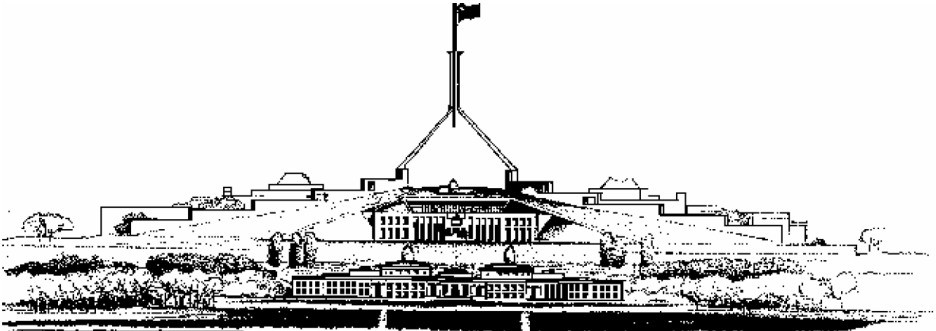




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



# House of Representatives

## Official Hansard

No. 41, 1911  
Friday, 13 October 1911

FOURTH PARLIAMENT  
SECOND SESSION

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

# PARLIAMENT OF THE COMMONWEALTH.

## GOVERNOR-GENERAL.

His Excellency the Right Honorable THOMAS, BARON DENMAN, P.C., Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Royal Victorian Order, and Commander-in-Chief of the Commonwealth of Australia.

## FISHER ADMINISTRATION.

(From 29th April, 1910.)

Treasurer	...	...	The Right Honorable Andrew Fisher, P.C.
Attorney-General	...	...	The Honorable William Morris Hughes.
Minister of External Affairs	...	...	The Honorable Egerton Lee Batchelor.* <i>Succeeded by</i> The Honorable Josiah Thomas (14 October, 1911)
Minister of Defence	...	...	The Honorable George Foster Pearce.
Minister of Trade and Customs	...	...	The Honorable Frank Gwynne Tudor.
Minister of Home Affairs	...	...	The Honorable King O'Malley.
Postmaster-General	...	...	The Honorable Josiah Thomas. <i>Succeeded by</i> The Honorable Charles Edward Frazer (14 October, 1911).
Vice-President of the Council	the	Executive	The Honorable Gregor McGregor.
Honorary Minister	...	...	The Honorable Edward Findley.
Honorary Minister	...	...	The Honorable Charles Edward Frazer. <i>Succeeded by</i> The Honorable Ernest Alfred Roberts (23 October, 1911).

\* Deceased reported, 10th October, 1911.

# MEMBERS OF THE SENATE.

## FOURTH PARLIAMENT.—SECOND SESSION.

*President*—Senator the Honorable Henry Turley.

*Chairman of Committees*—Senator the Honorable David John O'Keefe.

Barker, Stephen	...	...	...	...	Victoria.
Blakey, Albert Edward Howarth	...	...	...	...	Victoria.
Buzacott, Richard	...	...	...	...	Western Australia
Cameron, Lieut.-Colonel the Hon. Cyril St. Clair	...	...	...	...	Tasmania.
Chataway, Thomas Drinkwater	...	...	...	...	Queensland.
Clemons, Hon. John Singleton	...	...	...	...	Tasmania.
de Lurgie, Hon. Hugh	...	...	...	...	Western Australia.
Findley, Hon. Edward	...	...	...	...	Victoria.
Fraser, Hon. Simon	...	...	...	...	Victoria.
Gardiner, Albert	...	...	...	...	New South Wales.
<sup>2</sup> Givens, Thomas	...	...	...	...	Queensland.
Gould, Lieut.-Colonel the Hon. Sir Albert John, V. D.	...	...	...	...	New South Wales.
Guthrie, Robert Storrie	...	...	...	...	South Australia.
<sup>2</sup> Henderson, George	...	...	...	...	Western Australia.
Keating, Hon. John Henry	...	...	...	...	Tasmania.
Long, James Joseph	...	...	...	...	Tasmania
Lynch, Patrick Joseph	...	...	...	...	Western Australia.
<sup>2</sup> McColl, Hon. James Hiers	...	...	...	...	Victoria.
McDougall, Allan	...	...	...	...	New South Wales.
McGregor, Hon. Gregor	...	...	...	...	South Australia.
Millen, Hon. Edward Davis	...	...	...	...	New South Wales.
Needham, Edward	...	...	...	...	Western Australia
<sup>1</sup> O'Keefe, Hon. David John...	...	...	...	...	Tasmania.
Pearce, Hon. George Foster	...	...	...	...	Western Australia.
Rae, Arthur	...	...	...	...	New South Wales.
Ready, Rudolph Keith	...	...	...	...	Tasmania.
Russell, Edward John	...	...	...	...	Victoria.
Russell, William	...	...	...	...	South Australia.
Sayers, Robert John	...	...	...	...	Queensland.
Stewart, Hon. James Charles	...	...	...	...	Queensland.
Story, William Harrison	...	...	...	...	South Australia.
St. Ledger, Anthony James Joseph	...	...	...	...	Queensland.
Symon, Hon. Sir Josiah Henry, K.C.M.G., K.C.	...	...	...	...	South Australia.
Turley, Henry	...	...	...	...	Queensland.
Vardon, Joseph	...	...	...	...	South Australia.
Walker, Hon. James Thomas	...	...	...	...	New South Wales.

<sup>1</sup> Elected Chairman of Committees, 1st July, 1910.

<sup>2</sup> Appointed Temporary Chairman of Committees, 6th July, 1910; re-appointed 6th September, 1911.

# MEMBERS OF THE HOUSE OF REPRESENTATIVES.

FOURTH PARLIAMENT.—SECOND SESSION.

*Speaker*—The Honorable Charles McDonald.

*Chairman of Committees*—The Honorable Alexander Poynton.

Anstey, Frank ... ..	Bourke. (V.)
Archibald, William Oliver ... ..	Hindmarsh. (S.A.)
Atkinson, Llewelyn ... ..	Wilmot. (T.)
1 Bamford, Hon. Frederick William ... ..	Herbert. (Q.)
2 Batchelor, Hon. Egerton Lee ... ..	Boothby. (S.A.)
3 Beard, Henry Elisha ... ..	Batman. (V.)
4 Best, Hon. Sir Robert Wallace, K.C.M.G. ... ..	Kooyong. (V.)
5 Brennan, Frank ... ..	Batman. (V.)
Brown, Hon. Thomas ... ..	Calare. (N.S.W.)
Cunn, George ... ..	Nepean. (N.S.W.)
Carr, Ernest Shoobridge ... ..	Macquarie. (N.S.W.)
Catts, James Howard ... ..	Cook. (N.S.W.)
6 Chanter, Hon. John Moore ... ..	Riverina. (N.S.W.)
Charlton, Matthew ... ..	Hunter. (N.S.W.)
Chapman, Hon. Austin ... ..	Eden-Monaro. (N.S.W.)
Cook, Hon. Joseph ... ..	Parramatta. (N.S.W.)
Deakin, Hon. Alfred ... ..	Ballarat. (V.)
8 Edwards, Hon. George Bertrand ... ..	North Sydney. (N.S.W.)
Edwards, Hon. Richard ... ..	Oxley. (Q.)
Fairbairn, George ... ..	Fawkner. (V.)
Fenton, James Edward ... ..	Maribyrnong. (V.)
Finlayson, William Fyfe ... ..	Brisbane. (Q.)
Fisher, Right Hon. Andrew, P.C. ... ..	Wide Bay. (Q.)
Forrest, Right Hon. Sir John, P.C., G.C.M.G. ... ..	Swan. (W.A.)
Foster, Francis James ... ..	New England. (N.S.W.)
Foster, Hon. Richard Witty ... ..	Wakefield. (S.A.)
6 Fowler, Hon. James Mackinnon ... ..	Perth. (W.A.)
Frazer, Hon. Charles Edward ... ..	Kalgoorlie. (W.A.)
Fuller, Hon. George Warburton ... ..	Illawarra. (N.S.W.)
Glynn, Hon. Patrick McMahon ... ..	Angas. (S.A.)
7 Gordon, David John ... ..	Boothby. (S.A.)
Greene, Walter Massy ... ..	Richmond. (N.S.W.)
Groom, Hon. Littleton Ernest ... ..	Darling Downs. (Q.)
Hall, David Robert ... ..	Werriwa. (N.S.W.)
Harper, Hon. Robert ... ..	Mernda. (V.)
Hedges, William Noah ... ..	Fremantle. (W.A.)
Higgs, Hon. William Guy ... ..	Capricornia. (Q.)
Howe, Robert ... ..	Dalley. (N.S.W.)
Hughes, Hon. William Morris ... ..	West Sydney. (N.S.W.)
Irvine, Hans William Henry ... ..	Grampians. (V.)
Irvine, Hon. William Hill, K.C. ... ..	Flinders. (V.)
Jensen, Hon. Jens August ... ..	Bass. (T.)
6 Johnson, William Elliot ... ..	Lang. (N.S.W.)
Johnson, William James ... ..	Robertson. (N.S.W.)
Kelly, William Henry ... ..	Wentworth. (N.S.W.)
Livingston, John ... ..	Barker. (S.A.)
Lyne, Hon. Sir William John, K.C.M.G. ... ..	Hume. (N.S.W.)
Mahon, Hon. Hugh ... ..	Coolgardie. (W.A.)
6 Maloney, William ... ..	Melbourne. (V.)

1 Appointed Temporary Chairman of Committees, 15th November, 1911.

2 Deceased reported, 10th October, 1911.

3 Deceased reported, 5th September, 1911.

4 Elected 24th August; sworn 26th August, 1910.

5 Elected 5th February, 1911; sworn 5th September, 1911.

6 Appointed Temporary Chairman of Committees, 14th July, 1910; re-appointed, 5th September, 1911.

7 Elected 11th November; sworn 15th November, 1911.

## MEMBERS OF THE HOUSE OF REPRESENTATIVES.

FOURTH PARLIAMENT.—SECOND SESSION—*continued*.

Mathews, James ... ..	Melbourne Ports. (V.)
McDonald, Hon. Charles ... ..	Kennedy. (Q.)
McDougall, John Keith ... ..	Wannon. (V.)
McWilliams, William James ... ..	Franklin. (T.)
Moloney, Parker John ... ..	Indi. (V.)
O'Malley, Hon. King ... ..	Darwin (T.)
Ozanne, Alfred Thomas ... ..	Corio. (V.)
Page, Hon. James ... ..	Maranoa. (Q.)
Palmer, Albert Clayton ... ..	Echuca. (V.)
<sup>1</sup> Poynton, Hon. Alexander ... ..	Grey. (S.A.)
Quick, Hon. Sir John ... ..	Bendigo. (V.)
Riley, Edward ... ..	South Sydney. (N.S.W.)
<sup>2</sup> Roberts, Hon. Ernest Alfred ... ..	Adelaide (S.A.)
<sup>3</sup> Ryrie, Granville de Laune ... ..	North Sydney. (N.S.W.)
Salmon, Hon. Charles Carty ... ..	Laanecoorie. (V.)
Sampson, Sydney ... ..	Wimmera. (V.)
Scullin, James Henry ... ..	Corangamite. (V.)
Sinclair, Hugh ... ..	Moreton. (Q.)
Smith, Hon. Bruce, K.C. ... ..	Parkes. (N.S.W.)
Smith, W. H. Laird ... ..	Denison. (T.)
Spence, Hon. William Guthrie ... ..	Darling. (N.S.W.)
Thomas, Hon. Josiah ... ..	Barrier. (N.S.W.)
Thomson, John ... ..	Cowper. (N.S.W.)
Tudor, Hon. Frank Gwynne ... ..	Yarra. (V.)
Watkins, Hon. David ... ..	Newcastle. (N.S.W.)
Webster, William ... ..	Gwydir. (N.S.W.)
West, John Edward ... ..	East Sydney. (N.S.W.)
Wise, George Henry ... ..	Gippsland. (V.)
Wynne, Hon. Agar ... ..	Balaclava. (V.)

<sup>1</sup> Elected Chairman of Committees, 1st July, 1910.

<sup>2</sup> Appointed Temporary Chairman of Committees, 14th July, 1910; re-appointed, 5th September, 1911; resigned 15th November, 1911.

<sup>3</sup> Elected 11th March, 1911; sworn 5th September 1911.

## COMMITTEES OF THE SESSION.

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### SENATE.

**STANDING ORDERS COMMITTEE.**—The President, the Chairman of Committees, Senator Clemons, Senator Guthrie, Senator McGregor, Senator Millen, Senator Needham, Senator E. J. Russell, and Senator St. Ledger.

**LIBRARY COMMITTEE.**—The President, Senator Lt.-Colonel Sir A. J. Gould, Senator Keating, Senator Lynch, Senator Stewart, Senator Sir J. H. Symon, and Senator Walker.

**HOUSE COMMITTEE.**—The President, Senator Lt.-Colonel Sir A. J. Gould, Senator Long, Senator McColl, Senator McDougall, Senator Sayers, and Senator Story.

**PRINTING COMMITTEE.**—Senator Barker, Senator Lieut.-Colonel Cameron, Senator Chataway, Senator Henderson, Senator Rae, Senator W. Russell, and Senator Vardon.

**COMMITTEE OF DISPUTED RETURNS AND QUALIFICATIONS.**—Senator Chataway, Senator de Largie, Senator Henderson, Senator Long, Senator Stewart, Senator Sir J. H. Symon, and Senator Walker.

### HOUSE OF REPRESENTATIVES.

**STANDING ORDERS COMMITTEE.**—Mr. Speaker, the Prime Minister, the Chairman of Committees, Mr. Joseph Cook, Mr. Deakin, Mr. Hall, Mr. Wise.

**LIBRARY COMMITTEE.**—Mr. Speaker, Mr. Anstey, Mr. Thomas Brown, Mr. Glynn, Mr. Groom, Dr. Maloney, Dr. Carty Salmon, Mr. Spence.

**HOUSE COMMITTEE.**—Mr. Speaker, Mr. Hedges, Mr. W. Elliot Johnson, Mr. Mahou, Mr. Mathews, Mr. Page, Mr. Roberts, Mr. Sampson.

**PRINTING COMMITTEE.**—Mr. Bamford, Mr. R. Edwards, Mr. Jensen, Mr. McDougall, Mr. McWilliams, Sir John Quick, Mr. Webster.

# ACTS OF THE SESSION.

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## APPROPRIATION ACT 1911-12 (No. 29 of 1911)—

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 twelve, and to appropriate the Supplies granted for such year in this session of the Parliament. [Initiated in House of Representatives by Mr. Fisher, 19th December, 1911. Assented to 22nd December, 1911.]

## APPROPRIATION (WORKS AND BUILDINGS) ACT 1911-12 (No. 5 of 1911)—

An Act to grant and apply a sum out of the Consolidated Revenue Fund for the service of the year ending the thirtieth day of June, One thousand nine hundred and twelve, for the purposes of Additions, New Works, Buildings, &c. [Initiated in House of Representatives by Mr. Fisher, 8th November, 1911. Assented to 17th November, 1911.]

## ARBITRATION (PUBLIC SERVICE) ACT (No. 11 of 1911)—

An Act relating to the Commonwealth Court of Conciliation and Arbitration and the Public Service of the Commonwealth. [Initiated in House of Representatives by Mr. Hughes, 28th November, 1911. Assented to 18th December, 1911.]

## AUSTRALIAN NOTES ACT (No. 21 of 1911)—

An Act to amend section 9 of the Australian Notes Act 1910. [Initiated in House of Representatives by Mr. Fisher, 5th December, 1911. Assented to 22nd December, 1911.]

## COMMONWEALTH BANK ACT (No. 18 of 1911)—

An Act to provide for a Commonwealth Bank. [Initiated in House of Representatives by Mr. Fisher, 31st October, 1911. Assented to 22nd December, 1911.]

## CONCILIATION AND ARBITRATION ACT (No. 6 of 1911)—

An Act to amend the Commonwealth Conciliation and Arbitration Act 1904-10. [Initiated in House of Representatives by Mr. Fisher, 20th September, 1911. Assented to 23rd November, 1911.]

## CUSTOMS TARIFF ACT (No. 19 of 1911)—

An Act relating to Duties of Customs. [Initiated in House of Representatives by Mr. Tudor, 30th November, 1911. Assented to 22nd December, 1911.]

