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1901-12-06

Senate.

The President took the chair at 10.30a.m., and read prayers.

QUESTIONS

CHRISTMAS ADJOURNMENT

Senator Sir JOSIAH SYMON

- I desire to ask the Vice-President of the Executive Council whether he can now make any statement to the Senate with regard to the proposed adjournment for the Christmas holidays 1

Vice-President of the Executive Council

Senator O'CONNOR

- The adjournment which the Senate makes over Christmas does not necessarily indicate the time' of the adjournment of another place. , The two Houses need not necessarily act identically in that respect. The present intention of the Government is that the Senate shall adjourn on the 13th or 14th December. It may be necessary to ask the Senate to sit on Saturday if we cannot finish the business before us next Friday. Then we propose to meet again on the 15 th January. That arrangement is of course subject to the exigencies of public business/ That is to say, I do not bind myself in any way to that date. For instance, should the Tariff be passed by the House of Representatives before Christmas, it might possibly become necessary for the Senate to meet earlier. I cannot say anything more at present.

POSTAL AND TELEGRAPH RATES

Senator PULSFORD

- I desire to ask the Postmaster-General, without notice, whether he will have prepared and ready for "Wednesday next, when the Postal and Telegraphic Rates Bill is to be introduced, a statement of the charges and rates of postage on letters, papers, and telegrams, and also some- statement of the changes .in revenue that will be brought about in the various States by the proposals of the Government ?

Postmaster-General

Senator DRAKE

- I am having prepared a table of the rates in force at the present time in the different States of the Commonwealth. With regard to the latter part of Senator Pulsford's question, I hardly think that his proposal will be feasible. I am collecting all the information on the subject, and hope to be in a position to give it to the Senate; but the figures in every case will be only approximate- I. think it better that I should, in giving the figures, be able to make explanatory statements in connexion with them.

PERSONAL EXPLANATION

Senator Lt Col NEILD

- I wish to make a personal explanation, and I suppose it would be convenient to do it now. I notice that the Government organ this morning represents me as being deliberately opposed to the deportation of kanakas from the Commonwealth.

The PRESIDENT

- Does the honorable senator think that that is a proper subject for a personal explanation 1

Senator Lt Col NEILD

- I wish to deny an imputation of* that kind, which is calculated to injure me as a public man and as a representative of the people. What I did say is crystallized in a few lines in my speech of yesterday as reported by Hansard. I used these words : -

I am asking that the recommittal may take place in order that some words shall be inserted, making it the duty of the Government to return the kanakas as far as possible to the localities in which their tribes or kindred people dwell.

I consider that the statement made in the Age this morning is a deliberate misrepresentation of what I said.

The PRESIDENT

- I .hardly think that it is proper for an honorable senator to bring forward, by way of personal explanation, statements made in a newspaper, which he thinks has misrepresented his action. If that is permitted, we shall have any number of statements made in the Senate by different honorable senators concerning what has been said in the newspapers all over the Commonwealth as to their action. I do not think that

we ought to take any notice of newspaper comments.

Senator Lt Col NEILD

Let me point this out - -that for twenty years the practice I was following has been pursued in the New South Wales Parliament.

The PRESIDENT

- It seems to me that it is not proper for an honorable senator to contradict in the Senate statements made in a newspaper, and call the contradiction a personal explanation.

VENTILATION OF SENATE CHAMBER : LATE SITTINGS

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The PRESIDENT

- I wish to make a statement concerning two matters which were brought up yesterday. One is as to the ventilation of this chamber. I have learnt since yesterday that it has been the practice in the State Parliament to take down the curtains at the sides of the chamber directly the warm weather commenced. I am informed that to do so will greatly increase the ventilation. I propose to take action to have the curtains removed.

Senator Glassey

- It is too early; we have had no warm weather yet.

The PRESIDENT

- Of course it is a matter for the Senate to determine. Some honorable senators have complained that we have not sufficient ventilation, whilst others have complained that we have too much. Evidently I cannot please every one. But I propose, if the Senate does not object - perhaps after the Christmas adjournment - to take down the curtains. As to the other matter, Senator De Largie asked me a question concerning the officers of the House and late sittings. I do not think that the late sittings of the Senate itself have been sufficiently numerous to necessitate any action, but there are certain officers of the Senate who, in consequence of late sittings in the House of Representatives, have been kept at their duties for very late hours, and sometimes all night. Arrangements have been come to to give them some compensation.

