorized by him, may institute proceedings in any competent Court exercising Federal jurisdiction to restrain by injunction the carrying out of any contract or combination

Amendments (by Mr. ISAACS) agreed to.

That the words "any competent Court exercising Federal jurisdiction, lines 3 and 4, be left out, with a view to insert in lieu thereof the words "the High Court."

That after the word "injunction," line 4, the following words be inserted—"after hearing and determining the merits and not by way of interlocutory order."

That after the word "contract," line 5, the word "or" be left out, with a view to insert in lieu thereof the words "made or entered into after the commencement of this Act or any."

Clause, as amended, agreed to.

Clause 14—

1. For the purposes of this Part of this Act competition shall be deemed to be unfair if—

(a) Under ordinary circumstances of trade it would probably lead to the Australian goods being no longer produced or being withdrawn from the market or being sold at a loss, unless produced at a lower remuneration for labour; or

2. In the following cases the competition shall be deemed unfair unless the contrary is proved—

(c) If the imported goods are imported by or for the manufacturer or some person acting for or in combination with him or accounting to him and are being sold in Australia at a price which is less than gives the person importing or selling them a fair profit upon their fair foreign market value, or their cost of production, together with all charges after shipment from the place whence the goods are exported directly to Australia (including Customs duty.)

Amendments (by Mr. ISAACS) agreed to.

That the words "a lower," paragraph a, be left out, with a view to insert in lieu thereof the words "an inadequate."

That the words "cost of production," paragraph c, be left out, with a view to insert in lieu thereof the words "fair selling value if sold in the country of production."

Clause, as amended, agreed to.

Clause 21 consequentially amended, and agreed to.

Bill reported with further amendments.
Reports adopted.

ADJOURNMENT.

LIEUTENANT-GOVERNOR OF PAPUA—WIRELESS TELEGRAPHY—OVERSEA MAIL CONTRACT—SENATE ELECTIONS—TARIFF REVISION—OLD-AGE PENSIONS.

Motion (by Mr. DEAKIN) proposed—

That the House do now adjourn.

Mr. MAHON (Coolgardie) [4.35].—I wish to draw the attention of the Prime Minister to a statement published this morning in the *Age* newspaper under the heading "Future of Papua." It is stated—

It is understood that the Prime Minister has received quite recently a communication from Sir William McGregor, intimating that until

certain action is taken by the Colonial Office he is not free to accept the proffered appointment. The inference is that if the Colonial Office can and will select a successor to him in the Governorship of Newfoundland within a reasonable time, he will favorably consider a definite proposition from Australia.

I should like to ask what truth, if any, there is in that statement, and whether any communications have recently taken place of which he can disclose the particulars to the House? I also wish to know the intentions of the Government in regard to another matter which is now prominently before the public, and which is of great importance to Australia. I understand that the Government of New Zealand, in view of the recent developments in wireless telegraphy, have placed the sum of £7,000 upon the Estimates for the purpose of promoting that invention in New Zealand. I think that the time has arrived when the Commonwealth Government should let us know whether it is proposed, or is considered desirable, that a sum of money for a similar purpose should be placed upon the Estimates which will shortly be submitted to Parliament, and whether, in the opinion of the Government, it would not be justifiable to expend money upon the development of this invention in Australia, especially on account of the great advantage which wireless telegraphy would be to the shipping community, and on account of its great value in the event of any international complications.

Mr. CARPENTER.—Does the honorable member mean that the Commonwealth Government should acquire the patent rights?

Mr. MAHON.—I make no suggestion as to that.

Mr. CARPENTER.—What would the sum of money be for, then?

Mr. MAHON.—I presume it might be voted for the purpose of establishing stations, if the Government saw fit to establish them, or in any way that the Government thought advisable for the development of wireless telegraphy in Australia.

Mr. R. EDWARDS (Oxley) [4.39].—I wish to bring under the notice of the Prime Minister the fact that Mr. Kidston, the Premier of Queensland, is reported to have said that he had been informed that in the new mail contract there was no assurance that the mail-boats would go to Melbourne and Sydney. I, however, have reason to know that Mr. Croker wrote a letter to the Government to the effect that the company intended to

do so; and in furtherance of my desire to have Brisbane placed upon the same footing as Melbourne and Sydney, I wish to ask the Prime Minister if my information is not correct?