## DEFENCE ACT (No. 15 of 1911)—

An Act to amend sections 127, 134, 135, and 142 of the Defence Act 1903-10. [Initiated in Senate by Senator Pearce, 6th December, 1911. Assented to 22nd December, 1911.]

## ELECTORAL ACT (No. 17 of 1911)—

An Act to amend the Commonwealth Electoral Act 1902-09. [Initiated in Senate by Senator Pearce, 5th October, 1911. Assented to 22nd December, 1911.]

## INSCRIBED STOCK ACT (No. 20 of 1911)—

An Act to provide for Commonwealth Government inscribed stock and for other purposes in connexion therewith. [Initiated in House of Representatives by Mr. Fisher, 6th December, 1911. Assented to 22nd December, 1911.]

## KALGOORLIE TO PORT AUGUSTA RAILWAY ACT (No. 7 of 1911)—

An Act to provide for the Construction of a Railway from Kalgoorlie in the State of Western Australia to Port Augusta in the State of South Australia, the acquisition of the necessary land, the appointment of officers, the making of charges, and the appropriation of money in connexion with such railway. [Initiated in House of Representatives by Mr. King O'Malley, 20th September, 1911. Assented to 12th December, 1911.]

**LAND TAX ASSESSMENT ACT (No. 12 of 1911)—**

An Act to amend the Land Tax Assessment Act 1910. [Initiated in House of Representatives by Mr. Fisher, 30th November, 1911. Assented to 18th December, 1911.]

**LIGHTHOUSES ACT (No. 14 of 1911)—**

An Act relating to Lighthouses, Lightships, Beacons and Buoys. [Initiated in Senate by Senator McGregor for Senator Pearce, 6th July, 1910. Assented to 22nd December, 1911.]

**LOAN ACT (No. 24 of 1911)—**

An Act to authorize the raising and expending of the sum of Two million four hundred and sixty thousand four hundred and seventy-six pounds for construction of a railway from Kalgoorlie to Port Augusta, for the acquisition of land in the Federal Capital Territory, for the purchase of land and erection of buildings in London, for the redemption of loans raised by the Government of South Australia in connexion with the Northern Territory which are redeemable by the Commonwealth and to pay to the State of South Australia amount expended from revenue towards construction of railway from Port Augusta to Oodnadatta. [Initiated in House of Representatives by Mr. Fisher, 15th December, 1911. Assented to 22nd December, 1911.]

**NAVAL DEFENCE ACT (No. 16 of 1911)—**

An Act to amend the Naval Defence Act 1910. [Initiated in Senate by Senator Pearce, 6th December, 1911. Assented to 22nd December, 1911.]

**OLD-AGE PENSIONS APPROPRIATION ACT (No. 22 of 1911)—**

An Act to grant and apply out of the Consolidated Revenue Fund a sum for Invalid and Old-age Pensions. [Initiated in House of Representatives by Mr. Fisher, 5th December, 1911. Assented to 22nd December, 1911.]

**PACIFIC CABLE ACT (No. 25 of 1911)—**

An Act to authorize the Pacific Cable Board to construct and work a submarine cable between New Zealand and Australia, as part of the Pacific Cable. [Initiated in House of Representatives by Mr. Frazer, 18th December, 1911. Assented to 22nd December, 1911.]

**PETHERICK COLLECTION ACT (No. 4 of 1911)—**

An Act relating to the Petherick Collection. [Initiated in Senate by Senator Findley, 14th July, 1910. Assented to 26th October, 1911.]

**POST AND TELEGRAPH RATES ACT (No. 8 of 1911)—**

An Act to amend the Post and Telegraph Rates Act 1902-10. [Initiated in House of Representatives by Mr. Thomas, 6th October, 1911. Assented to 12th December, 1911.]

**PUBLIC SERVICE ACT (No. 26 of 1911)—**

An Act to amend the Commonwealth Public Service Act 1902-1909, in relation to the Permanent Staff List, the Classification of the Clerical Division, New Appointments to that Division, the Suspension of Officers, and the granting of Furlough. [Initiated in House of Representatives by Mr. Fisher, 18th December, 1911. Assented to 22nd December, 1911.]

**PURCHASE TELEPHONE LINES ACQUISITION ACT (No. 9 of 1911)—**

An Act to provide for the Acquisition of Purchase Telephone Lines. Initiated in House of Representatives by Mr. Frazer for Mr. Thomas, 20th September, 1911. Assented to 12th December, 1911.]

**SEAMEN'S COMPENSATION ACT (No. 13 of 1911)—**

An Act relating to Compensation to Seamen for Injuries suffered in the course of their employment. [Initiated in House of Representatives by Mr. Tudor, 20th September, 1911. Assented to 18th December, 1911.]

**STATUTORY DECLARATIONS ACT (No. 3 of 1911)—**

An Act relating to Statutory Declarations. [Initiated in House of Representatives by Mr. Fisher, 5th September, 1911. Assented to 14th October, 1911.]

**SUPPLEMENTARY APPROPRIATION ACT 1909-10 (No. 27 of 1911)—**

An Act to appropriate a further sum out of the Consolidated Revenue Fund for the service of the year ended the thirtieth day of June, One thousand nine hundred and ten. [Initiated in House of Representatives by Mr. Fisher, 19th December, 1911. Assented to 22nd December, 1911.]



SUPPLEMENTARY APPROPRIATION (WORKS AND BUILDINGS) ACT 1909-10 (No. 28 of 1911)—

An Act to appropriate a further sum out of the Consolidated Revenue Fund for the service of the year ended the thirtieth day of June, One thousand nine hundred and ten, for purposes of Additions, New Works, Buildings, &c. [Initiated in House of Representatives by Mr. Fisher, 19th December, 1911. Assented to 22nd December, 1911.]

SUPPLY ACT (No. 2) 1911-12 (No. 1 of 1911)—

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 twelve. [Initiated in House of Representatives by Mr. Fisher, 5th September, 1911. Assented to 6th September, 1911.]

SUPPLY ACT (No. 3) 1911-12 (No. 2 of 1911)—

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 twelve. [Initiated in House of Representatives by Mr. Fisher, 12th October, 1911. Assented to 14th October, 1911.]

SUPPLY ACT (No. 4) 1911-12 (No. 10 of 1911)—

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 twelve. [Initiated in House of Representatives by Mr. Fisher, 12th December, 1911. Assented to 14th December, 1911.]

TELEGRAPHS AND TELEPHONES SPECIAL WORKS ACCOUNT ACT (No. 23 of 1911)—

An Act to authorize the expending of moneys paid into the Trust Fund Telegraphs and Telephones Special Works Account. [Initiated in House of Representatives by Mr. Frazer, 19th December, 1911. Assented to 22nd December, 1911.]

## BILLS OF THE SESSION.

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### **BANKING COMPANIES RESERVE LIABILITIES BILL—**

[Initiated in Senate by Senator Lt.-Col. Sir Albert Gould for Senator Walker, 6th July 1910 ; lapsed at prorogation.]

### **COPYRIGHT BILL—**

[Initiated in Senate by Senator McGregor, 4th October, 1911 ; lapsed at prorogation].

### **NAVAL AND MILITARY DECORATIONS BILL—**

[Initiated in Senate by Senator Pearce, 5th October, 1911 ; lapsed at prorogation.]

### **NAVIGATION BILL—**

[Initiated in Senate by Senator McGregor for Senator Pearce, 6th July, 1910 ; lapsed at prorogation.]

### **PARLIAMENTARY WITNESSES BILL—**

[Initiated in Senate by Senator McGregor, 14th July 1910 ; lapsed at prorogation.]

### **TRADE MARKS BILL—**

[Initiated in Senate by Senator McGregor, 5th October, 1911 ; lapsed at prorogation.].

# PARLIAMENT CONVENED.

FOURTH PARLIAMENT—SECOND SESSION.

(*Gazette No. 60, 1911.*)

Parliament was convened by the following Proclamation :—

## PROCLAMATION

COMMONWEALTH OF  
AUSTRALIA TO WIT.  
DENMAN,  
Governor-General.

By His Excellency the Right Honorable THOMAS, BARON DENMAN, a Member of His Majesty's Most Honorable Privy Council, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Royal Victorian Order, Governor-General and Commander-in-Chief of the Commonwealth of Australia.

WHEREAS by the Commonwealth of Australia Constitution 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-fourth day of July, One thousand nine hundred and eleven, the Parliament was prorogued until the ninth day of August, One thousand nine hundred and eleven, and it is expedient to further prorogue the said Parliament: Now therefore I, THOMAS, BARON DENMAN, 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 Tuesday, the fifth day of September, One thousand nine hundred and eleven, and I do appoint the said Tuesday, the fifth day of September, One thousand nine hundred and eleven, 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 Tuesday, the fifth day of September, One thousand nine hundred and eleven.

Given under my Hand and the Seal of the Commonwealth of Australia, aforesaid, this first day of August, in the year of our Lord One thousand nine hundred and eleven, and in the second year of His Majesty's reign.

By His Excellency's Command,

W. M. HUGHES.

GOD SAVE THE KING !

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## House of Representatives.

*Friday, 13 October, 1911.*

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

### POSTMASTER-GENERAL'S DEPARTMENT.

#### TELEGRAPH OPERATORS' DISSATISFACTION —DANGEROUS TELEGRAPH POLES— COMMONWEALTH POSTAGE STAMPS.

Mr. FINLAYSON.—The information has reached me that considerable dissatisfaction is felt by the telegraph operators in the General Post Office at Brisbane, and it is stated in this morning's newspapers that a similar state of affairs prevails at Sydney, the trouble being due to a regulation issued by the Public Service Commissioner on the subject of broken time. Has the matter come under the notice of the Postmaster-General, and, if so, will he cause such inquiries to be made as will satisfy the telegraphists that no unreasonable calls will be made on them in regard to hours?

Mr. THOMAS.—The policy of the Government is to do away with broken

time as much as possible, and everything in reason will be done for the convenience of the men in the service, but the public interest must be considered.

Mr. McWILLIAMS.—Some two years ago I drew attention to the very dangerous condition of some of the telegraph poles in and about Melbourne, and I think a direct question on the subject was asked by the honorable member for Melbourne. I should now like to know whether the Postmaster-General's attention has been drawn to the sad accidents to line repairers, and whether he is aware that some of the poles are in such a state that a stick or umbrella can be pushed into them? Does the Postmaster-General intend to have a full report on the subject, and to explain how it is that the poles have been allowed to remain in this state until repairers have met their death?

Mr. THOMAS.—My attention has been called to the accidents, which we all regret very much. I must ask the honorable member to give notice of the other question he has asked.

Mr. McWILLIAMS.—There has been two years' notice of the question already.

Mr. HIGGS.—Will the Postmaster-General depart from his usual practice of asking for notice, and inform me what has been done with regard to the designs for Commonwealth postage stamps?

Mr. THOMAS.—Applications for designs were asked for, and an expert Board was appointed to judge them. It made its report, and although the Government does not bind itself to adopt the designs declared by the Board to be the best, it has paid the prize money to those who submitted them. We hold ourselves free to adopt those, or any other designs.

### DIRECTOR OF PHYSICAL CULTURE.

Mr. RYRIE.—Will the Minister representing the Minister of Defence arrange for the laying on the table of all papers relating to the appointment of Mr. Petersen to the position of Director of Physical Culture?

Mr. FRAZER.—I shall speak to the Minister on the subject. I do not think there will be any objection to the production of the papers.

### PRIVATE MEMBERS' BUSINESS.

Mr. GREENE.—Was it not understood yesterday, when members consented to give up the time usually allotted to private business, that the Government would later

afford an opportunity for the discussion of that business? Will the Government afford that opportunity to-day?

Mr. FISHER.—I promised to give an opportunity for the discussion of private business, and the promise will be kept. I did not think that the whole of yesterday's sitting would be occupied with the consideration of the Supply Bill.

Mr. GREENE.—When will an opportunity be given for the consideration of private members' business?

Mr. FISHER.—On some occasion which will suit both the Government and private members.

#### SMALL ARMS FACTORY.

Sir JOHN FORREST.—Will the Minister representing the Minister of Defence arrange to place on the table a statement showing the exact position of affairs in connexion with the Small Arms Factory at Lithgow? A number of questions have been asked, and we should have some definite information. I want to know how much the contractors are behind their time, and when finality will be reached.

Mr. FRAZER.—If the right honorable member will ask definite questions, the Minister will reply to them, and if he is not satisfied with the answers, I promise to make a statement during the consideration of the Estimates which I think will satisfy him.

Sir JOHN FORREST.—When will the factory be finished?

Mr. FRAZER.—I cannot say off-hand, but I shall obtain the fullest information.

#### NORTHERN TERRITORY LIQUOR LICENCES.

Mr. McWILLIAMS.—Will the Prime Minister have a return prepared showing the number of licences issued during the last three years for the sale of liquor in the Northern Territory, and the dates of issue?

Mr. FISHER.—Yes.

#### FEDERAL CAPITAL.

Mr. HIGGS.—I want the Minister of Home Affairs to make it clear whether he has any intention of deciding himself to whom prizes shall be given in connexion with the designs submitted for the Federal Capital?

Mr. KING O'MALLEY.—Certainly not. The position now is this: The architects, whose work plays only a minor part in town planning, wish me to bring an

architect from England and another from America to form a Board to judge the designs. We propose, however, to appoint a Board consisting of an Australian architect, an Australian engineer, and an Australian surveyor, all members of Australian Institutes.

Mr. FISHER.—That Board will make recommendations to the Government.

Mr. KING O'MALLEY.—Yes, and the Government's decision will be final. We are not going to appoint a Board forthwith. If we did, its members during the next six or seven months would be chased and hunted by persons endeavouring to persuade them to give decisions which might not be right.

Mr. JOSEPH COOK.—Does the Minister consider that it is not the function of an architect to decide the location of a building?

Mr. KING O'MALLEY.—The location of buildings will come later; then the architects will be in their element.

Mr. HIGGS.—It is not clear to me what will happen after the Board has decided that, in its opinion, certain designs are the best. Will the awarding of the prize or prizes be left to the Board, or to the Minister? If the Minister or the Government is to determine who shall get the awards, he or it will be the judge of the designs.

Mr. FISHER.—Whenever an expert Board is appointed to advise, the final decision is with the Government. Sometimes two designs are held to be equal, or nearly so, and the responsibility of choosing between them must rest with the Government. If a mistake is made, Parliament can apply the corrective.

Mr. JOSEPH COOK.—Is the Minister of Home Affairs prepared to make a statement regarding the selection of the engineer and surveyor whom he proposes to appoint for the preliminary surveys and investigations? Will he receive a nomination from the Institute of Engineers, and another from the Institute of Surveyors, or will he make appointments without consulting those bodies?

Mr. KING O'MALLEY.—We shall ask the Institutes to make nominations.

#### PAPERS.

MINISTERS laid upon the table the following papers:—

Defence Act—Military Forces—

Regulation No. 64A (New)—Provisional Statutory Rules 1911, No. 161.

Defence Act—Military Forces—*continued*.

Financial and Allowance Regulations Amended (Provisional).

No. 107 (b)—Statutory Rules 1911, No. 162.

No. 166—Statutory Rules 1911, No. 163.

Invalid and Old-age Pensions—Statement in accordance with section 54 of the Invalid and Old-age Pensions Act 1908-9.

Meteorology Act—Regulation No. 1 further amended—Statutory Rules 1911, No. 164.

## WRECKS ON THE NEW SOUTH WALES COAST.

Mr. JOHN THOMSON.—In view of the frequent wrecks and fatalities on the north coast of New South Wales, one of which is reported only this morning, with practically the loss of all hands, in addition to another a few weeks ago, with even more disastrous results, will the Minister of Trade and Customs make inquiry whether there are sufficient lighthouses, and whether proper appliances for saving life are provided?

Mr. TUDOR.—The Commonwealth has control of the lighthouses, but at the present time the lighthouse expert is in quarantine as passenger on a small-pox-infected vessel. New South Wales and the other States of Australia will be visited as soon as possible, with a view to seeing that the coast is properly lighted. As to the provision of life-saving appliances, and so forth, the Commonwealth has not the slightest control.

Mr. JOHN THOMSON.—Seeing that the lighthouses are under the control of the Minister of Trade and Customs—

Mr. TUDOR.—Not yet.