PACIFIC ISLAND LABOURERS BILL

Senator HIGGS

- I desire to ask the Vice-President of the Executive Council, without notice, how it is that a purely formal matter, the third reading of the Pacific Island Labourers Bill, has been placed second upon the business-paper

Senator O'CONNOR

- The arrangement of business must be left to the Government. If they are to have control of the business of the Senate, it will be quite apparent that they cannot be expected to give reasons for the arrangement of business in any particular matter. Therefore, although I will answer the honorable senator's question on this occasion, I do not think it is one of those matters with which the Senate generally has much to do, unless it is a matter which really concerns some particular piece of business.

Senator Higgs

- It is only giving opportunities for planters to introduce more kanakas.

Senator O'CONNOR

- If the third reading of the Bill is to be taken as a formal matter, there is no reason why it should not be gone on with, but otherwise it is in its proper place.

QUESTIONS

LAPSED BILLS

Senator WALKER

asked the Vice-President of the Executive Council, upon notice -

Is it the intention of the Government to introduce this session a Bill by which Bills introduced into Parliament may, in a subsequent session of the same Parliament, be proceeded with at the stage they had reached before the end of a parliamentary session ?

Senator O'CONNOR

- This matter is provided for in the different standing orders, in reference to which notice of motion has been given to-day by me.

POST AND TELEGRAPH DEPARTMENT

Senator MCGREGOR

asked the Postmaster-General, upon notice -

Are there any officers in the Postal Department of South Australia, or of any other State, who are entitled by regulation to periodical increases of salary ; if so, have these increases in all cases been allowed ; if not, why not ?

Senator DRAKE

- There are officers in the Postal department in South Australia, and in some other States, who are entitled, either by statute or regulation, to periodical increases in salary ; such increases have in all cases been allowed.

SITE OF FEDERAL CAPITAL

Ordered (on motion by Senator Walker) -

That there be laid upon the table of the Senate a précis of all correspondence between the Government of New South Wales and the Government of the Commonwealth with reference to the proposed site for the Federal Capital.

IMMIGRATION RESTRICTION BILL

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In Committee (Consideration resumed from 5th December, vide page 8323) -

Clause 4. - The immigration into the Commonwealth of the persons described in any of the following paragraphs of this section (hereinafter called "prohibited immigrants") is prohibited, namely - upon which Senator McGregor had moved -

That the following paragraph be inserted: - " (a) Any person who is an aboriginal native of Asia or Africa, or of the islands thereof."

Senator DOBSON

- When my speech was interrupted last night I was criticizing some remarks made by Senator Symon, and to-day I shall dwell upon three or four points which will enable me shortly to express my views upon the matter, and at the same time show, as I think I can, how ineffectual and weak were the arguments of my honorable and learned friend. This is an Imperial matter, and I am too good and loyal an Imperialist to let pass remarks such as those uttered by Senator Symon without venturing, as well as I can, to criticize them, and to show how dangerous they are. The honorable and learned senator said that the method proposed by the Bill is a subterfuge, a cheat, and a fraud, that the Bill does not speak the truth, and that it does not say what we mean. My answer is that paragraph (a) is so plain, that even a fool can understand what it means.

The CHAIRMAN

- The paragraph to which the honorable senator refers' has been deleted.

Senator DOBSON

- It is utterly impossible to discuss the amendment, without dealing with the paragraph which has been deleted. My honorable and learned friend has argued as if the people constituting this Commonwealth are to conduct the policy of the Empire upon what is an Imperial question.

Senator Sir Josiah Symon

- We should conduct our own policy.

Senator DOBSON

- It is not our own policy. It is one which affects Australia on the one hand and the Empire on the other. What I complain of is that Senator Symon has left out the Imperial aspect of the question. He has absolutely ignored it. When I express regret that my honorable and learned friend is "not a true Imperialist, he replies that he is as true an Imperialist as I am. On this point, however, my honorable friend's remarks appear to me to be those of an Australian Jingo. In dealing with Imperial matters I do not agree with him. I would remind him of the phrase "loyalty with a latch-key," which I think was coined by Dr. Parker. No doubt Senator Symon is an Imperialist with a latch-key.

Senator Sir Josiah Symon

- We all like a latch-key.

Senator DOBSON

- And we all know what happens to young people who use it too freely. Senator Symon uses this latchkey to such an extent that he is not a true Imperialist. He has referred to

Mr. Chamberlain's attitude on this matter. We have nothing to do with Mr. Chamberlain, but we have something to do with the Right Honorable the Secretary of State for the Colonies. The Secretary of State for the Colonies speaks for the British Cabinet, the Cabinet for the House of Commons, and the House of Commons for the central part of the Empire. It is the old case of Queensland and the Kanaka over again.' Will any one deny that, when Mr. Chamberlain met the Premiers in conference in London in 1897, he spoke for the Empire, and had a right to tell the Premiers the lines and principles on which they must conduct their business with friendly powers and the millions of the Empire. Senator Symon has spoken of him in his private capacity.