Mr. WATSON (Bland) [4.41].—I desire to ask the Prime Minister whether the Cabinet has yet arrived at a decision with respect to putting the suggestion to the electors at the next general election for an amendment of the Constitution providing that in future the elections for the Senate and the House of Representatives shall be held some months later than the usual time? If a decision has been come to, it is desirable that it should be made known at the earliest moment.

Mr. McLEAN (Gippsland) [4.42].—Now that the Australian Industries Preservation Bill is practically done with, I wish to ask the Prime Minister when the Government intend to proceed with the revision of the Tariff? I would remind the honorable gentlemen that if they are sincerely desirous, as I believe they are, to effect a satisfactory revision of the Tariff, they are not likely to have more favorable conditions for doing so for many years to come than prevail at the present time. They have a strong protectionist majority in the House, and even the free-traders here, I understand, recognise that the sooner this question is dealt with and settled the better it will be for all concerned. It is not for me to dictate the order of business to the Government, but we all have a responsibility to our constituents and to the country in that regard. I, for one, consider that the revision of the Tariff is the most pressing matter before the Parliament. I think that it is infinitely more pressing than the measure with which we have been dealing. I understand that on a previous occasion it was intimated, in reply to some questions, that the Government intended to proceed with it when they had got further reports. To me that appears to be a waste of time. If it is intended to proceed with the matter at all during the present session, surely the sooner we begin to do so the better! By the time we shall have finished with the three reports that are before us, probably others will be to hand. The Attorney-General will, I am sure, support my request. He will remember how he devoted his time, in season and out of season, more especially out of season, in abusing the late Government for not pro-

ceeding with an immediate revision of the Tariff—even before they had any information that would enable them to do so satisfactorily. Surely he will see the necessity of not losing any time in dealing with the matter, now that we have reports of the Tariff Commission to guide us, and enable us to do the work satisfactorily.

Mr. FISHER (Wide Bay) [4.44].—At every election, nine-tenths of the candidates and, I believe, nine-tenths of the members returned have been distinctly pledged to the establishment of a scheme of old-age pensions. I desire to ask whether the Government have come to a conclusion on the subject, and if so, whether it is proposed at an early date to introduce a measure of reform about which this Parliament is practically unanimous?

Mr. DEAKIN (Ballarat—Prime Minister) [4.45].—The honorable member for Coolgardie is correctly informed that the delay in the consideration of the proposition as to Sir William McGregor has been due to the necessary arrangements required to be made between the Colonial Office and himself before he can consent to become a candidate for the post. The House has already been informed, in reply to the honorable member for Moreton, it will have the opportunity of discussing the matter before any appointment is made. The consideration of a vote for the purpose of wireless telegraphy will come before the Cabinet during the next few weeks, in connexion with the preparation of the Estimates. The Premier of Queensland is in possession of a copy of the letter which was received by the Government with reference to Brisbane, and also Melbourne and Sydney, as ports of call in connexion with the overseas mail service. Any statement made by that honorable gentleman is therefore certain to be correct, because he has the tenderer's letter in his hand. The question of altering the date for holding future elections for the Senate to March or April has not been decided by the Cabinet, but is, I am in a position to say, favorably regarded by it. No time will be lost in dealing with the Tariff. It is recognised that when the proposals are submitted it will be desirable to deal with them in a group, and, of course, to dispose of them as rapidly as possible. In the meantime, we have to provide another place with sufficient work to keep it continuously occupied for the period which we shall need for dealing with the Tariff. Having regard

to both these matters, and the necessity for stating the financial position of the Commonwealth, which may be incidentally affected by some of these proposals, I can promise the honorable member that the Tariff will be dealt with, not only as early as possible, but as fully as possible. The report of the Royal Commission on Old-Age Pensions is before the Cabinet. The honorable member for Wide Bay correctly states the attitude of the great bulk of honorable members, but he is also aware of the fact that the whole question turns, not so much on the adoption of a scheme, as on the financial arrangements, which would require to be made regarding it. Those have been under the consideration of my colleague, the Treasurer, and the Cabinet. I hope that we shall be in a position to make a proposition in that regard before this session closes.

Question resolved in the affirmative.

House adjourned at 4.47 p.m.