Mr. JOHN THOMSON.—In view of the fact that the lighthouses will almost immediately come under his control, will the Minister see that so important a branch of the Public Service is not dependent on the chance of one officer being prevented from performing his duty, even by being quarantined?

Mr. TUDOR.—The Lighthouses Bill is not yet law, but I took the unusual course of appointing an officer in anticipation in order to have inquiries made. This step will, I think, result in the work being forwarded by at least twelve months.

## METEOROLOGICAL REPORTS.

Mr. GROOM asked the Minister of Home Affairs, *upon notice*—

Whether he will inform this House what steps, if any, have been taken since December of last year to improve the transmission of meteorological data by telegraph?

Mr. KING O'MALLEY.—The reply to the honorable member's questions is as follows:—

In January last, the Postmaster-General's Department was asked to extend to the other States of the Commonwealth the system obtaining in New South Wales of transmitting data from important country centres, and in August last ten additional rainfall stations were added to the list in Queensland. It was, however, intimated that owing to congestion of telegraph lines in dealing with ordinary business no greater extension of free use of the lines could be agreed to. The Meteorological Bureau is fully seized of the importance of giving the greatest publicity to weather information, and is constantly seeking the aid of any likely means of distribution, but in view of the representations of the Postal Department, that it is not feasible at present to further use the telegraph lines for meteorological purposes a satisfactory solution is difficult to arrive at. The Postmaster-General's Department estimates the annual value of services carried out on behalf of the Meteorological Bureau at £50,000.

## KALGOORLIE TO PORT AUGUSTA RAILWAY BILL.

*In Committee* (Consideration resumed from 11th October, *vide* page 1293):

Clause 6—

The Minister shall not be required to fence any portion of the railway, but he may erect and maintain such fences in connexion therewith as he thinks proper.

Mr. GLYNN (Angas) [10.51].—I desire to call attention to a matter which, though of comparatively minor importance, requires looking into. The clause means that if it is not necessary throughout the great length of line to fence every part the Minister need not do so. In the State Acts, however, provision is made for protecting the public by making level crossings, and so forth; and we should not construct this line without reserving to the public all the rights they have under State legislation. Section 18 of the Northern Territory Act 1910, which, of course, is not applicable to Western Australia, contains a provision that the Commonwealth, in the "construction, maintenance, and working" of any railway required or authorized by the Act in South Australia shall be bound by the Railway Construction Acts of the State and the laws relating to State railways to the same extent as the State is so bound. I notice that by some oversight the word "maintenance" is left out of this Bill, and that the word "construction" is not defined so as to include maintenance. Until we alter the law we are, so far as South Australia is concerned, subject to all the liabilities

imposed on the Railway Commissioners of that State, and those liabilities include the provision of level crossings for stock, and so forth. I do not wish to move an amendment, because that might embarrass the Government, but merely draw attention to the matter so that it may be considered.

Clause agreed to.

Clause 7—

The Minister may utilize in the construction and working of the railway line engines worked by steam or other mechanical power.

Mr. FENTON (Maribyrnong) [10.55].—An important question of policy may be involved in this clause. It may be desired to use oil and other engines; and I should like to know whether it is the intention to import these or have them made locally. I should like an assurance that, as far as practicable, and, I hope, altogether, the engines will be constructed here.

Mr. KING O'MALLEY (Darwin—Minister of Home Affairs) [10.56].—I can assure the honorable member that there will be no difficulty in that matter. This Government believes in doing everything possible to promote Australian industries of every kind.

Mr. FOWLER (Perth) [10.57].—What is the meaning and object of the clause? It appears merely to indicate that the Minister may purchase or acquire certain kinds of mechanical power in connexion with the construction and working of the line. If it means no more than that, I am at a loss to understand why the clause is here. The other night the Prime Minister attempted to cast ridicule on an amendment providing for the weight of rails; and it was at the same time suggested that the gradients and curves should be stated in the Bill. Such matters, to my mind, are much more important than the fencing; in any case, we might take it for granted that the Minister will utilize engines, practically of any kind. Does the clause mean that when a particular engine is wanted the Minister will not proceed to construct it, but purchase it in the usual way?

Mr. GROOM (Darling Downs) [10.59].—The honorable member for Perth is, I think, entitled to an answer. If a public body desires to run an engine from which sparks may cause damage, it is necessary to obtain a general power to do so. Is this only a sort of skeleton Bill merely to adopt the policy of the construction of a line, or is it intended to be a

complete Bill? A great many accidents may be sustained by the public on railways; and I should like some assurance that the Minister will see that the rights of the public and of the Commonwealth are properly safeguarded. In the Railways Acts of the States, rights and duties are completely defined; and this, as we know, is the result of long experience. The honorable member for Angas has mentioned that we considered these points in connexion with the negotiations for the transfer of the Northern Territory. In the Act providing for the transfer, in section 18, we declared that the laws of South Australia in relation to all these subjects should be binding on the Commonwealth. This provides for the one section in South Australia, the remaining section should be as completely provided for. This is a technical subject, and it would, therefore, be unreasonable to expect the Minister to give us off-hand an authoritative answer; but I should like to have from him an assurance that he will consult his advisers, and that, if necessary, such action will be taken in the Senate as will duly safeguard the interests of both the Commonwealth and the people generally.

Mr. KING O'MALLEY (Darwin—Minister of Home Affairs) [11.2].—I would point out to the Committee that it may be found necessary to utilize different kinds of mechanical power, and that unless we took the power for which this clause provides, the Government might be held responsible for damage arising from the use of a particular form of mechanism. It might be urged in the Law Courts that we had no authority to use that kind of mechanism. We have already taken the very best legal advice available in the Department, but if anything further is necessary the Bill can easily be amended.

Mr. ARCHIBALD (Hindmarsh) [11.3].—The object of this clause is obviously to give the Government a general power to construct and use from time to time any mechanical power that may be necessary. In the South Australian Railway Commissioners Act there is a section giving a general power of construction and maintenance, and every Railway Bill submitted to the State Parliament contains a reference to that provision.

Mr. FOWLER.—In clause 10 we take over that power.

Mr. ARCHIBALD.—That may be, but it seems to me that if we inserted a general power of that character in this measure we



could have a reference to it in all future measures dealing with railway construction.

Mr. GLYNN (Angas) [11.4].—I understand that the Minister has said, in reply to the honorable member for Darling Downs, that, if necessary, a further Act will be passed, and a measure will certainly have to be passed eventually on the lines of the South Australian Railway Commissioners Act in order to give the powers to which reference has been made. A subsequent clause of this Bill, however, covers a good deal of the matters to which attention has been called.

Clause agreed to.

Clause 8 (Provision for incidental matters).

Mr. GLYNN (Angas) [11.5].—The honorable member for Fremantle a day or two ago drew attention to the fact that in this Bill no power is taken to run the rolling-stock of the Commonwealth over the Western Australian lines.

Mr. HEDGES.—Notice of an amendment dealing with that matter has been given.

Mr. KING O'MALLEY.—There is a proposed new clause.

Mr. GLYNN.—Very well; I had drafted an amendment dealing with the subject.

Clause agreed to.

Clause 9 (Incidental buildings and works).

Mr. KELLY (Wentworth) [11.6].—The whole tenor of this Bill generally is to place unlimited power in the hands of the Minister. It is a bad practice, more especially in a Bill dealing with the spending of public money, to confer on a Minister powers such as are covered by this measure. This clause provides that—

The Minister may erect or make all such stations, buildings, approaches, bridges, culverts, apparatus, dams, tanks, plant, works, conveniences, and structures as he considers necessary or desirable in connexion with the efficient construction and working of the railway.

Mr. GREENE.—The unfortunate part of this clause is that "Minister" is defined as meaning the "Minister of Home Affairs."

Mr. KELLY.—The Minister ought not to want to run the construction show. In a measure of this kind, there should be some authority vested with the actual construction of the railway, so that if the estimates are exceeded we shall be able to pin down a particular officer.

Mr. KING O'MALLEY.—The House will be able to pin down the Minister, and he,

in turn, will pin down the officer concerned.

Mr. KELLY.—I doubt whether I have the capacity to pin the Minister to anything. He is the most agile person under criticism that I have met. Why should this tremendous power be given? A Minister with wild-cat notions—he might not be the present Minister—

Mr. BRENNAN.—That is the point; it might be the Government.

Mr. KELLY.—It might be another Government altogether.

Mr. BRENNAN.—We have to take the risk.

Mr. KELLY.—I feel my responsibility to the country in regard to the expenditure of public funds, and desire, as far as possible, to safeguard the people against extravagance. The Minister will have power under this clause to do almost anything, and the Consolidated Revenue will be charged with the cost of all his adventures. I suggest to the honorable gentleman that, before we reach the third-reading stage, some step should be taken to safeguard the Commonwealth against possible contingencies in this direction.

Mr. J. H. CATTS (Cook) [11.10].—I understand that items to provide for the building of a railway will be included from time to time in the Estimates, so that when those Estimates are submitted, a discussion can take place on points such as those mentioned by the honorable member for Wentworth. It would be ridiculous to so limit the wording of this clause as to make it possible for the work to be suddenly held up—perhaps whilst Parliament was in recess—owing to the Minister having insufficient power to deal with some trifling matter that was not specifically mentioned in the Act. To my mind, the only possible way of providing for such a great work as this is to give the Minister practically unlimited power as to details.

Mr. KELLY (Wentworth) [11.11].—The honorable member for Cook cannot have read the Bill. Clause 19 provides that—

All moneys necessary for the payment of the cost of construction of the railway . . . shall be payable out of the Consolidated Revenue Fund or out of any moneys standing to the credit of the Loan Fund, and the Consolidated Revenue Fund and the Loan Fund are hereby appropriated for that purpose accordingly.

We are now dealing with the whole business relating to the construction of this railway, and it is the fact that we shall not be called upon to deal with it on the

Estimates that makes me particularly anxious to see embodied in the Bill proper safeguards against extravagance.

Mr. GREENE (Richmond) [11.12].—In support of what the honorable member for Wentworth has said, I would point out that we have no plans and specifications before us.

Mr. J. H. CATTS.—Does the honorable member think that the House should deal with the plans and specifications for this railway?

Mr. GREENE.—Most certainly. Honorable members who have had experience in the New South Wales Parliament tell me that they have never known a Railway Bill to be introduced without being accompanied by plans and specifications of the lines to which it applied. That, I am assured, is the invariable practice there.

Mr. HALL.—That is not correct.

Mr. GREENE.—I certainly think, more particularly as, I believe, it is the intention of the Government to construct this railway by day labour, that, before we finally give the Minister these wide and varied powers, and also vote the whole of the money necessary for the work, we should, at least, have from him an assurance as to the manner in which he is going to spend the money. There is a great deal in the point raised the other day by the honorable member for Perth, at the request of the honorable member for Fremantle, in regard to the weight of rails to be used. There is a possibility of our wasting a great deal of money by adopting too light a type of rail. The maintenance of this line is going to be a very heavy burden.

Sir JOHN FORREST.—Why?

Mr. GREENE.—Because the men will be cut adrift from all centres of civilization. They will have to work under conditions anything but pleasant during the greater part of the year, and they will probably require payment accordingly. I do not think that this, or any other Parliament, would begrudge them high wages under such conditions.

Mr. J. H. CATTS.—But maintenance is a question of traffic.

Mr. GREENE.—Not altogether. The honorable member for Fremantle, who is thoroughly acquainted with all the details of this class of work, will inform the Committee, I am sure, if he has recovered his voice, that if we used a heavy rail we should not have to spend half as much in maintenance as we should have to do if we used a light rail.

Mr. J. H. CATTS.—It will make very little difference unless there is heavy traffic.

Mr. GREENE.—No doubt the honorable member for Cook is, in his own estimation, a better authority than the honorable member for Fremantle. The latter is very strong upon this point.

Mr. HEDGES.—The Minister gave a satisfactory reply.

Mr. GREENE.—The Minister said he would do what he thought best, but he did not commit himself to any particular weight of rail, nor have we been furnished with any particulars as to the way in which the money is to be expended.

Mr. FENTON (Maribyrnong) [11.16].—The honorable member for Richmond need not be apprehensive as to the effect of the adoption of day labour in the construction of the line. In Victoria lines are being constructed now on the day-labour principle far cheaper than used to be the case under the contract system, and I believe that this is also true of New South Wales. The contractors' profits are being cut out, and the Governments of the day and the workers themselves are obtaining the benefits which the contractors at one time used to secure. It is perfectly right that the Committee should make every possible inquiry as to how far the Minister intends to go in exercising the great powers conferred by the measure. I hope the Government will adopt in the construction of the line the day-labour system, which is being employed in the States, and thereby save considerable sums to the Commonwealth.

Mr. GREENE.—I am not objecting to day labour. I object to the absence of specifications.

Mr. CANN (Nepean) [11.17].—I do not regard this clause as the final word in connexion with the management of the railway. The Minister must have large powers conceded to him at the present stage. Later on, when the line is working, probably the preponderance of feeling in the House and amongst the people will be in favour of the appointment of a Commission to manage the railway. Until then it would hamper the Minister if we gave him anything short of the powers conceded in the Bill, even though some honorable members may regard them as a little dangerous. In the New South Wales Parliament, as far as I know, the most that has ever been submitted in regard to the construction of a new line is the plan of the route and the recommendation of the Public Works Committee.

That information is all that we could reasonably expect in connexion with this line, and it has already been supplied. The honorable member for Richmond has been misinformed as to the practice in other Parliaments.

Mr. J. H. CATTS (Cook) [11.19].—The weight of rail is a matter upon which the engineers are so thoroughly agreed that no difficulty need be apprehended. The engineers will be able to determine the weight of rail required for the class of traffic on this line. I do not think that there will be found to be any variation between the views of any of the railway engineers of Australia on the point. As to the question of maintenance, the traffic will be comparatively light for some time to come. The line will have to be cut up into lengths convenient for patrol and inspection by men stationed at different points, and no man will have a greater length to look after than he can cover on his tricycle in a day. That will be sufficient for some time to come, and so the maintenance will be placed upon a certain minimum basis. As the traffic increases, the line will have to be more heavily ballasted, and the number of men spread along the route will have to be increased. I do not think that in the early days of the line the question of the poundage of rail will have any material effect on the cost of maintenance.

Mr. RYRIE (North Sydney) [11.21].—I am surprised at honorable members opposite "stone-walling" the measure. The amendment to specify the weight of rail was lost, and therefore the dissertation of the honorable member for Cook was unnecessary. The question of the maintenance of the line is a matter for officialdom after the work of construction is completed. Honorable members opposite are hampering the Minister and "stone-walling" the measure by indulging in absolutely unnecessary talk. I do not believe in wasting the time of the country. Ministerial supporters seem to be determined not to allow the measure to proceed any further in Committee. There is nothing contentious in the Bill until we reach clause 18. Why not let the intervening clauses pass, as they are all a matter of form? The Bill has been drafted by men who know more about the subject than do honorable members opposite, and in the orthodox manner in which all railway construction Bills are drafted.

Mr. WISE.—It is not; that is just the defect.

Mr. RYRIE.—I see no innovation in it. It is quite right that the powers here specified should be given to the Minister, and I hope honorable members opposite will cease to obstruct.

Mr. KELLY (Wentworth) [11.23].—The honorable member for North Sydney has hardly done justice to the honorable member for Cook and others opposite. It is true that the measure is somewhat peaceful down to clause 15, but the present is a time of extreme crisis, and it is necessary for grave national reasons that honorable members opposite should show themselves active in the supervision of public business. Those gentlemen are now facing a crisis in their careers. Any one of them may be chosen, and it is only right that the most exhaustive criticisms of public measures should at this stage emanate from them. I can see no other reason why they should make such earnest bids at this juncture. As one who is anxious to see the course of this measure made easy and placid, my sympathies are entirely with the honorable member for North Sydney, but as a humanitarian and one who realizes how intolerable it is to repress an overweening ambition, my sympathies go out to my honorable friends opposite.

Clause agreed to.

Clause 10—

For the purposes of the construction and working of the railway, the Minister shall have and may exercise in the State of South Australia, all the powers and authorities vested in the Government of that State, or any authority of that State by any State Act relating to railway construction or working to the same extent as if the railway were a State railway, and the Minister were the proper State authority for the construction and working thereof.