Senator Sir Josiah Symon

- Not at all.

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Senator DOBSON

- Senator Symon asked us why we should bow down to the whims of Mr. Chamberlain. We are not doing anything of the kind. We are simply seeking to get into line with the British Government in its conduct of matters of diplomacy. When my honorable and learned friend can ascend to the heights we know he can, why should he argue from so low a stand-point as this? The Secretary of State for the Colonies has said most emphatically that the educational test, as it appears in the Natal Act, meets with the approval of the Imperial Government. He said at the conference of the Premiers in London in 1897, that if the educational test did not prove effective in excluding Asiatics from the Commonwealth, we would have a right to make the test more effective. The Government proposal, which has been deleted from the Bill, sought to make the test more effective in a plain intelligible way. It provided a very severe test I admit, but it was on the lines of that which the Secretary of State for the Colonies and the Premiers agreed in 1897 should be the policy of the Empire. I am astounded that Senator Symon should endeavour to make us ignore that fact, to induce the Senate to think only of Australia, and to dictate a policy to the Empire. To such an extent did he get away from true Imperialism that he even went on to deny last night that our self government and free institutions were a gift from the motherland. Was not the very land in which we live a gift? Surely the Imperial authorities have a right to ask us to fall into line with their views when they are really carrying out a policy on behalf of the Empire? The honorable and learned senator forgot to dwell upon the fact that Senator McGregor's amendment if adopted would fail to carry out what he desires to accomplish, whereas the provision that we have deleted from the Bill would have been absolutely effective in seeming an Australia as white as possible. The eight millions of negroes in South America, the anarchists of Italy, the Russian Jews could all come in under Senator McGregor's amendment, and the Russian Jews, as he knows, would be able, to go in for sweating in the clothing trade and knock down wages. In fact, the whole scum of Europe could come in under this amendment.

Senator Playford

- The piebald races.

Senator DOBSON

- Yes, from all parts of the world. None of them could come in under Senator O'Connor's proposal. I am surprised that honorable senators do not look at what would be the practical result of this amendment. We have been told by the Prime Minister that the Government cannot accept such an amendment. Do the labour party expect him to go back upon a public statement of that kind? They know surely that one of three things must happen if this amendment be adopted. Either it will have to be eventually abandoned, or the Bill itself will be dropped by the Government, or the Government will resign. When Ministers ask us to consider the practical effect of what we propose to do, how is it that this amendment, which can bring about nothing but complication and disaster, is insisted upon? I fought the Kanaka Bill because I believed that justice was with the planters. There is no such question here, and I am with the labour party in desiring a white Australia. I ask them, therefore, to give up the amendment. If they do so, they will secure everything that they desire.

Senator Pearce

- Would Senator Dobson exclude our fellow British subjects in India?

Senator DOBSON

- I do not want them to come here, but at the same time I think we must really have regard to the well-being of the Empire on this question. The honorable senator should remember that there is a

Secretary of State for India in the Imperial Parliament. Our Indian fellow-subjects have fought for us and died for us. The black men from India were the first to enter the legations in Peking, and the white women there put their arms round them, and thanked them for delivering them. We cannot have India as a part of the Empire, and yet treat its inhabitants in the way proposed here.

Senator Stewart

- Then Senator Dobson is not in favour of a white Australia !

Senator DOBSON

- I desire Australia to be as white as we can get it, having regard to the claims and responsibilities of the Empire. Senator Stewart has said that he is not an Imperialist, therefore, to use the phrase of Carlyle I am at "death variance" with him in this respect. I deny the right of honorable senators to discuss the propriety and common sense of a Bill of this kind unless they admit that they are Imperialists.

Senator WALKER

- I move -

That the amendment be amended by the omission of the words " is an aboriginal native of Asia or Africa, or of the islands thereof," with a view to insert in lieu thereof the words "when asked to do so by an officer appointed under this Act; shall fail to himself write out and sign in the characters of any language of Europe, an application to the Minister, in the form set out in the schedule."

My amendment is designed to bring the clause into line with the Natal Act, which has met with the approval of the home authorities. I think that, in supporting Senator McGregor's amendment, honorable senators in the labour corner are preparing for themselves a political rod, in a political pickle-bottle, for their political backs.