Mr. WISE (Gippsland) [11.25].—This is one of those unsatisfactory clauses which I suppose we must put up with because the Bill is merely a skeleton. The powers and authorities taken ought to be limited to those existing at the date of the passing of this measure. We do not know what the existing powers are, and the State Parliament may add to them from time to time. The Northern Territory Acceptance Act provided for the assumption of the powers as existing at the date of the agreement. I suggest that the clause be amended by inserting after the word "authorities," the words "at the date of the passing of this Act."

Mr. GLYNN (Angas) [11.26].—The honorable member for Gippsland is quite

right in saying that in the Northern Territory Agreement Act the powers assumed were limited to those existing at the date of the agreement, but to allay anxiety I may state that, as draftsman of the South Australian Bill, I went through every section of the South Australian legislation that could affect our powers, and, with the representative of the Commonwealth, compared them in Melbourne. He was satisfied at that date that the taking over of the powers as they existed then would involve no harm or risk. I do not think any change has taken place since, but if there is any obnoxious difference we can amend the Act.

Mr. HALL.—The objection of the honorable member for Gippsland is that something may take place subsequently.

Mr. GLYNN.—If that is the objection we could bring this measure into line with the Northern Territory Acceptance Act by limiting the powers and authorities to those existing at the date of its passage.

Mr. KELLY (Wentworth) [11.28].—The Minister might reasonably tell the Committee what are the powers and authorities vested in the South Australian Government. The next clause hands over the powers and authorities vested in the Western Australian Government. The Committee ought to know whether they are the same in both States. It might be more convenient to take over equal powers in both cases, so that our officers when passing over the border may know exactly how far their authority extends. Otherwise there may be all sorts of legal difficulties between State and State, in connexion with an inter-State line such as this undoubtedly is. Clauses 10 and 11 may be found to be in conflict.

Mr. KING O'MALLEY (Darwin—Minister of Home Affairs) [11.29].—The clause provides for taking power in South Australia in connexion with the construction of the railway. Many special powers may have to be exercised, such as the opening or closing of roads, the utilization of private premises for storage, the dealing with trespasses on property, &c.

Mr. KELLY.—Are the powers the same in South Australia and Western Australia?

Mr. KING O'MALLEY.—We take over the Western Australian powers in a subsequent clause. When they cross the border line, our officers will know if there is any difference in their powers. A man must conform to the laws of the State the moment he crosses its borders.

We desire to obtain the same rights and powers that the Minister of Railways has or may have in South Australia, and the Minister of Railways has or may have in Western Australia.

Mr. J. H. CATTS (Cook) [11.31].—It seems to me that until the Commonwealth has a general Railway Act similar to the State Acts, it will be necessary to have clauses like this in its construction Acts. No doubt we shall have a general Act before very long. In the meanwhile, the point raised by the honorable member for Gippsland deserves the serious consideration of the Government. Not only does the clause confer on the Minister all the powers given to the Minister of Railways of South Australia under existing Acts, but also all the powers that may be given to him under Acts which may be passed after this measure becomes law. That means that South Australia will be in a position to determine the conditions under which this railway shall be constructed and maintained. In framing the Bill, the departmental officers had access to the existing legislation of South Australia, and were able to make themselves acquainted with its effect, but they did not know what the future legislation of the State may be. Members, too, can inform themselves of the existing South Australian law, and may be quite willing to adopt it, but they are in the dark as to the future legislation of the State, which might be quite contrary to their view of what is proper for the Commonwealth. Perhaps the Minister will have the matter looked into, and, if necessary, provide for the amendment of the clause when the Bill is before the Senate.

Mr. FENTON (Maribyrnong) [11.35].—I do not know if the Government have entered into negotiations with the Government of South Australia on this subject. If we take all the powers of the State authorities, shall we not need the assistance of State officers to give effect to them?

Mr. J. H. CATTS.—Other Acts provide for that.

Mr. FENTON.—Can we say that the Acts of a State shall apply, or must we have the consent of the State to make sure that effect would be given to them?

Clause agreed to.

Clause 11 (Special Powers in Western Australia).

Mr. FOWLER (Perth) [11.36].—At no distant period the States will probably ask to connect branch lines with the Commonwealth line. Is provision made for that?

Mr. GROOM.—The Minister has given notice of an amendment.

Clause agreed to.

Clause 12—

The Minister may make by-laws for the regulation, government, protection, and working of the Railway, and may, if he thinks fit, adopt, with necessary modifications, the by-laws in force relating to the South Australian State Railways so far as concerns any part of the Railway in the State of South Australia, and may, if he thinks fit, adopt, with modifications, the by-laws relating to the Western Australian State Railways so far as concerns any part of the Railway in the State of Western Australia.

Mr. GLYNN (Angas) [11.38].—The clause empowers the Minister to make by-laws for the regulation, government, protection, and working of the railways. In the State Acts such by-laws are subject to the control of Parliament. In the South Australian Act of 1887, with which I am fairly familiar, because I drafted it, provision is made that fares may be fixed by by-laws. There is a series of provisions regarding regulations, and both by-laws and regulations are subject to Parliamentary control; in other words, Parliament may, after they have been laid on the table, disallow them on the presentation of an address to the Government. I think that we should provide for similar Parliamentary control.

Mr. RILEY.—The principle would apply also in clause 14.

Mr. KING O'MALLEY.—The by-laws have to be laid on the table of Parliament.

Mr. GLYNN.—But Parliament has no power to disallow. Section 10 of the Acts Interpretation Act declares that regulations are to be notified in the *Government Gazette*, and take effect from the date of notification, but that they must be laid before both Houses of Parliament, and if either House passes a resolution, of which notice has been given at any time within fifteen sitting days after they were laid before it, disallowing the regulation, it shall cease to have effect. With the Minister's permission, I shall therefore move—

That the following words be added:—"Such by-laws shall be deemed regulations within the meaning of section 10 of the Acts Interpretation Act 1904."

Mr. J. H. CATTS.—Will that amendment cover clause 14?

Mr. GLYNN.—Clause 14 must also be amended.

Mr. GROOM (Darling Downs) [11.42].—I hope that the amendment will be accepted. I asked the Minister to look into the matter, and have a clause drafted to deal with it, and he promised to do so.

Mr. KING O'MALLEY.—There is no objection to laying the regulations on the table.

Mr. GROOM.—What is desired is that Parliament should have the power to disallow them. Ministers are responsible for the administration of their Departments, with which Parliament should not interfere unduly, but it should have the ultimate control.

Mr. FENTON.—Surely we should have uniform by-laws?

Mr. GROOM.—We may desire to co-operate with the State authorities in each case, and we seem to have power to do so, adopting such South Australian and Western Australian regulations as we may think good. That does not prevent us from making uniform regulations of our own if necessary. Unless the amendment is carried, our railways will be under the control of a Minister who, if he is like the present occupant of the office may be a benevolent despot, but, on the contrary, he might be a malevolent one.

Mr. J. H. CATTS (Cook) [11.45].—The point raised by the honorable member for Angas is extremely important. I absolutely object to handing over the power provided in the clause to any Minister. In all the State Railway Acts, and other Acts relating to the Public Service generally, there is a provision that by-laws and regulations should be laid on the table of the House for a certain number of days in order that Parliament may have an opportunity to consider them.

Mr. GROOM.—If we adopt the amendment, the regulations will have to be published, and the public will be able to make objections.

Mr. J. H. CATTS.—I desire to support the amendment, because, as I say, in postal, military, and other matters the regulations are submitted so that parliamentary authority may be given or withheld. The working of the railways will include employment and conditions of labour, and without some such proviso as that proposed the Minister could work the whole business at his own sweet will. The amendment is not aimed at the present Minister or Government, but is absolutely necessary in any Bill of the kind. Personally I think the matter must have been overlooked, seeing that it is only a proper protection of the rights of Parliament.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 13 agreed to.

Clause 14—

(1.) The Minister may charge such fares. . .

(2.) All schedules of fares and rates made by the Minister shall be laid before the Senate and the House of Representatives within thirty days after the making thereof if the Parliament is then sitting and if Parliament is not then sitting, within thirty days after the next meeting of the Parliament.

Mr. GLYNN (Angas) [11.48].—I desire to move a similar amendment in this clause, though it is quite possible that the draftsman may be able to make the necessary provision in one special clause. I move—

That the following words be added to the clause:—"and shall be deemed to be regulations within the meaning of section 10 of the Acts Interpretation Act 1904."

Mr. HALL.—Does the honorable member think that one House ought to have the right to disallow any regulation?

Mr. GLYNN.—That point occurred to me; but we have laid it down in the Acts Interpretation Act that one House may do so, and it would be a pity to alter the principle in this Bill unless we alter it for all purposes.

Mr. HALL.—There might be a Senate which did not believe in the Ministerial policy, and which would reject every regulation made.

Mr. GLYNN. — Does that not apply now under the Acts Interpretation Act? This House controls the purse, and if we passed a resolution declaring that a particular charge was bad, we should expect another place to have no say in the matter. There is, of course, the inconvenience of allowing another House to disallow what we are doing, but a special amendment might be drafted to cover that, if the Minister thinks proper. At present I suggest that we pass the amendment; and we might recast the whole provisions in this respect, so as to preserve the supremacy of this House, giving power to another place, subject to our check, to make suggestions.

Mr. KELLY (Wentworth) [11.50].—Would it not be wiser to delete this clause? Without such a clause it would be necessary for the Government to introduce a Railway Bill to govern the whole matter of the railways as we were nearing the completion of the construction, whereas, with the clause we are inserting in a purely construction measure, we should have a provision regarding rates and so forth, which ought really to be in such a general Bill as I have suggested. The power given by the

clause will not be required until the line is practically constructed.

Mr. FOWLER (Perth) [11.51].—Will the Minister have power under this clause to enter into an arrangement with the State railway authorities as to a through rate, say, from Fremantle to Adelaide? If some such power is not definitely given, and one rate is to be charged from Fremantle to Kalgoorlie, another across the alleged desert, and a third from Port Augusta to Adelaide, the efficiency of the railway will be very much impaired.

Mr. KING O'MALLEY (Darwin—Minister of Home Affairs) [11.53].—I ask the honorable member for Angas not to press this amendment. If, later on, any alteration is considered advisable we can easily recommit the Bill. I am sure the Committee does not desire to do anything to cripple this financial project. We do not know what may happen in the future. This is a line of 1,060 miles, through country which is at present remote from civilization; and I advise the honorable member to withdraw the amendment, with a view to consultation later on.

Mr. WEST (East Sydney) [11.54].—I do not agree with the honorable member for Wentworth, because I think that, while the line is in course of construction, it will be necessary for the Minister to have some power to fix rates and fares.

Mr. KELLY.—I am inclined to think that is so, but this power proposed is a very extended one.

Mr. WEST.—The regulations will be laid on the table of both Houses, and the House will know exactly what the Minister has done in the conduct of the railway.

Mr. ARCHIBALD (Hindmarsh) [11.55].—I do not think there is any danger in the point raised by the honorable member for Perth as to through rates. We have already given to the Minister all the powers possessed and exercised by the Railways Commissioners of South Australia and Western Australia, so that there will be no difficulty in arriving at an agreement as to through fares. This clause, in my opinion, is very desirable, though it seems to me that the Bill is very strangely drafted. For that, however, I do not blame the Government so much, because many things have to be provided for in this Bill which would be more properly provided for in a general Bill creating some authority for the construction, maintenance, working—for, indeed, the whole

of the business connected with the line. A week ago the Government informed us that they did not think it desirable at present to create such an authority, because they were anxious to push on with this construction Bill. Until, however, the time arrives when a general Bill is necessary, we are bound to have a clause of this character in the present Bill.

Mr. KELLY (Wentworth) [11.58].—The argument of the honorable member for East Sydney is a very fair one, but I think it goes too far. The clause provides that the Minister may charge such fares and rates as he thinks reasonable; but I ask what passenger is going out into the centre of the desert until the line is a through line?

Mr. HALL.—People may go along for the purpose of selling clothes to those engaged in the work of construction.

Mr. KELLY.—That is possible, but surely it is much more likely that a representative of the Commonwealth Clothing Factory will travel free over the Government railway! Apart from such trifles as have been suggested, the necessity for such a provision cannot arise until the line is practically completed or close upon completion. I admit there is some necessity for a clause of the kind, and the case might be met if the Minister assured us that a general railway Bill will be submitted next session.

Mr. LAIRD SMITH.—This clause gives us control over the Minister.

Mr. KELLY.—It gives us no control, for never yet have honorable members had any practical chance of ventilating the question of regulations in this House. It is only when grave differences arise between parties that we have an opportunity to ventilate matters in the House. A matter may be of importance to a particular member, but not to a party as a whole, and in such circumstances it cannot be threshed out. This clause provides that a schedule of fares and rates made by the Minister shall be laid before both Houses of Parliament within thirty days after the making thereof, if Parliament is then sitting, and if it is not sitting, within thirty days after the next meeting of the Parliament; so that the schedule prepared by the Minister might be six or eight months old before we had a chance to deal with it.

Mr. HEDGES.—And a good thing, too.

Mr. KELLY.—From the honorable member's point of view, perhaps; but,

after all, this is a sovereign Parliament, and it is entitled to exercise the power of supervision over this railway until it is placed under Commissioners. If the Minister will give us an assurance that he will have the matter placed on a sure basis before this Parliament expires, that is all I can reasonably ask.

Mr. KING O'MALLEY.—It will be carefully considered.

Mr. KELLY.—The Minister will take this question into his careful consideration?

Mr. KING O'MALLEY.—Yes.

Mr. HALL (Werriwa) [12.2].—As to the point raised by the honorable member for Perth regarding the power of the Minister to make a through rate, I do not think that the clause as it stands would enable him to do so. I trust that the honorable member for Angas will not insist upon his amendment to incorporate in the Bill section 10 of the Acts Interpretation Act of 1904. That section provides that where an Act confers power to make regulations, all regulations made accordingly shall be notified in the *Government Gazette*; that they shall take effect from the date of notification; that they shall be laid before both Houses of Parliament; and that—

if either House of the Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation such regulation shall thereupon cease to have effect.

This clause gives the Minister power to frame a schedule of fares and rates.

Mr. WEST.—Will not the Government be compelled to publish those rates and fares in the *Government Gazette*?

Mr. HALL.—There is no objection to that, but if the amendment were adopted it would give the Senate the right to disallow that schedule by resolution when, perhaps, the whole of the Ministry and the whole of the members of this House were favorable to it. The position would be that the Senate would have a power over the finances to which it is not entitled.

Mr. GLYNN.—Then, would the honorable member give the House of Representatives this power? I recognise that regulations under other Acts do not deal with finance, whereas the schedule to which this clause relates would do so.

Mr. HALL.—Since the schedule would deal with finance, the proposed power should be confined to the House of Representatives.

Mr. WEST.—The Senate could not override the decision of the House of Representatives.

Mr. HALL.—It could if this amendment were carried.

Mr. GROOM.—Why not allow the existing law to stand?

Mr. HALL.—I think that we are fairly protected by the clause as it stands. It is for the Minister to say whether or not he is prepared to accept the amendment; but I trust that he will at least so limit it as to retain for this House the power to control rates and fares, instead of conferring on either House the power to disallow a decision of the Government in relation thereto.

Mr. HEDGES (Fremantle) [12.5].—It is very desirable that this clause should remain in the Bill. The honorable member for Wentworth said that whilst the line was being constructed nothing would be carried over it. He is evidently not aware of the fact that sheep and other stations extend for hundreds of miles over the country to be traversed, and that freight would be carried for them. Then, again, who knows what discoveries may be made during the construction of the railway? The line will pass through the Tarcoola gold-field, and it will carry everything required for that and other gold-fields that may be discovered. Whilst the railway from Southern Cross to Kalgoorlie was being constructed, the traffic upon it increased to such an extent that something like six engines were required to cope with it, apart altogether from the power required to haul the material for construction purposes. The Minister must have full power to make these rates, and to vary them according to circumstances. In the event of a serious drought, sheep and cattle would have to be removed from one place to another, and the Minister should be given power so to alter rates as to be able promptly to meet such an emergency.

Mr. GROOM (Darling Downs) [12.8].—I hope that the Minister will accept the amendment, as moved by the honorable member for Angas.

Mr. KING O'MALLEY.—I have already said that I cannot accept it. I promised, however, that the matter would be considered later on and said if it were then thought desirable to deal with it, we could if necessary re-commit the Bill.

Mr. GROOM.—From the point of view of Parliamentary control, this is an exceedingly important matter. Under the amend-

ment, both Houses would, if necessary, have the right to protest against the schedule of rates and fares adopted by the Minister, so that we are simply asking for the preservation of Parliamentary control. With one exception, I do not think that any regulation framed by a responsible Minister, acting under proper advice, has ever been disallowed by either House of the Commonwealth Parliament. The exception referred to was a regulation framed by the present Minister of Home Affairs in regard to the collection of the census, and which was rejected by the Senate. We should be very careful not to give up our Parliamentary control, and I hope that the Minister will accept this amendment.

Mr. KING O'MALLEY.—I cannot.

Mr. GROOM.—The legislation of South Australia is generally noted for its preservation of the rights of the State Parliament. In section 37 of the South Australian Act power is given to the Commissioner to make by-laws fixing the amount of fares for the conveyance of passengers and the charges for the carriage of animals, goods, and parcels. It provides further, however, that such by-laws shall be laid before both Houses of Parliament within fourteen days of their making, and that if an address be presented to the Governor by either House they may be annulled. That is what we are asking for. We are asking, not for the introduction of any revolutionary principle, but for the recognition of an existing system. When the definition clause was under consideration, I asked the Minister of Home Affairs whether the rates and fares fixed by the Minister should not be submitted to Parliament, and the honorable gentleman, acting on his first impulses, which are generally the impulses of statesmanship, said—"I have not the slightest objection to doing that when the occasion arises."

Mr. KING O'MALLEY.—I have really provided for what I promised would be done.

Mr. GROOM.—The honorable member has not done so. If we delegate these powers to the Minister, he will be able to exercise them just as he thinks fit, and unless we can pass a Bill through both Houses we shall be unable to secure redress.

Mr. J. H. CATTS.—Or pass a motion of censure.

Mr. GROOM.—Even that would not be sufficient. It would only lead to the misfortune of depriving us of the services of



the Minister. We want to remove, not the Minister himself, but that which is objectionable in any schedule or regulation. The amendment should be accepted. If, upon further consideration, it was thought to be too drastic, it could be reconsidered. The Minister could ask the Parliamentary Draftsman to consider how it harmonized with the whole scheme of his Bill. It would be much better for the Minister to accept the amendment than to reject it, and be compelled at a later stage to ask for the recommitment of the Bill.

Mr. J. H. CATTS (Cook) [12.14].—The proviso to this clause that these schedules of fares and rates shall be laid on the table of the House is absolutely insufficient to meet the position. Under it schedules would be laid on the table, and we should have power to look at them, but we could not cause them to be disallowed unless we carried a motion that would be tantamount to a motion of censure. On such a motion the matter would be decided on party lines, quite irrespective of the merits of the schedule itself. I recognise the force of the objection raised to the amendment, that it would give the Senate co-equal power with this House to veto a schedule of rates and fares; but we could add words providing for all that the honorable member for Angas has in view without going so far as to incorporate in this measure the provisions of section 10 of the Acts Interpretation Act of 1904. I would suggest that the following words be added to sub-clause 2:—

Within which period the House of Representatives may, by resolution, vary or rescind all or any of such schedules.

Would I be in order in moving an amendment upon the amendment?

The CHAIRMAN.—The honorable member had better wait until the other amendment is disposed of.

Mr. J. H. CATTS.—Perhaps the words I have suggested will not quite meet the case. I will give notice of intention to move to add to sub-clause 2 a proviso that "the House of Representatives may within fifteen days after the tabling of the schedule by resolution vary all or any portion of it." It would not be proper to give any Minister unlimited power over so important a matter. The power that I am asking for is conserved to all the State Parliaments, and it is absolutely necessary when we are commencing a Commonwealth railway policy to preserve similar powers for the Commonwealth Parliament.

Mr. FENTON (Maribyrnong) [12.17].—The difficulty might be overcome if the Minister would consult his colleagues to see if an amendment can be drafted to suit the objections that have been raised. It would be unwise at this stage to accept the amendment of the honorable member for Angas, or that of the honorable member for Cook. It would be satisfactory if the Minister would promise to make a statement to the House later on, and, if necessary, recommit the clause.

Mr. BRENNAN (Batman) [12.18].—The objection to the suggestion of the honorable member for Cook is that under it one House may veto a regulation which is sanctioned by the other. In a case of that kind the remedy would lie in the introduction and passage of an Act, and we should reach then exactly the same position as we are in now. The honorable member for Cook objects that when the schedules are laid before both Houses members can do nothing but look at them. Our remedy is exactly the same as we should have in the last resort if the amendment of the honorable member for Angas were adopted—namely, that we should have to deal with the matter by passing an Act. In the event of a clash of opinions between the two Houses, the matter has to be dealt with in the proper way by the introduction of a measure.

Mr. J. H. CATTS.—I do not propose to give the other House any authority in the matter.

Mr. BRENNAN.—Both Houses have absolute power in the matter, and may exercise it in the last resort, whether the amendment of the honorable member for Angas is carried or whether the clause goes through as it stands at present.

Mr. GLYNN (Angas) [12.20].—I see no way out of the difficulty unless the provision I suggest is put in. Otherwise we shall have absolutely no power to check the rates. An Act of Parliament has nothing to do with it, because an Act immediately tempts the Senate to interfere. They have a perfect right under the Constitution to intervene by resolution. I would prefer that they did not have the same power as we have over these things, but if we do not allow them to do it by resolution, and a deadlock results, we cannot get over the difficulty by an Act, because they will simply refuse to pass the Act. In the South Australian Railways Act, as the honorable member for Darling Downs

pointed out, there is an express provision on the lines of my amendment. All fares must be laid on the table of the House, and may be disallowed by the specific resolution of either House. We have based our Constitution on the South Australian practice, and the Senate holds in the matter of finance exactly the same relation to this House as the South Australian Legislative Council holds to the South Australian House of Assembly.

Mr. FENTON.—Will not this proposal give the Senate power to disallow all these regulations by resolution?

Mr. GLYNN.—Undoubtedly, but if we do not pass the amendment, we shall have no power over the schedules of fares and rates at all. I recognise the force of the argument of the honorable member for Cook, that it would be inadvisable even indirectly to give the Senate by our legislation power to check these charges, but if we put in a limitation to the effect that it is to be done by the House of Representatives only, we immediately tempt the Senate to kick up a row on a practically irrelevant matter. I do not want to block a Bill about which I am not very enthusiastic, and therefore I would advise honorable members to follow the course laid down in 1904, and not to precipitate a dispute with the Senate about a measure which they are particularly anxious to pass. If the Minister thinks it better, after consultation with the Drafting Department, to throw both these clauses into some other shape, I am sure the Committee will facilitate the re-draft in every way, but at present, following what has been done in South Australia in a perfectly analogous case, his best course is to adopt my amendment. Without it this House will have no check over the charges at all.

Mr. KING O'MALLEY (Darwin—Minister of Home Affairs) [12.25].—I suggest that the Committee pass the Bill as it stands now. We have had the best opinion of the Law Department on its drafting, and our desire is to carry out this project economically and efficiently. I do not want to have anything in the measure which will in any way cripple it.

Mr. GROOM.—This is simply a question of policy.

Mr. KING O'MALLEY.—If it is considered advisable, we can recommit the Bill and have the proposal re-drafted.

Mr. GROOM.—It is not a question of technical drafting; it is a question of whether Parliament shall keep control.

Mr. KING O'MALLEY.—The Bill has to be successfully administered by this Government, and we do not want anything in it that will make it possible to cripple the whole project.

Mr. J. H. CATTS (Cook) [12.26].—After hearing the honorable member for Angas I am prepared to vote for his amendment. Whilst my proposal would perhaps establish the supremacy of the House of Representatives in a financial matter of this kind, it might raise in the Senate some difficulty that would be really to the detriment of the measure. Rather than that should happen, I would prefer the amendment of the honorable member for Angas. I am absolutely strong on the point that unlimited power should not be given to any Minister, Labour or Conservative, to fix rates and fares. Parliament must retain authority to review the matter.

Mr. BRENNAN.—The only difference is that the Bill as it stands gives Parliament control, and the honorable member wants to reserve the power to one House.

Mr. J. H. CATTS.—The Bill does not give control to Parliament. Sub-clause 2 simply provides that the schedule shall be laid on the table, which means that we may come here and look at it.

Mr. BRENNAN.—It throws the whole field open for Parliament to deal with.

Mr. J. H. CATTS.—Only by the passing of a vote of censure on the Government. The matter of rates and fares may be of great importance, but the members of a party may not feel inclined to turn the whole Government out on it. I want to see provision made in the measure for Parliament to deal with the question as a non-party one. The only way to secure that is to direct that the schedule shall be laid on the table, and that Parliament shall have an opportunity of vetoing or varying it within a certain period, just as is now done in the case of regulations in connexion with all the Government Departments.

Mr. GROOM (Darling Downs) [12.28].—All that we ask is that these by-laws shall be deemed to be regulations within the meaning of the Acts Interpretation Act of 1904, which provides that, wherever the word "regulation" is mentioned in an Act of Parliament the following procedure shall apply: The regulations have to be notified in the *Gazette*, they take effect

from the date of the notification, and they are to be laid before both Houses of Parliament within thirty days of their making, or if Parliament is not then sitting, within thirty days after its next meeting, but that, if either House at any time within fifteen sitting days after the regulations have been laid before the House pass a resolution of which notice has been given, disallowing any regulation, such regulation shall thereupon cease to have effect. That applies to every regulation made where the power to make regulations is conferred by an Act. All that we ask in this instance—the Minister has already accepted it as regards the general by-laws in a previous clause—is that as regards railway rates and fares the by-laws shall be deemed to be regulations. Then those provisions relating to regulations will apply. The effect will be that the regulations will have the force of law, unless within fifteen days of their being laid before Parliament either House passes a resolution disagreeing to them.

Mr. FISHER.—I have no objection to providing that the by-laws must be made by the Governor-General in Council.

Mr. GROOM.—I do not think that that is going far enough. The clause as framed makes the Minister a despot. He can fix what rates he pleases, and lay them on the table, but Parliament cannot disallow them. The regulations fixing the fees in the Patents and Trade-marks Departments have to be laid on the table, and the same practice should be adopted in this case.

Mr. FISHER (Wide Bay—Prime Minister and Treasurer) [12.32].—If the honorable member for Angas will consent to withdraw his amendment, I have an amendment to move in the first line of the clause.

Amendment, by leave, withdrawn.

Mr. FISHER.—The amendment which I wish to propose reads as follows:—

That the word "Minister," line 1, be left out, with a view to insert in lieu thereof the words "Governor-General in Council."

Mr. GLYNN (Angas) [12.34].—It would be wise to give the Committee an opportunity to think over the amendment which I proposed. There may be a difference of opinion as to whether the Senate should have the power to disallow regulations, but I am afraid that if any limitation on its power is inserted it will not be agreed to. I should like Ministers to consider my proposal, and if they decide not to accept it, to give an opportunity to test the feeling of the Committee in regard to it.

Clause postponed.

Clause 15—

The Minister may appoint all such officers as he thinks necessary for the purposes of the construction or working of the railway, and may authorize the employment of any persons for those purposes.

Mr. GROOM (Darling Downs) [12.36].—Will the Minister give us an explanation of this clause? It allows him to appoint all such officers as he thinks necessary for the construction or the working of the railway, and to authorize the employment of any person for these purposes. Similar provisions were inserted in the draft Census and Statistics Bill and the draft Meteorological Bill, but were withdrawn because the Public Service Act regulates the appointment of officers. Under the Bill as it stands, the Minister could enter into a life contract in appointing an officer. There is no restriction on his power of appointment. This appears to conflict with the principle of the Public Service appointments laid down in the Act. In the appointment of permanent engineers, for example, the usual practice should be followed. An office should be created, the vacancy advertised, all candidates should be tested, and the applicants best fitted should be appointed. So, too, with accountants, clerks, and the like. As for temporary hands, their appointment, again, is provided for in the Public Service Act, and provision is made for waiving its limitations, if necessary. It must be remembered that persons appointed under the Act have their rights and privileges. But the Bill would, apparently, enable the creation of a new Public Service without defined status.

Mr. KING O'MALLEY (Darwin—Minister of Home Affairs) [12.40].—The Bill provides purely for the construction of the railway, but passengers and goods will be carried on the line before it is handed over by the constructing authority to the managing authority. It is not intended to create a large permanent staff, because it may be that the Commonwealth will not undertake another work of this kind for some time, and may not need again the men employed on it. If the Public Service Commissioner had to be consulted about the dismissal of one man, or the choice of another, it would hamper operations very much. Such procedure would be very unbusinesslike. The Engineer-in-Chief will be responsible to the Minister, but in turn will control his immediate officers, who will direct those below again.

Mr. McWILLIAMS (Franklin) [12.43].—There is no need for the clause, and I hope that the Minister will consent to its being negatived. The Public Service Act leaves to the Minister the right to appoint temporary hands without reference to the Commissioner. We know that as soon as the line is connected with a centre of population, passengers and goods will be carried on it, and a staff will be necessary to manage the traffic. A traffic inspector would not be appointed merely to control the traffic during the time that the line was under construction, to be dismissed on its completion. When the work nears completion, a traffic branch and a permanent-way branch will be just as necessary as later on, when it is in full running order. The best men available should therefore be appointed in the first instance, and in their appointment the provisions of the Public Service Act should apply. The temporary hands needed only for the construction of the work can be appointed without reference to the Public Service Commissioner. Temporary hands are so employed now in connexion with telegraph repairing, the construction of roads, and other works. If the clause is carried as it stands, there may ultimately be a serious conflict between the Minister and the Public Service Commissioner, unless men are temporarily appointed to what will be really permanent positions. The only result can be direct and serious conflict between the Minister in charge of what may be called temporary works and the Public Service Commissioner, who, until the Act is repealed, must have control of the permanent appointments. Under the Public Service Act the heads of the Departments who represent the Minister have full and complete power to make all temporary appointments, and I do not think it advisable that a Minister should make permanent appointments so long as the Public Service Commissioner is vested with the authority. This clause will not give the Minister any more power than he possesses now, nor will it take from the Commissioner any of the authority he now has. It has been found necessary to withdraw similar clauses in two or three Supply Bills previously before us, and any conflict between the Construction Department and the Commissioner can be to the interests of neither the service nor the Minister.

Mr. J. H. CATTS (Cook) [12.46].—I agree with the policy laid down in the clause, which vests in the Minister or his subordinate officers control of the employes.

The scheme of the Public Service Act is, in my opinion, absolutely ridiculous.

Mr. KING O'MALLEY.—Hear, hear, in this matter.

Mr. J. H. CATTS.—In any matter, because it divides responsibility in the Department. Recommendations made by those in charge in relation to wages and conditions, or the qualifications of persons employed, may be "turned down" by the Commissioner, who has absolutely no responsibility whatever in the conduct of the Departments. I know of instances where the Commissioner has taken up an attitude in entire opposition to the official charged by this Parliament and Government with the successful conduct of work of a highly technical and professional character. That being so, the sooner Parliament gets rid of the rotten idea that the Commissioner should be enabled to veto the recommendations of responsible officials the better.

Mr. McWILLIAMS.—Why not repeal the Public Service Act?

Mr. J. H. CATTS.—This clause will repeal the Act so far as the railway is concerned; indeed, that appears to be the expressed intention. If the clause were not here the appointments would rest entirely with the Commissioner, but the power is transferred to the Minister.

Mr. McWILLIAMS.—Would the honorable member make that apply to permanent officers also?

Mr. J. H. CATTS.—I would make it apply to any person employed for the purposes of this Bill.

Mr. BRENNAN.—I think it is very doubtful whether this clause will transfer the power to the Minister.

Mr. J. H. CATTS.—Of course there are differences of opinion on the matter.

I desire to provide for the observance of certain conditions as to employment, and move—

That the following words be added to the clause:—"Provided that the recognised working hours shall not exceed 48 per week, unless in cases of emergency, when overtime may be worked; and provided also that the minimum rate of wages shall not be less than 8s. for eight hours."

Mr. HALL.—For adult labour?

Mr. J. H. CATTS.—Yes; that can be provided if desired.

Mr. RILEY.—Cannot we trust the Minister?