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Senator O'CONNOR

- I take it that the object of the honorable senator is to carry out the views expressed by himself and others, including Senators Macfarlane and Neild. Their objection to the Bill is that it does not follow the Natal Act, and I understand that those honorable senators are prepared to support a clause which will follow the Natal Act. I remind the honorable senator that there is one feature of the Natal Act which in Natal and elsewhere makes it obviously and admittedly ineffective, and that is that words of the test are contained in the schedule to the Act so that any one may learn them off. If the honorable senator is prepared to leave the form of words to be submitted to the discretion of the officer by omitting the words " set out in the schedule" with a view to insert in lieu thereof the word " prescribed," I shall be disposed to accept the amendment.

Senator Walker

- I am willing to agree to that.

Amendment amended accordingly.

Senator O'CONNOR

- It is not necessary to take up time discussing the matter at greater length. I should very much prefer the form proposed by the Government because it would give a much wider discretion to the officer administering the Bill, and could be made applicable to the extent of prohibition if necessary. This amendment follows the same principle as the Government proposal, and as the latter has been defeated, we now feel it to be our duty to support Senator Walker's amendment. I hope that honorable senators who have said that they would be prepared to support the Natal provision will be found supporting this amendment.

Question - That the words proposed to be omitted stand part of the amendment - put.

The committee divided -

Ayes 11

Noes 12

Majority 1

Question so resolved in the negative.

Senator PEARCE (Western Australia). Before a division is taken upon the words proposed to be inserted by Senator Walker. I should like to be sure as to what the exact test will be, and whether "prescribed" means as " prescribed " by regulation, or as prescribed by the officer.

Senator O'CONNOR

- " In the form prescribed " will mean as prescribed by regulation. A regulation will have to be framed, prescribing from time to time what the test will be. If these words are inserted in order to make it effective, it will be necessary to have the words of the test left to the discretion of the officers, so that they may be changed from time to time.

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Senator CHARLESTON

- I understand that the object of Senator Walker was to secure honest administration, but it is quite clear from what Senator O'Connor has said that by the adoption of this amendment Senator Walker's object can be defeated. Under the amendment as now proposed, if a German seeks admission to the Commonwealth, the test may be put to him in Polish. If the amendment is to be adopted, because it is honest, and puts upon the face of the Bill that which we desire all intending immigrants to understand, it should be provided that the test shall be in the English or some other language. It must not be left to the officer to say in what language the test shall be applied. If I as an American were to apply for admission into Australia, the Government could test me in the Russian language, which I could not understand nor could I write out the form which would be placed before me. ' Although this is intended to be an honest amendment, it is not, because it would keep out any European whom the Government desired. Senator Walker has been completely got at, and all he desires to accomplish will be defeated. This is an educational test which can be applied in exactly the same way as one we rejected last night.

Question - that the words proposed to be inserted be so inserted - put.

The committee divided.

11

AYES

12

NOES

Majority 1

AYES

NOES

Question so resolved in the negative.

Senator O'CONNOR

- Although the words which now stand " Any person who " are apparently meaningless now, I propose that we carry paragraph («) as it is, and afterwards I shall take care that the committee has an opportunity of further considering it.

Senator STEWART

- I move -

That after the words " Any person who," the following words be inserted : - "by proclamation of the Governor-General of the Commonwealth is declared to be an undesirable immigrant."

Senator O'CONNOR

- I shall oppose the amendment. The power, no doubt, always exists in the Government to shut out, according to their discretion, any person who they think ought not to be a member of the community. But it seems to me that it would be giving too great a power altogether to leave it entirely to the discretion of a Government to say who should or should not be proclaimed prohibited immigrants. If there is to be a law regulating these admissions, there ought to be a provision in it much more definite than that.

Sir JOSIAH SYMON

- I concur in almost every word which Senator O'Connor has said. It would be a pity if we should leave on the face of the Bill any degree of uncertainty in any direction which we can possibly avoid. My strong view in regard to the Bill as it stood originally was that everything was left to the discretion of the Ministry or an officer as to who should be admitted and who should be excluded, and that it would be entirely inefficacious for the purpose intended of securing the exclusion of Asiatic races. This amendment would leave it equally indeterminate. I know, and we all know, that in another place a provision was sought to be inserted with the view of providing for the exclusion of those who might be declared by resolution from time to time by Parliament to be undesirable immigrants - I think it was moved by Mr. Isaacs- - and that was open to the same objection. We ought to have a clear and determinate rule as to who are to be excluded and there ought to be no scope for discretion which may render the administration of the Act

absolutely inefficacious. The object we have in view is clear. Let us carry it out if we can, and put straight on the face of the Bill what we mean to do, so that no officer- 'from a Custom-house officer of low grade, up to the Governor-General in Council - shall have power to make fish of one and flesh of another.

Senator HIGGS

- I do not think that the amendment will meet the case of those who are in favour of a " white Australia." I regret very much to find myself in an unfortunate position this morning. There was a considerable majority in favour of Senator McGregor's amendment for direct exclusion, but owing to the forms of the House requiring certain propositions to be submitted before others, a blank has been created, and his amendment has been defeated, and we are now in a worse position than we were in before. We have to consider how this state of things came about, and whether those who have been supporting the plan of direct exclusion, are going to carry out their intention to the uttermost degree. Instead of beating about the bush any further, and trying to fill the blank, we had better endeavour, by some means or other, to get into a position to reconsider the clause and restore the Government proposal, which is far better, I think, than Senator Walker's ' amendment, or any proposal except Senator McGregor's.

Senator Sir JOHN DOWNER

- I very much sympathize with what Senator Higgs has said, not only because I agreed with the original proposal, but because, looking at the probability of an eternal session, it is expedient that we should not throw on another House the re-opening of a big question with an interminable discussion. There must be an end to all these things at some time or other. This is only an 'end' in a way, because afterwards it can be altered. We are in a species of deadlock. One party who are divided very much amongst themselves defeated the Government.'

Senator CHARLESTON(South Australia). - I think it would be much better to go on with the remaining clauses, and on recommittal to consider whether Senator McGregor's amendment should be inserted.

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Senator O'CONNOR

- Perhaps it may shorten discussion if I state what seems to me the course which must be taken. I propose that we shall go to a division at once if Senator Stewart persists in this amendment. I, however, trust that we shall dispose of this clause, and when we have gone through the Bill it can be recommitted. Amendment, by leave, withdrawn.

Paragraph (g) -

Any persons under a contract or agreement to perform manual labour within the Commonwealth :
Provided that this paragraph shall not apply to workmen exempted by the Minister for special skill required in Australia, or to persons under contract or agreement to serve as part of the crew of a vessel engaged in the coasting trade in Australian waters if the rates of wages specified therein are not lower than the rates ruling in the Commonwealth.

Senator Sir FREDERICK SARGOOD

- This paragraph is, strictly speaking, foreign to the object of the Bill, which has been introduced to insure a white Australia. The paragraph raises the question of the engagement, not of coloured races, but of labour of other kinds,, whether from the old country or otherwise. Whatever may be the desirability of granting such power to the Minister as this Bill provides, this is not the measure in which it ought to be introduced. The paragraph opens up a very large question which has not yet been dealt with in any one State. It practically means that Australia is to be kept, as far as manual labour is concerned, entirely for those who are already in the country, subject to the consent of the Minister of the day to the introduction of skilled labour. I do not think that such a provision is in the interests of the Commonwealth as a whole, and I am certain that it is not in the interests of the labourers of Australia. At the time when there was a steady stream of immigration into 'Victoria, at the rate of 1,000 a week, we were paying 17s. 6d. a day for manual labour. In those days there was a continuous immigration to the goldfields. It is in the interests of the working classes themselves that there should be a stream of immigration into the country. Such a paragraph as this is, -so far as I know, contrary to the wishes of the general public, and the question it deals with certainly was not mooted in Victoria at the Commonwealth elections. It will allow the Minister to stifle industries that may require the importation of specially skilled men, and the consequence will be that capital that might profitably be employed in developing industries will be unable to be so utilized. I feel strongly on the subject ; not that it will affect me personally, but because I feel sure that it will injure those

whom it is intended to protect.

Postmaster-General

Senator DRAKE

. - I agree to a great extent with what Senator Sargood has said in regard to the advantages that have resulted to Australia from the influx of population in the past, but his remarks as to the benefit of immigration to Victoria in the time of the gold discoveries do not affect this question. The paragraph deals with indented labour. We all desire that in the future Australia shall be made so attractive to persons of all classes that there will be a considerable amount of free labour introduced. But this paragraph will not affect that immigration. It may be true, as Senator Sargood says, that at the federal elections in Victoria nothing was said about indented labour, but I know that in Queensland a considerable amount of interest was taken in the question, and indeed ever since I have been in political life there has been a strong feeling in that State against the introduction of indented labour. That is to say, employers of labour - say, a big contractor - engages workmen in a country where wages are lower than they are here, for the purpose of doing a certain piece of work cheaply. It is recognised by most people that a practice of that kind must have the result of introducing into Australia a number of persons who will work for a lower rate of wages than is generally paid, thereby causing dissatisfaction, and diminishing the attractiveness of Australia to people of the class whom we desire to bring here. There is a special exemption for skilled men, so that the honorable senator has no ground to stand upon in his objection to the paragraph. In the United States of America there is a similar provision to this, amounting to a direct prohibition of indented labour. That is a proof that 70,000,000 of the most intelligent people in the world have come to the conclusion that this is a restriction that ought to be imposed in the interests of working people. We cannot do better than follow such a lead.