Mr. J. H. CATTS.—A little while ago, when the question of a minimum wage

was before us, the then Minister practically insulted me on the floor of Parliament when I asked for a rate of 7s.; and I desire this matter of wages to be placed beyond the power of any Minister. In the Railway Departments of the various States, from nine to twelve hours a day are being worked regularly, and when we ask that an eight hours' day shall be provided for, we are told by the Commissioners that because there are 30,000 men employed—as in New South Wales—the reform will cost £150,000 or £250,000. The Commissioners express their sympathy with the idea of an eight hours' day, a minimum wage, and one day's rest in seven; but when it is suggested that a reform, to which I am sure the public would readily assent, should be carried out, we are told that the extra cost would throw the finances of the State Departments into chaos.

Mr. McWILLIAMS.—Why not straight away repeal the Public Service Act?

Mr. J. H. CATTS.—I candidly admit that it is my desire to do so in the case of the railways. If we lay down, at a commencement, that the week's work shall consist of 48 hours, we shall have no trouble in the future. As the honorable member for Franklin has pointed out, this railway will be built in sections, and doubtless each section as completed will be worked. Men will be required for the permanent way, locomotives, and so forth, and they may in the beginning be permanently appointed.

Mr. McWILLIAMS.—They should be.

Mr. J. H. CATTS.—Further it is possible that the contractors may open the line temporarily for traffic.

Mr. GREENE.—Is this work going to be done by contract?

Mr. J. H. CATTS.—I do not know whether that question has been decided, but if the work, as it should be, is done by day labour, sections of the line will be opened on a temporary basis; and I have no doubt that the men employed at first will eventually receive permanent appointments. I do not know that it is necessary to permanently appoint them the moment they are taken on, because some probationary period may be desirable.

Mr. McWILLIAMS.—It would be much fairer to make their appointments permanent from the beginning.

Mr. J. H. CATTS.—Quite so; I have a great objection to temporary appointments for permanent work. However, that point

need not be discussed at length just now. We have an opportunity now, at the commencement of the work, when few practical difficulties present themselves, to lay down the maximum working hours, and the minimum wage, though, of course, I have not provided for eight hours each day, as the exigencies of the traffic may require broken time. A minimum of 8s. a day has been laid down by the Minister for permanent work in his Department.

Mr. KING O'MALLEY.—For temporary work it pays 9s. a day.

Mr. J. H. CATTS.—That is in the case of men who work broken time, but temporary employes who are constantly employed are paid 8s. It may be that the cost of living will increase, and 8s. may not prove a living wage, so that the matter will have to be subject to reconsideration.

Mr. WEST.—It is a bad thing to fix a minimum wage, because it has a tendency to become the maximum.

Mr. J. H. CATTS.—That is often the way in the case of private employment, but it does not apply to Government employment.

Mr. WEST.—Why make the provision?

Mr. J. H. CATTS.—Because I desire to see nothing less paid. Thousands of men are working for the Commonwealth at 7s. a day.

Mr. CANN.—Men are working on the New South Wales railways at less than 8s.

Mr. J. H. CATTS.—Thousands were working for less than 7s., but I am glad to see that the latest Wages Board has fixed the minimum rate for unskilled labour at 8s. for eight hours. Unhappily, in some of the States, there are men working for as low a wage as 6s. and 7s. a day of eight hours; and, while we should like to see the rate a little higher than I have suggested, it is well to lay down a minimum. I hope the principle will be affirmed in an Act of Parliament, because that will not only do good in the Commonwealth service, but will have a wholesome effect on the various services of the various States.

Mr. FISHER (Wide Bay—Prime Minister and Treasurer) [12.59].—The Government have no objection at all to the principle embodied in the proposal, but we think that it would be better contained in a separate clause.

*Sitting suspended from 1 to 2.15 p.m.*

Mr. GREENE (Richmond) [2.15].—The honorable member for Cook, just before we adjourned for dinner, expressed

pleasure that the appointments under this clause would not come under the operation of the Public Service Act. I wish to point out, however, that many of these appointments will in their very nature be of a permanent character. Probably before we have completed this railway other railways in the Northern Territory will be projected, and many of these appointments, if made, will go on automatically for a very long time. I am not speaking of casual labourers, because under the Public Service Act there is ample power to employ all the casual labour that will be required for the actual construction of the line. I am speaking rather of appointments to the engineering, construction, and clerical staffs, which will be, to all intents and purposes, of a permanent character.

Mr. FISHER.—We propose to limit them.

Mr. GREENE.—However short may be the limitation that the Prime Minister proposes to impose upon them, should not these employés automatically come under some form of control that is removed from political influence? I understand that the policy of this Parliament from the first has been to take the permanent employés of the Commonwealth out of Ministerial control, and to place them under an independent control where they are free from political interference and political interests. Officers engaged in the construction of this line will automatically be transferred to the other works to which I have referred, and there ought to be some definite provision that the officers whom the Minister may appoint under this clause shall be placed under the operation of the Public Service Act, or a Bill should be passed providing for their control by Railway Commissioners. If that is not done, the door will be opened wide to political influence. From the point of view of honorable members on all sides of the House, it is undesirable that our Public Service should be exposed to political patronage. I should like to know exactly the nature of the limitation which the Prime Minister proposes to impose.

Mr. FISHER.—We propose to limit the appointments under this clause to a term not exceeding six months beyond the date of the opening of the line.

Mr. GREENE.—The construction of the line may occupy some years, and it is not fair even to the Ministry, or to those public servants who will be engaged, to expose the service during that time to political patronage.

Mr. J. H. CATTS (Cook) [2.20].—As I understand that the Government are prepared to accept the principle of my amendment, if it be embodied in a separate clause, I ask leave to withdraw my amendment, so that I may submit at a later stage a clause dealing with the matter.

Amendment, by leave, withdrawn.

Amendment (by Mr. KING O'MALLEY) proposed—

That after the word "appoint," line 1, the words "for any period not extending six months beyond the date on which the line shall be declared open for traffic" be inserted.

Mr. FENTON (Maribyrnong) [2.23].—Before this line is completed, it will be necessary to engage a number of permanent employés.

Mr. FISHER.—We shall have power to do that under this proviso.

Mr. FENTON.—The Government are taking power under the amendment to limit the term of employment of those at present engaged to not more than six months after the completion of the line.

Mr. FISHER.—That is to say, the Minister cannot continue indefinitely the employment of men so engaged. In the meantime we shall pass an Act dealing with the whole matter.

Mr. FENTON.—I believe it will be necessary to make permanent appointments prior to the completion of the line. I presume that in connexion with the appointment of the chief officials required either for the construction of the line or the supervision of the railway, applications will be publicly invited—that we shall follow the course pursued in connexion with the recent appointment of a Land Tax Commissioner and an Engineer for the Northern Territory. That should get over the difficulty raised by the honorable member for Darling Downs, who said that in order to remove this matter wholly beyond Ministerial control the appointment of officers should be placed under the Public Service Commissioner. I am not arguing for that, but I do urge that when it is proposed to make permanent appointments to the engineering and other staffs, applications should be publicly invited by advertisement in the *Government Gazette* and the public press, and that those applications should be dealt with in the ordinary way. It is not yet clear whether or not permanent appointments are to be made during the construction of this line.

Mr. KING O'MALLEY.—No.

Mr. FENTON.—I think that some permanent appointments will be absolutely necessary. Before the whole line is completed, certain portions of it no doubt will be earning revenue, and we shall require a staff of some kind to deal with the traffic, and to control that revenue before the railway as a whole is constructed. That being so, it will be absolutely necessary to appoint permanent officials before the whole line has been constructed.

Mr. FISHER (Wide Bay—Prime Minister and Treasurer) [2.27].—The amendment means that no appointment made by the Minister or the Government will enable the person so appointed to have the right to remain in the service for more than six months after the line has been opened for traffic. That will prevent Ministerial patronage in the case of appointments that will extend six months beyond the time taken for the construction of the railway. As has been already stated, the Government intend to bring in, later on, a machinery Bill dealing with appointments to this service.

Mr. GROOM.—And that Bill will supersede this provision.

Mr. FISHER.—It will to some extent. Appointments of a permanent character may then be made either by the Public Service Commissioner or some other authority, but no appointments made by the Minister or the Ministry will give the person appointed any position of permanency beyond six months after the construction of the line. That is the extreme limit; but from the first day or the first month other machinery, to be brought into existence, will enable men who have shown their competency by passing prescribed examinations and so forth to become permanent officers of the Commonwealth railway service.

Mr. CHARLTON (Hunter) [2.29].—I am afraid that the amendment would prevent the adoption of the course just outlined by the Prime Minister. It may be found necessary to open sections of the line before the whole railway is completed.

Mr. GROOM.—The amendment refers to the time when the line is declared open for traffic.

Mr. CHARLTON.—But a certain section may be declared open for traffic before the whole line is completed. An auriferous belt may be struck, and cause a sudden access of population, requiring the partial opening of the line, and it might

not suit the Government at that time to dispense with particular employes.

Mr. FISHER.—In my opinion that would not be an opening of the line.

Mr. CHARLTON.—The amendment would have that effect. I am personally favorable to what the Prime Minister states, but he should see that the words used give effect to the real intention of the Government.

Mr. FISHER.—It might be necessary, if there was any doubt, to specify that the opening of the line should be for traffic between Port Augusta and Kalgoorlie.

Mr. WEST (East Sydney) [2.31].—The Bill is merely a construction Bill, and had better be left as it is. The Government have stated that as soon as they are able they will bring in a Bill to deal with Commonwealth railway management generally. Until then it would be better to give the Minister control without any of these limitations. The honorable member for Cook wanted to put other matters into the Bill, but he should make those proposals when the subsequent measure is brought forward. The men who will be employed in the construction of the line will be very different from those who will be afterwards employed in the management of traffic on the railway. After the opening those employed will be servants of the Commonwealth just like the employes in the existing Departments.

Mr. J. H. CATTS.—Portions of the line will be in complete working order before the whole line is finished.

Mr. WEST. — I understand that the construction will start at both ends. The best part of the material will have to be taken from both ends, and as soon as the first 200 or 300 miles is completed the Government will run trains to carry the necessary materials, and perhaps a few passengers.

Mr. GROOM. — The Bill provides for that.

Mr. WEST.—That is why I do not think honorable members should try to muddle the Bill up. The draftsman prepared it as a Bill for railway construction only, and honorable members should leave all their ideals regarding railway management until the Railway Management Bill is introduced later this session, or next session. Surely we have not come so low that we cannot trust a Ministerial Department to engage the officers and men necessary for the construction of the line. My experience is that the men employed in the

Commonwealth Departments are a credit to the Government, and a credit to the country. I shall vote for the clause as it stands, and feel almost disposed to divide the Committee on the amendment.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 16 agreed to.

Clause 17—

Notwithstanding anything in any State Act, the Minister need not cause any book of reference or plan to be made or deposited with any State authority in connexion with the railway.

Mr. GREENE (Richmond) [2.35].—I pointed out earlier that no plans of any sort had been submitted in connexion with the line. I find from the Queensland *Hansard* that in the Queensland Parliament, not only plans, but even the sections of the line and books of reference are drawn out and submitted. The whole question is then referred to a Select Committee, and until the report of the Committee is finally adopted by the Parliament the line is not proceeded with. This Bill is not merely a construction Bill as argued by the honorable member for East Sydney. It is a construction and working Bill, and it even appropriates all the money that may be required for the construction of the line.

Mr. FISHER. — The Bill does not do that.

Mr. GREENE.—Clause 19 provides for it.

Mr. FISHER.—That clause does not vote any money.

Mr. GREENE.—The clause distinctly says, "All money necessary . . . shall be payable out of the Consolidated Revenue fund or out of . . . the Loan Fund, and the Consolidated Revenue Fund and the Loan Fund are hereby appropriated for that purpose accordingly."

Mr. FISHER.—The money has to be provided afterwards. It will have to be specifically voted before it can be applied.

Mr. GREENE.—The money may be applied without other authority than the Bill as it stands. We are asked to commit ourselves to the appropriation of the whole of the money necessary for the construction of the line without having submitted to us any plans or specifications, or knowing how the railway is to be built, except that it is to be on a 4-ft. 8½-in. gauge.

Mr. GROOM (Darling Downs) [2.39].—What the honorable member for Richmond has urged is rather important, and the Minister might make a statement as to

whether it is the intention of the Government in constructing the line to follow the practice which has hitherto been observed in Queensland. It is a sound practice requiring plans, sections, and books of reference to be placed on the table of the House, so that the whole scheme may be open for discussion. This clause seems to contemplate the existence of such a practice, because it provides that it shall not be necessary to deposit with any State authority books of reference or plans in connexion with the railway. That is right, because it is our railway, and not a State railway. The Bill simply states that a railway line is to run according to the schedule. We know nothing about the details or plans.

Mr. FISHER.—I think they were laid on the table.

Mr. GROOM.—I do not think so. I presume, according to what the Prime Minister recently said, that the necessary money will have to be appropriated on the Estimates by Parliament from time to time. If so, will the Minister promise to put the required information before the House before any money is voted?

Mr. RILEY.—It will be too late to do that when the Bill is through Committee.

Mr. GROOM.—It is not too late, because if we retain the power to appropriate money for the work, we retain control over it. I do not think it is fair to ask the Minister to make more than the promise I have indicated.

Mr. KING O'MALLEY (Darwin—Minister of Home Affairs) [2.41].—What the honorable member states about the practice in some of the States is quite true, but those provisions are absolutely inapplicable to the Commonwealth. We are starting a new institution altogether. Any information that is required we shall be only too willing to furnish.

Mr. GROOM (Darling Downs) [2.42].—Will the Minister promise that before any appropriation is made by Parliament he will supply, as far as possible, information corresponding to the plans, sections, and books of reference which are laid on the table of the Queensland Parliament, so that Parliament may appropriate the money with a knowledge of what it is doing?

Mr. KING O'MALLEY (Darwin—Minister of Home Affairs) [2.43].—We shall give the very fullest information.

Mr. W. H. IRVINE (Flinders) [2.44].—I do not think I quite understand the



position. Has a promise been made that the money to be expended on the line shall be the subject of special appropriation?

Mr. FISHER.—Yes.

Mr. W. H. IRVINE.—If that is so, it seems to cover the ground, because when Parliament is asked to make those special appropriations the necessary information will be submitted to it. Clause 19 as it stands, now makes the Bill an Appropriation Bill.

Mr. FISHER.—The money will have to be raised, but I have no objection to make the raising of the money the appropriation itself.

Mr. HALL.—From time to time.

Mr. W. H. IRVINE.—I am glad to hear that. It sweeps away most of the difficulties, although it will involve some alteration in clause 19. If the Prime Minister makes that promise, and the general character of an Appropriation Act is taken away from the measure so that special appropriations will be required, it will be rather a mistake to tie our hands or the hands of the Government in this Bill as to the character of the information which we shall require at the time.

Clause agreed to.

Clause 18 (Acquisition of lands).

Mr. FENTON.—I understand that under the Lands Acquisition Act, land required for the line will be assessed at its value in the year 1908.

Mr. GLYNN.—At its value on the 1st January preceding the issue of the proclamation.

Clause agreed to.

Clause 19—

All moneys necessary for the payment of the cost of construction of the railway up to and including the time of the opening of the railway for traffic shall be payable out of the Consolidated Revenue Fund or out of any moneys standing to the credit of the Loan Fund, and the Consolidated Revenue Fund and the Loan Fund are hereby appropriated for that purpose accordingly.

Amendment (by Mr. GLYNN) proposed—

That all the words after the word "Fund," line 8, be left out, with a view to insert in lieu thereof the words "according to appropriations from time to time made by Parliament for that purpose."

Mr. FISHER (Wide Bay—Prime Minister and Treasurer) [2.48].—The Government wishes to have power to provide for the voting of revenue in the Estimates, or to raise it in some other way with Parliamentary authority. As the clause stands, it goes a little further than that.

Mr. GLYNN.—It is not controlled by section 61 of the Audit Act.

Mr. FISHER.—The clause, as it is proposed to amend it, will give us the power that we ask for, and at the same time make Parliamentary sanction necessary.

Mr. W. H. IRVINE (Flinders) [2.49].—The amendment seems to me to meet the case. But for it, I would suggest the negating of the clause. The Prime Minister takes up the right position, but we cannot by a provision of this kind invest Parliament with additional authority.

Amendment agreed to.

Clause, as amended, agreed to.

Postponed clause 14—

(2.) All schedules of fares and rates made by the Minister shall be laid before the Senate and the House of Representatives within thirty days after the making thereof if the Parliament is then sitting and if Parliament is not then sitting, within thirty days after the next meeting of the Parliament.