Senator MACFARLANE(Tasmania).This paragraph would prohibit any person from engaging domestic servants abroad and bringing them into Australia.

Senator Drake

- Are there not plenty here ?

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Senator MACFARLANE

- I remember the time when domestic servants were imported into Queensland at the instance of the Government, and there was such an inquiry for them that they were rushed by ladies who wished to engage them! That shows that there is a great demand for this class of manual labour. It would be monstrous to prohibit any one from engaging a few domestic servants abroad if he wished to do so.

Senator Drake

- If there is a scarcity in one State, they can be engaged in another.

Senator MACFARLANE

-I am afraid that there is a scarcity in all the States. Only last week I had to engage in Melbourne some domestic servants for Tasmania. I shall certainly vote against this paragraph.

Senator PULSFORD

- I cannot allow the paragraph to pass without making a protest against it. What Australia needs most is more population. There may be a surplus population here and there. There might be a surplus of labour for a time, but I am certain that the one great need of Australia is a greater population, which would help to lighten the burdens that rest at present on the shoulders of the three or four millions of inhabitants of the Commonwealth. I do not apprehend that there is any danger of the wages rate in Australia suffering from the bringing in of new labourers. It rarely happens that labourers are introduced into Australia from Europe under the conditions hinted at in this provision, and I see no reason why it should be inserted.

Senator WALKER

- As one who would like to see the influx of a large European population into Australia, I shall be obliged to vote against this clause. In days gone by a squatting firm in Northern Queensland introduced gardeners from Scotland, and farm servants from Norway, who became in time excellent bushmen and splendid colonists. We hear a great deal about a white Australia. I am afraid that what some honorable senators really want is an Australia for the whites already here. They do not want any one else to come in. If they had any sense of humanity they would see that there are numbers of white people who would like to come here, and they would endeavour to assist them. Many of these people cannot afford to pay

their own passages, but employers would be able to bring them out under indenture for three years. That could be done in the case of Danes, Norwegians, and Swedes, for example, and no one would say that people from those countries are not amongst some of our most excellent colonists. Some persons deny that labour, like any other commodity, may be bought and sold. A notable instance of the fact that it is a purchasable commodity, however, is afforded by the offer of £2,500 a year made recently by the Victorian Government to one of the New South Wales Railway Commissioners. He said he preferred to remain where he was if the Government there would consent to raise his salary from £1,500 to £2,000 a year, and the Government of New South Wales are bringing in a Bill to enable them to pay him that salary. Would the people of Victoria have found fault with the Government if it had entered into an agreement to bring him here? This provision in the Bill is a dishonest attempt, under the plea of a white Australia, to prevent from coming here Europeans who would be able to secure in Australia terms superior to those obtainable in their own countries.

Senator HIGGS(Queensland). - It is all very well for honorable senators who have mortgages over saw-mills, and who are apparently in a very comfortable position in life, to speak of the want of humanity shown by those who desire to insert a provision in this Bill, which will prevent employers, who are anxious to get rich very rapidly, from bringing into Australia white labour under contract, to work probably at very low wages.

Senator Walker

- Surely we should have freedom of contract?

Senator HIGGS

- Freedom of contract has a very great charm for those who have good bank balances, but for the man whose bank balance is his capacity for toil, and who has to compete for his daily bread in an over-flooded labour market, it has no attractions. If Senator Walker had been employed during the last six months at the Broken Hill mines, and had been discharged owing to scarcity of work, he would object to the importation of labourers under contract at low wages.

Senator Walker

- I should go elsewhere.

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Senator HIGGS

- There were some 9,000 miners employed in Broken Hill a few months ago, but there are now only 5,000. We have heard a good deal of the poor kanaka, who has settled down with his family in Queensland. What about the poor miners who have settled down and got their families round them in Broken Hill, but are now out of work? Of course they can go elsewhere. They can break up their homes, and go first class to the other end of the Commonwealth. Senator Walker knows that in all probability the white workers at Broken Hill, who are out of employment, will have to roll up their swags, and leave their families in search of work. It is all very well to introduce the domestic servant problem into this question. The scarcity of domestics is due to the fact that a very large number of mistresses do not know how to treat their servants properly. Many of them have been servants themselves, and probably because they have had to work hard they have made up their minds that their servants shall do the same. We do not want any indented labourers here, and I sincerely hope that Senator Sargood will withdraw his objection. He is a good employer himself, and probably he thinks that every one else is. He must know, however, that some of the bitterest strikes that have occurred in America have been due to the introduction of labourers under contract.