Amendment (by Mr. GLYNN) proposed—

That the following words be added, "and shall be deemed to be regulations within the meaning of section 10 of the Acts Interpretation Act 1904."

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

Ayes	...	...	...	17
Noes	...	...	...	28

Majority	...	...	11
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#### AYES.

Best, Sir Robert	McWilliams, W. J.
Cook, Joseph	Palmer, A. C.
Edwards, R.	Ryrie, G. de L.
Fairbairn, G.	Sinclair, H.
Fenton, J. E.	Thomson, John
Glynn, P. McM.	Wise, G. H.
Groom, L. E.	<i>Tellers:</i>
Hedges, W. N.	Catts, J. H.
Johnson, W. Elliot	Greene, W. M.

#### NOES.

Anstey, F.	Maloney, Dr.
Archibald, W. O.	Mathews, J.
Bamford, F. W.	McDougall, J. K.
Brennan, Frank	Moloney, Parker
Cann, G.	O'Malley, King
Chanter, J. M.	Riley, E.
Charlton, M.	Smith, Laird
Fisher, A.	Thomas, J.
Forrest, Sir John	Tudor, F. G.
Fowler, J. M.	Watkins, D.
Frazer, C. E.	West, J. E.
Higgs, W. G.	<i>Tellers:</i>
Howe, R.	Finlayson, W. F.
Jensen, J. A.	Hall, D. R.
Johnson, W. J.	

Question so resolved in the negative.  
Amendment negated.

Clause agreed to.

Amendment (by Mr. KING O'MALLEY) agreed to—

That the following new clause be inserted:—

13A.—(1.) By arrangement with any State, the Minister may—

- (a) connect the railway with any State railway; or
- (b) permit any State railway to be connected with the railway; and
- (c) run trains or rolling-stock of the Commonwealth over any State railway with which the railway is connected.

(2.) No connexion which involves the construction of more than one mile of additional line of railway shall be made by the Minister in pursuance of this section.

Mr. J. H. CATTS (Cook) [3.0].—I move—

That the following new clause be inserted:—

15A.—(1.) The working hours of officers appointed for the purposes of the construction or the working of the railways shall not exceed forty-eight per week, unless in cases of emergency, when overtime may be worked.

(2.) The minimum rate of wages for all adult officers appointed for the purposes of the construction or the working of the railway shall not be less than eight shillings for eight hours, but nothing herein contained shall prevent the Minister from increasing such minimum rate.

The Prime Minister has stated that the principle of this proposed new clause is approved by the Government, and, therefore, it is not necessary for me to do more than move it.

Mr. FISHER (Wide Bay—Prime Minister and Treasurer) [3.1].—There appears to me quite a number of unnecessary words at the conclusion of the proposed new clause; because to increase the rate or permit the working of overtime is a latent power that rests with the Minister. I approve of the principle in the proposed clause, but I do not think it advisable to include the words "but nothing herein contained shall prevent the Minister from increasing such minimum rates."

Mr. GLYNN (Angas) [3.3].—I cannot see the necessity for this clause, which is more like a political placard than anything else. I hope the rate of wages will always be retained at the level proposed.

Mr. RILEY.—We will not get workmen at 8s. for this line?

Mr. GLYNN.—If we insert a clause providing for a rate of 8s. or 9s. we shall really embarrass the Minister. There might be a strike at any time, and then what would be the good of talking of the Arbitration Act when the men were really striking against the provisions of another Act of Parliament? If we are to establish a healthy principle in regard to wages, we

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should make it applicable all round, and not confine it to a Bill of this kind.

Mr. JOSEPH COOK (Parramatta) [3.5].—We all agree that the best possible rates and conditions should obtain in connexion with work performed by or for the Commonwealth, and I wonder at the honorable member for Cook being so modest in his request.

Mr. J. H. CATTS.—I should like to move an increase.

Mr. JOSEPH COOK.—Workmen can get 8s. or 9s. a day in the more moderate latitudes, and the minimum proposed now is too small. I therefore move—

That the amendment be amended by leaving out the word "eight," first occurring, line 9, with a view to inserting in lieu thereof the word "nine."

Mr. CHARLTON (Hunter) [3.6].—Like the honorable member for Parramatta, I scarcely see the necessity for the proposed new clause. It has been accepted by the Prime Minister, but I am very much afraid that if it be passed the maximum of forty-eight hours will become the minimum, while we know that in some trades, which will be employed in the construction of the line, the rule is forty-four hours per week. It is quite possible that the engineers in charge may take this clause as an instruction to make the number of hours forty-eight; and, therefore, I think it would be better to leave the matter to those responsible for the work. As to the wages, if I were moving for a minimum, I should say that it should not be less than 10s. I have had some experience of Western Australia, and I know that in the part of the country through which the line will run, men cannot be obtained for less than 11s. per day. Here, again, however, the officers in charge may take the new clause as a direction to make the pay 8s. If the matter be left to the Minister and others in charge, we shall have better work and less trouble.

Mr. RYRIE (North Sydney) [3.8].—This new clause is an absolute revelation to me. If it had been proposed by one of the "squatocracy" I can imagine the howl there would have been from honorable members opposite. It is proposed that the men engaged in this line should be paid 8s. per day.

Mr. FRAZER.—That is the minimum; let us have no heroics!

Mr. RYRIE.—The Prime Minister has practically given the approval of the Government to the proposed clause.

Mr. FISHER.—What I say is that we should not pay less than 8s.

Mr. RYRIE.—We know that very often the minimum becomes the maximum; and the clause will place the Minister of Home Affairs in a very peculiar position. At the Federal Capital a minimum of 9s. a day is being paid.

Mr. KING O'MALLEY.—Permanent hands are paid 8s.

Mr. RYRIE.—There will be permanent hands employed on the railway; at any rate, I take it that the unionists will be pretty well permanent. At Canberra, where there is, perhaps, the most salubrious climate in Australia, with all the conveniences and luxuries of life—wattles in full bloom, as shown on the advertising poster of the Commonwealth—a minimum of 9s. is paid, while it is proposed to pay 8s. in the arid districts of Western Australia, where the heat of the summer is appalling, and mosquitoes and sandflies make life absolutely unbearable. If honorable members opposite have no consideration for the working man, honorable members on this side have; and I shall support the proposal of the honorable member for Parramatta.

Mr. J. H. CATTS (Cook) [3.12].—On previous occasions we have experienced the tactics which our friends opposite are now employing. We know how much concerned the honorable member for Parramatta and the honorable member for North Sydney are in the matter of wages.

Mr. JOSEPH COOK.—I was always in favour of higher wages than was the honorable member.

Mr. J. H. CATTS.—That did not appear to be so when the honorable member was Postmaster-General of New South Wales, for then the Post Office was one of the sweating dens of Australia.

The CHAIRMAN.—The honorable member is not in order in discussing the Post Office.

Mr. JOSEPH COOK.—Is the present Postmaster-General fixing the wages in the Post Office?

Mr. J. H. CATTS.—The present Postmaster-General does much better than the honorable member ever did. The new clause proposes not a maximum, but an absolute minimum. As to the words to which the Prime Minister takes exception, I may say that in some of the awards in New South Wales in which I was concerned, a minimum rate of 7s. was regarded by railway officers in charge as the

rate to be paid, and in subsequent awards words similar to those I have used were inserted, setting forth distinctly that the minimum rate did not prevent an increase being paid. In South Australia to-day the rate for similar work is 8s.

Mr. FAIRBAIRN.—At Port Augusta?

Mr. J. H. CATTS.—Yes, anywhere in South Australia. In Western Australia 8s. per day is the minimum rate of pay. If these men are working at points far removed from centres of population in South Australia or Western Australia, it may be necessary for the Government to make them a number of allowances; it may be necessary to carry all their provisions and supplies, and the Minister, if he thought it justifiable, would certainly increase the rate of pay. I have no fear that the rate will be unduly increased, because I think that the men who do the work of the world, no matter how much they receive, never get more than that to which they are entitled. Under present conditions, the fight against those who do the work of the world is so keen that they are not likely to get the product of their labour. I should be very pleased if a higher rate than that named in the clause could be prescribed. The Minister of Home Affairs is at present paying in respect of the same class of work in the Federal Territory 8s. per day, whilst those who have broken time receive 9s. per day.

Mr. CANN.—It is not enough.

Mr. J. H. CATTS.—We all think that. No doubt we should all like to see these men receiving higher wages; but it is only since the Labour party became a force in politics that the working men have had a chance of getting anything like 8s. per day. I know that they have been employed in New South Wales at 6s. 6d. and 7s. a day.

Mr. FENTON.—They are getting that in Western Australia and South Australia at the present time.

Mr. J. H. CATTS.—In Western Australia the minimum rate is 8s. per day.

Mr. JENSEN.—And in Tasmania 6s. a day.

Mr. J. H. CATTS.—The railway men there are the worst paid in Australia; some of them, with, perhaps, twenty years' service, receiving only 6s. a day. It must be distinctly understood that the proposal is one for a minimum rate of pay and a maximum working day.

The right honorable member for Swan asked whether we ought not to fix the rates

of pay of the professional men in the service; but, as a matter of fact, they do not work more than thirty-seven hours per week. If, in their case, a shorter working day is desirable, no doubt the Minister will take action. I should like to see a universal maximum working week of forty-four hours. The great difficulty in connexion with the Railway Departments of Australia is that a practice has grown up of working the men nine, ten, and twelve hours a day, and that when the workers ask for a forty-eight hours week, the responsible officers at once present an estimate showing that the granting of such a request would mean a loss of hundreds of thousands of pounds, and would really be impracticable.

My desire is to prevent such a state of affairs growing up in the Commonwealth railway service, so that we shall not have to do a few years hence what we have to do to-day in connexion with the railway services of the States. We have had to collect thousands of pounds from the workers in the State Departments; we have had to fight for months and months before Arbitration Courts and Wages Boards, and have then found that precedents that have grown up have a more powerful influence on the chairman or presiding Judge than has the equity of a claim for a working week of forty-eight hours. The laying down of these principles in the Bill will do good throughout Australia.

Mr. FISHER (Wide Bay—Prime Minister and Treasurer) [3.20].—We have reached an interesting situation in this matter, since, apparently, the question as between the Government side and the Opposition side of the House is as to who is to make the larger bid.

Mr. KELLY.—That is the frankest confession I have heard.

Mr. JOSEPH COOK.—What a confession to make on the floor of the House.

Mr. FISHER.—The assumed innocence of the honorable member for Parramatta and the honorable member for Wentworth in these matters is certainly remarkable. The Government position is that they will not ask any adult to work on the construction of this railway for less than 8s. per day for a working week of forty-eight hours. Whilst we accept that principle, we go a great deal further, and say that union rates of wages shall be paid on this work. I have heard it said by honorable members opposite that if 8s. per day were made the minimum, it would prove to be the maxi-

mum. The weight of testimony is certainly in favour of inserting neither the one provision nor the other in the Bill itself. I shall go further, and say publicly, as I have already stated, that the policy of the Government is that they will give every facility to any aggrieved body to go to the Federal Conciliation and Arbitration Court, and that they will pay the highest award fixed by the Commonwealth Conciliation and Arbitration Court, any State Wages Board, or State Conciliation Court. That should be a sufficient guarantee to honorable members generally that justice will be done; and I think the Committee might well allow the Bill to pass.

Mr. KELLY (Wentworth) [3.23].—I am gratified to think that the Prime Minister has been induced by the arguments of the Opposition to recede from the position into which he was led by the honorable member for Cook. The arguments advanced by the honorable member for Cook have a very unstable foundation. He says that his reason for asking that a minimum wage of 8s. shall be fixed is that, otherwise, the Department may sweat these men, and pay them still lower wages. He states that he desires a higher wage than 8s. a day; but asks that that rate shall be fixed as a minimum, because, otherwise, the Government will sweat these men.

Mr. J. H. CATTS.—I said other Governments might do so.

Mr. KELLY.—No; the honorable member said that it was the practice of Government Departments to sweat the men. If that is so, it is obvious that 8s. per day is much too low a minimum to fix for work such as this. There is no question in the minds of honorable members, with the exception, perhaps, of the honorable member for Cook, who sprang up to make a bid for popularity, and found himself in a quagmire—

Mr. KING O'MALLEY.—He is a real Christian.

Mr. KELLY.—I am not saying more of him than the Prime Minister himself said in this regard. The right honorable gentleman said that, apparently, both sides were making a bid. I have adopted his phrase; but if the honorable member thinks it insulting, I shall at once withdraw it. If we are to specify any wage in this Bill, we shall need at least to fix the rate of wages which the Minister of Home Affairs himself has declared shall be paid in Melbourne. The conditions in the case of work

on this railway being harder, the wages should be a little higher.

Mr. CHARLTON.—They must be higher.

Mr. KELLY.—They must be higher; otherwise we shall not be able to obtain the requisite labour. So far as public Departments are concerned, the minimum wage almost invariably becomes the maximum. That has been our experience in all branches of the Postmaster-General's Department; and I am gratified that the Prime Minister has seen the error of his ways in accepting the amendment, and that ample provision is now to be made for paying a decent wage to the men who will be engaged on this arduous work.

Mr. CANN (Nepean) [3.26].—I am pleased that the Prime Minister intends to allow the Bill to remain as it stands. I represent a constituency comprising 2,000 railway workers. They have a strong union, and in different parts of New South Wales different rates of wages are paid. There are two classes of labour engaged in railway construction. At present the minimum for pick and shovel men in New South Wales is fixed at 8s. per day. They are asking, however, that the rate shall be increased to 9s. per day. Those who are working in tunnels receive a minimum wage of about 9s. or 9s. 6d. a day; but there are also jumper-men and men engaged in other branches of work, for whom 10s. per day might not be sufficient, having regard to the country through which this railway will pass. We might, indeed, have to pay 12s. per day, or more. I think that the Prime Minister has taken the right step in declaring that trade-union rates of wages, whatever they may be, shall be paid.

Mr. HEDGES (Fremantle) [3.27].—I agree with the remarks made by the honorable member who has just resumed his seat. It would be impossible to secure men to build this line at the rate of wages mentioned in the proposed new clause. I am able to speak with authority on this question, because I have had to pay wages. A man who enters into a contract to construct a railway is foolish if he does not secure the very best labour, and pay the best wages.

Mr. J. H. CATTS.—But the honorable member must remember—

Mr. HEDGES.—I remember more than the honorable member ever knew. A man who talks of men working eight hours a day at plate-laying in the interior of Australia knows nothing of the subject. It is usual to send out a certain quantity of

material to the head of the road. There a gang is organized, and if the men put in that material within six hours, they knock off, and get paid for the full day. They certainly prefer working under such conditions. There was never a more willing class of workers than are those engaged on railway construction works. The working men of Western Australia will, to a man, be anxious to contribute to a fund to build a monument to the memory of the member of the Labour party who has suggested this magnificent wage of 8s. per day for railway construction workers in that State.

Mr. W. ELLIOT JOHNSON (Lang) [3.29].—I am in thorough agreement with those who say that a minimum wage of 8s. a day is an absolutely ridiculous payment to fix for the men who will be engaged in the construction of this railway, and will be far removed from centres of civilization. Special inducements will have to be offered. The highest rates of wages prescribed for Perth or Fremantle would be wholly inadequate for work performed in the wilds of Western Australia.

Mr. FISHER.—This will be an Inter-State case, because the railway will be in two States. The question of wages, therefore, can be brought before the Commonwealth Arbitration Court.

Mr. W. ELLIOT JOHNSON.—In any case, we in this Parliament ought to fix some sort of a minimum below which men will not be expected to work on the line. No man should be expected to perform the most unskilled form of labour in country like that at less than 10s. a day at the least. I doubt whether many men will be obtained to go out to perform that work at anything like that wage. It would be very wrong for us to think of proposing any smaller sum than 10s. a day if we are going to do anything in the way of fixing a minimum wage.

Mr. FENTON (Maribyrnong) [3.32].—The honorable member for Cook and the honorable member for Parramatta would be well advised to withdraw their amendments after the assurance given to the Committee by the Prime Minister. The honorable member for Cook has had a good deal to do with railway employes, and any one who has had that experience realizes that, generally speaking, the State Railway Departments are the biggest sweating dens that we have in the community. No doubt the honorable member wanted to lever the State Railway Departments up a little.

Mr. JOSEPH COOK (Parramatta) [3.33].—I shall be only too willing to leave the whole matter in the hands of the Government. The conditions in that country are novel, and will require a great deal of re-adjustment from time to time. The Government, therefore, require the freest hand to deal with all the conditions, labour and otherwise, in the construction of a railway of that kind. If we are to fix a minimum wage, 8s. is a ridiculous amount to offer to a man in that country. On the whole, it would be better if the proposal were withdrawn and the matter left in the hands of the constructional authorities, who in this case will be the Government.

Sir JOHN FORREST (Swan) [3.34].—We had better leave the matter to the Government. The object of the honorable member for Cook is, of course, to secure a good wage for those employed in the construction of the line, but he need have no anxiety on that score under the existing conditions of Australia. It might be argued that a minimum wage, if fixed, would become the maximum, and I do not think any one could find fault with a Government for saying, "We will not give more than 8s. a day," if the law said that they would be within the mark in paying 8s. a day. These things will have to be left to the Government, and although I am in favour of a good wage, it is not desirable to put the amount in the Bill. The Government would be in a better position if they had a free hand.

Mr. ATKINSON (Wilmot) [3.36].—I am rather surprised that the Prime Minister should have accepted the amendment.

Mr. FISHER.—I said I had no objection to putting in a minimum of that kind, because we intended to pay more.

Mr. ATKINSON.—It seems quite unnecessary, because the Government have already announced that, on all Government work where casual labour obtains, they intend to pay union rates and work union hours. There is no need, therefore, to fix a minimum wage in this Bill. The best rates prevailing at the time will be paid as a matter of course. If we are going to fix a minimum it will be most unfair to bring it down to 8s., seeing how labour is paid at present in the Commonwealth. The minimum should be 10s. a day at least at a time like this, and if the present prosperity continues it may become more.

Mr. FAIRBAIRN.—We are getting a good railway.

Mr. ATKINSON.—I am not objecting to good wages. I want to see the workmen get the best wages that can be paid. The honorable member for Cook is doing himself an injustice. Some one may, perhaps not rightly, suggest that he is making this proposal merely as a placard, so that he may point it out to his electors, saying, "I looked after the interests of the workers. I saw that a minimum of 8s. was put in." In the circumstances, the honorable member might very well withdraw the amendment, because all that he is seeking is sure to be thoroughly safeguarded in view of what has taken place in this House and of what this Government—and I suppose every other Government that succeeds it—will do in the matter. Wherever Federal work of this sort is to be carried on, it may be safely laid down that whatever Government is in office the proper rate of wage for that work will be paid.

Mr. MATHEWS (Melbourne Ports) [3.38].—I am afraid that the honorable member for Wilmot made a mistake in saying that whatever Government is in power this minimum will be paid. He knows as well as I do that the Tasmanian Government would pay only 6s. a day.

Mr. ATKINSON.—How could the Tasmanian Government be in power in this Parliament?

Mr. MATHEWS.—I am trying to show that the wage might be brought down to 6s. if some people had their way. I am only sorry that the honorable member for Cook did not fix 10s. instead of 8s.

Mr. KELLY (Wentworth) [3.39].—I hope the Committee is not going to allow what we have just listened to to be placed on the pages of *Hansard*. This Chamber ought to have some legislative conscience. We ought not to endeavour to use *Hansard* to damage each other for actions for which neither party in this House is responsible. If we were to follow the same practice, and accuse, not only my honorable friends' colleagues in other Legislatures, but perhaps some of themselves personally, with regard to the payment of wages and the treatment of their employés, we might raise a storm in this Chamber, and seriously injure the feelings of some of those whom we denounced; but I do not think that we should be really helping business. We can show better feeling by trying to make the parties in this Chamber responsible for party action

in this Chamber only. The wages and conditions in the various States are matters for the parties to which we belong in those States to fight out in the light of local conditions.

Mr. FENTON.—I am glad to say that in some State Departments the salaries have been raised to the level of the Commonwealth Departments.

Mr. KELLY.—I am also glad to say it; but every statement, such as that made by the new candidate for office, is bound to meet with some reply, and I suggest that we will save time and feeling if we do not indulge in that sort of thing.

Mr. FISHER (Wide Bay—Prime Minister and Treasurer) [3.42].—We propose negating both the new clause and the amendment.

Question—That the word "eight" proposed to be left out stand part of the proposed new clause—negated.

Question—That the word "nine" proposed to be inserted be so inserted—negated.

Mr. J. H. CATTS.—There were two Ayes for the last amendment.

Mr. KELLY.—There was not even a squeak from the honorable member for Cook in connexion with his proposal.

Mr. J. H. CATTS.—A division was called for on the proposal to insert "nine shillings" by the honorable member for Parramatta and myself.

The CHAIRMAN.—There was no call for a division.

Question—That the proposed new clause, as amended, be agreed to—put, and division called for.

*In division:*

Mr. J. H. CATTS.—I claim the vote of the honorable member for Parramatta. As he called for a division with me, he should vote on the side of the Ayes.

The CHAIRMAN.—Did the honorable member for Parramatta call for a division?

Mr. JOSEPH COOK.—I have no recollection of it.

There being no second teller on the side of the Ayes,

Question resolved in the negative.

Proposed new clause negated.

Schedule.

Commencing at Kalgoorlie the line follows the existing railway to Kanowna for a little over six miles, thence . . .

Mr. BAMFORD (Herbert) [3.50].—I move—

That after the word "follows" the words "what is known as the stock route, *via* Eucla and Fowler Bay," be inserted.

I had intended to move an amendment to this effect on clause 4, but was unavoidably absent from the Chamber when that clause was passed. The route which I think should be followed has a number of advantages. The character of the country to be passed through is known, its water supply is known, and its adoption would enable construction to be carried on simultaneously from six points, namely, at Kalgoorlie eastwards, at Port Augusta westwards, and at Fowler's Bay and at Eucla in both directions. The southern route which I advocate is shorter than that provided for in the schedule, and, according to the estimate of a competent engineer, would cost about £700,000 less. The engineer to whom I refer is Mr. Gwynneth, one of the most competent railway engineers in Australia. An estimate of the probable cost of the work was made in March, 1903, by a conference of engineers, and Mr. Gwynneth made another estimate on his own account. In July of the same year the conference of engineers reduced its estimate to within a few pounds of his. Then, again, the conference of engineers estimated the cost of surveying the route at £50,000, whereas Mr. Gwynneth's estimate was £20,000, and the work was done for that sum. I have a number of figures and statements which support the proposal which I have made to the Committee, but at this hour I do not propose to use them.

Mr. KING O'MALLEY (Darwin—Minister of Home Affairs) [3.54].—I would point out that the route proposed to be followed by the honorable member for Herbert runs near the coast, so that it would be easy for an enemy to land and destroy the line. Mr. Deane has gone into this matter of route very carefully, and the whole subject has been before us for four or five months, but, leaving aside all questions of cost, facilities for construction, and the like, it is sufficient to say now that we desire to have the road far enough away from the coast to prevent its destruction by an enemy and to provide for settlement.

Mr. FOWLER.—Could there not be branches run out from the main line?

Mr. KING O'MALLEY.—That is a matter for consideration later on. In the case of a railway for defence purposes, as well as for settlement purposes, we do not desire to expose it to destruction the first time any trouble breaks out.

Mr. KELLY (Wentworth) [3.56].—I quite agree with the Minister's argument against the particular amendment, but I

suggest that he should take counsel with the Minister of Defence as to whether it would not be wiser to take the line a little further north of Port Augusta. Every argument the Minister has applied to the amendment applies with equal force to Port Augusta, from a defence point of view.

Mr. FISHER.—It is an easy place to defend.

Mr. KELLY.—It is not easy when we remember the citizen basis of our defence organization. We cannot repel a serious attack on any given point only by forts, because forts can be walked around, and, in this case, the line broken.

Mr. KING O'MALLEY.—I shall look into the matter.

Amendment negatived.

Schedule agreed to, and the Bill passed through its remaining stages.

#### DEATH OF MR. BATCHELOR.

Mr. SPEAKER.—I have received the following letter from the House of Assembly of Tasmania:—

House of Assembly, Hobart,  
10th October, 1911.

The Honorable the Speaker,  
House of Representatives, Melbourne.

SIR,

I have the honour to communicate to you the following resolution passed by this House this day:—

"Resolved, That this House desires to convey to the Government and Parliament of the Commonwealth its deep sympathy in the loss it has sustained by the sudden and regretted death of the Honorable E. L. Batchelor, Minister of External Affairs."

I have the honour to be, Sir,  
Your obedient servant,  
J. G. DAVIES, Speaker.

#### SEAMEN'S COMPENSATION BILL.

##### SECOND READING.

Mr. TUDOR (Yarra—Minister of Trade and Customs) [4.0].—I move—

That this Bill be now read a second time.

In the closing hours of last Parliament, the Seamen's Compensation Bill was introduced by the late Government, and passed; but on the first occasion on which a claim was made by a seaman for compensation, the High Court ruled that Parliament, in providing for trade within a State, had gone further than it was constitutionally entitled to do, and the whole measure was declared null and void. The Bill I am now introducing is exactly similar to the measure passed by the last Parliament, with the

exception that the provision objected to by the High Court is omitted. I find, on looking up the records, that the Bill in last Parliament was passed through all its stages in an hour and a half; and, as I believe the House is practically unanimous in the desire to protect the seamen, I shall take up no further time on the present occasion.

Mr. JOSEPH COOK (Parramatta) [4.2].—I see no objection to the Bill going through, since it merely corrects one of the details in the similar measure introduced by the Government, of which I had the honour to be a member. I should like to say, however, that this Bill is an answer to the statements which were made throughout Australia on the occasion of the referenda that this Government would have no power to give compensation to seamen unless the referenda were approved. We have very substantial power which is embodied in the Bill before us.

Mr. TUDOR.—But we have yet to learn what the High Court may say.

Mr. JOSEPH COOK.—If I thought this were an experimental measure, I should oppose it, because we ought to have no more experiments in a matter of this kind. I should have thought the Minister would take steps to satisfy himself that the Bill was within the compass and scope of the Constitution.

Mr. TUDOR.—The late Government believed they were within the Constitution.

Mr. JOSEPH COOK.—But the present Government have an advantage, inasmuch as every clause of this Bill has been reviewed by the Judges of the High Court, whereas we were breaking new ground. My only object is to place this Bill on the statute-book in the hope that its beneficent provisions may speedily apply to those unfortunate enough to meet with injuries when they "go down to the sea in ships."

Mr. KELLY (Wentworth) [4.5].—Has the Minister, in view of the doubts to which he has given perfunctory expression as to the legality of the measure, taken steps to submit it in draft form to the High Court, or a Justice of the High Court, in the terms of the provision passed last session.

Mr. TUDOR.—That cannot be done until this Bill is passed.

Mr. KELLY.—Then, as soon as it is passed, the Minister will have an opportunity to test it in the High Court.

Mr. GROOM (Darling Downs) [4.8].—The Minister is acting wisely in submitting



this Bill, although we have been called upon so suddenly to deal with it as to place us at a disadvantage in considering it without notice. It would appear, so far as one can form an opinion on the spur of the moment, that the Minister has correctly stated the effect of the recent decision of the High Court. That decision has been to render the principal Act invalid; but I think that this measure is so drafted as to bring it within the general powers conferred by the Constitution. Section 51 of the Constitution provides that the Parliament shall have power to make laws with respect to trade and commerce with other countries, and among the States, while section 98 declares that the power of the Parliament to make laws with respect to trade and commerce extends to navigation and shipping. We are, therefore, empowered to make laws with respect to navigation and shipping with other countries and among the States, and the Bill is so drafted as practically to declare *inter alia* that the principal Act shall apply to ships engaged in trade and commerce with other countries and among the States. Speaking off-hand, it would appear that the Bill is framed in such a way as to confine our jurisdiction within the absolute terms of the Constitution. The Commonwealth has jurisdiction over trade and commerce with other countries and among the States, whilst the States themselves have jurisdiction over trade and commerce within the States. The Commonwealth Parliament may, therefore, pass a measure providing for adequate compensation to seamen who are engaged in the shipping trade between State and State, or between Australia and other countries, and the State Legislatures may also legislate on exactly the same terms in regard to granting compensation within a State, so that the whole area may thus be covered.

Mr. FISHER.—They can cover one portion, whilst we cover the other.

Mr. GROOM.—That is so. I do not think that this judgment can be said to give us a complete definition of our powers with respect to navigation.

Mr. TUDOR.—The Court did not deal with that point.

Mr. GROOM.—No; but it is a matter that must engage our attention when the Navigation Bill is before us. From the American authorities, it would appear that Congress has power to legislate in respect of shipping leaving a port of a

State, going out upon the high seas and of the territorial jurisdiction of the country, and returning again to another port of that State. We do not yet know what our powers are in this respect. It seems clear that the navigation power of the United States of America is a good deal wider than most people contemplate. The desire of all parts of the House is that we shall do all that is possible to secure compensation for seamen, and this Bill will be a useful contribution to legislation in that direction.

Debate (on motion by Mr. GREENE) adjourned.

## POSTPONEMENT OF BUSINESS.

Motion (by Mr. FISHER) proposed—

That Orders of the Day No. 3 and No. 4 (Government business) be postponed until after the consideration of Order of the Day No. 5.

Mr. JOSEPH COOK (Parramatta) [4.13].—I wish to ask the Postmaster-General whether he has made inquiries, with a view to ascertaining if there is, in his Department, the original contract between the owners of private telephone lines and the Government? He promised to make inquiries, and have the contract laid on the table of the House.

Mr. THOMAS (Barrier—Postmaster-General) [4.14].—I promise the honorable member that I shall have the contract laid on the table before the House is asked to deal with the measure relating to the matter.

Question resolved in the affirmative.

## POST AND TELEGRAPH RATES BILL.

Mr. THOMAS (Barrier—Postmaster-General) [4.15].—I move—

That this Bill be now read a second time.

When the Bill establishing penny postage was in Committee in this House, I agreed to an amendment to the effect that books that were printed in Australia should go through at the very cheap rate of 8 oz. for 1d. Since that Bill became law, quite a number of business people are claiming that their catalogues, trade papers, and price-lists are books. There was no intention on my part to allow price-lists or catalogues to go through as books. There seems to be a little difficulty in defining exactly what a book is. In order to make sure that catalogues and price-lists shall not be allowed to go through the post as books, this Bill has been introduced.

Mr. GROOM.—What is the objection to treating them as books?

Mr. THOMAS.—One objection is that it will mean a tremendous amount of stuff going through the post at a very cheap rate.

Mr. JOSEPH COOK.—Did the Penny Postage Bill, as amended with the Minister's consent, alter the existing practice? Prior to that time, could catalogues, &c., be sent through the post as books?

Mr. THOMAS.—No; they went through as commercial papers and printed matter, at the rate of 4 oz. for 1d. The Penny Postage Bill fixed the rate for that sort of matter at 2 oz. for  $\frac{1}{2}$ d., which was rather an advantage. A price-list weighing 2 oz. would previously have cost 1d., while one weighing 6 oz. would have cost 2d. That Bill made the postage on 2 oz.  $\frac{1}{2}$ d., and on 6 oz. 1 $\frac{1}{2}$ d. It has, therefore, made it easier and cheaper to send catalogues, price-lists and other printed matter through the post. We provided in the Penny Postage Bill, as introduced, that newspapers and magazines printed in Australia should go through the post at a cheaper rate than newspapers and magazines printed outside; and I agreed to an amendment according the same privilege in the case of books. We are prepared to continue that privilege for books in the ordinary sense, but we do not believe that catalogues and printed lists should be treated as books. As the Supply Bill has now been returned from another place, I ask for permission to continue my speech at a later date.

Leave granted; debate adjourned.

### SUPPLY BILL (No. 3).

Bill returned from the Senate, without request.

### ADJOURNMENT.

Motion (by Mr. FISHER) proposed—

That the House do now adjourn.

Mr. JOSEPH COOK.—What is the business for Tuesday?

Mr. FISHER.—We will take the Post and Telegraph Bill, and the Conciliation and Arbitration Bill.

Mr. GROOM.—Is it proposed to go straight on with the second-reading debate?

Mr. FISHER.—Yes; we expect the Attorney-General back.

Question resolved in the affirmative.

House adjourned at 4.23 p.m.