Senator PULSFORD(New South Wales). - It has been stated that our object in opposing this paragraph is that labour may be introduced at wages lower than current rates. That is not my desire, and I propose to amend the paragraph in a way that should meet the views of all honorable senators. I move - That the words "at wages below current rates," be inserted 'after the word "Commonwealth," line 11. While I have no desire to introduce labour at low rates of wages, I want to see that we do nothing which will impede the increase of our population by means of immigration.

Senator DAWSON

- I wish to correct a statement made by Senator Walker in regard to the effect of this paragraph. He suggested that its provisions would operate against the introduction into Victoria of a Commissioner of Railways under agreement to do special work. He will find, however, that it would not affect a case of that

kind. Such a man would be exempt as one having special skill.

Senator Walker

- My only object in citing that case was to show that labour is a commodity which may be bought and sold.

Senator DAWSON

- The ordinary manual labourer will come under this paragraph, but a skilled labourer will be exempt. It is absolutely necessary that a provision of this kind should be inserted in the Bill, and

I hope the Government will adhere to it. In Queensland we have experienced the necessity for such a provision. In order to get over the difficulty of producing sugar without black labour, Sir Samuel Griffith, some years ago, conceived the idea of introducing a number of Italians to work in the cane-fields of Queensland. Large numbers of Italians were brought out, with the result that they broke away promptly from their agreements, and went to different parts of Queensland. Some of them were almost paupers, and until they placed themselves on something like a sound footing, they gave the Australian workmen a very bad time of it.

Senator Drake

- Some of them are now working on the share system round Cairns, and doing very well.

Senator DAWSON

- Yes. At first they took contracts for supplying the mines and mills with firewood at very low rates. But as soon as they established themselves upon a sound footing, they fell into line with the conditions that had prevailed before their arrival in the State, and did not take contracts at rates lower than those at which others were prepared to accept them. For a considerable time, however, the Queensland workman suffered severely, and I hope no action on the part of the Senate will bring about such a state of affairs again.

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Senator McGREGOR

- I take it for granted that Senator Pulsford and other honorable senators have no desire to reduce wages, but I should like Senator Walker and Senator Pulsford to be forced to compete in the labour market as I have had to do. It has often happened that a combination of employers has brought about a state of affairs which has made it absolutely necessary for their workmen to strike for better conditions, apart altogether from wages. When a strike has been forced upon the workmen the employers have been prepared to indent labour, even at higher wages than they were giving, in order to defeat the strikers. When the strike is over, and when there are two applicants for every billet it is very easy for employers to make a proposition either to reduce wages or to harden the conditions in other directions. And the men through the force of circumstances are compelled to accept those conditions. We do not wish anything of that kind to occur. The expression "wages below current rates" would not protect Australian workmen from any conditions that might be imposed apart from wages altogether. I hope Senator Pulsford will withdraw the amendment on my assurance that it would not have the effect of keeping up wages in Australia at a rate which ought to obtain in this country.

Senator PULSFORD(New South Wales). - I desire to draw Senator McGregor's attention to the fact that Australia is some thousands of miles away from the chief labour recruiting ground, and in the case of a strike, or anything of that sort, there would be no reasonable opportunity for the introduction of men from Europe, with a view of interfering with the men on strike. I do not think Senator McGregor wishes us to understand that we are to insert a clause in this Bill to make it impossible for more labour to be imported, and I can see no objection to providing that they shall not be brought in to work for wages under the current rate of wages.

Senator McGregor

- I know where higher wages were offered.

Senator PULSFORD

- Why on earth should we object to the introduction of labour at higher rates of wages than those current locally?

Senator O'Connor

- It has been explained that that may be a mere device.

Senator PEARCE

- I wish to point out to Senator Pulsford that if the wages for eight hours were 10s. per day, and an

employer offered 11s. per day for twelve hours, it would be a reduction of wages. Senator Dawson has shown us that it is not merely a question of wages which causes labour disputes, but very often the conditions and hours of labour. We know that although America is some thousands of miles from Europe thousands of men have been imported from European nations to take the place of American citizens, in some cases to bring down the rates of wages and in other cases to break up the unions which the men had formed. Domestic servants have been referred to, but what is to prevent people from bringing domestic servants here and making their engagement with them on the spot when they may know what are the local conditions and what is a fair wage? The objection is to the introduction of people under contract who are not aware of the local conditions.

Senator CHARLESTON(South Australia), - I may give an illustration which may help honorable senators to understand that it may sometimes become necessary to have such a provision in the Bill. Honorable senators from South Australia will remember that it was decided to construct a large reservoir and reticulate a large part of the country called the Beetaloo area. There were some ideas of protection prevalent at the time, and it was decided that the pipes should be manufactured in the State, even though the contract amounted to £34,000 more than it would have been necessary to pay if the pipes had been imported. The contractor introduced a number of workmen under contract from Scotland, and the men, after working for some time, discovered that the terms' and. conditions under which they had been engaged were less favorable than those under which they had worked in Scotland. The result was a serious strike, and the men. were brought before the court. That led to a provision being inserted in one of the South Australian Acts to the effect that no contract made outside the State for labour should be valid until it had been re-signed in the State.

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Senator STYLES

- We need not go to South Australia for an example because we have one in the State of Victoria. Some honorable senators will remember that Cornish and Bruce imported 100 Italian immigrants in connexion with the contract for the Mount Alexander line, . under a contract to work for more than eight hours a day, and at less than the rate of wages which was considered reasonable. It turned out a failure, because the Italians did not adhere to the agreement made with them in Italy for about half the rate of pay which was current here at the time. An. attempt was made to get over the difficulty by substituting a lot of brick-work for stonework, because the masons caused a lot of trouble to the contractors, and worked under the eight hours system. Cornish and Bruce looked upon it as their right to import men at any price at which they could get them, and at the time I speak of masons' wages here were from 1 5s. to 1 6s. a day.

Amendment negatived.

Paragraph (k) -

The master and crew of any other vessel landing during the stay of the vessel in any port in the Commonwealth. Provided that if it is found that any person . . . who would in the opinion of the officer be a prohibited immigrant ... is not present, then such person shall not be excepted--

Senator MACFARLANE (Tasmania).I move - r

That the words - " not being of European race or descent," be inserted after the word " person."

I do not see why if the absent seaman is a European, the officer should have the absolute power to declare him a prohibited immigrant if he does not turn up when the ship is going away. The shipping companies suggest that as all whites, whether passengers or crew are professedly to be free to enter the Commonwealth, words should be introduced in this paragraph limiting its application to Asiatics. It is admitted that an Asiatic member of a crew should not be allowed to land, and that if he does not return to the ship before she leaves, the owners of the ship may fairly be held responsible for the introduction of a prohibited immigrant. But they ought not to be "held liable in the case of a European. Under this provision if a white man does not appear when the crew are mustered, he may be considered a prohibited immigrant. That is very hard on the master of the ship. He is not the keeper of a member of the crew who is legally allowed to walk about the streets of . Melbourne or Sydney, because he is a free person.

Senator O'CONNOR

- Therefore he cannot be treated as a prohibited immigrant. .

Senator MACFARLANE

- He may be taken up and called upon to pass an educational test.

Senator O'CONNOR

- He will be in no worse position than if he had been called upon to do so in the first instance. When the ship comes in he may be called upon to pass the test, but he is not likely to be.

Senator MACFARLANE

- The hardship is that the ship should be liable for his misdeeds.

Senator PULSFORD(New South Wales.) - I doubt if the committee grasp the point. The paragraph exempts from the operation of the Act the crew of a vessel, and the ship-owners ask that this should be made clear, as being applicable to coloured sailors in case any of them should be missing when the muster is made. It seems fair that the penalty should only be put in force in the case of coloured sailors. I think it is a fair amendment.

Senator MCGREGOR(South Australia) - Senators Macfarlane and Pulsford suggest amendments without having considered anything in the Bill but the line immediately in front of them. Can they not see that there are other prohibited immigrants than coloured men 1 Idiots, paupers, and undesirable immigrants of other descriptions might be- on the ships as well as coloured people, and if those honorable senators will read the Bill and understand it, and then move intelligible amendments, we might listen to them.

Senator PULSFORD(New South Wales). - I know something of the clauses we have discussed, and those we have yet to discuss, and I venture to say that this amendment which has been put forward at the suggestion of important shipping companies is at least worthy of the attention of the committee. If Senator O'Connor is quite certain that the shipping companies would not be at any time liable to ' be fined because any white sailors had absconded, I am willing to allow the paragraph to pass as it is.

Amendment negatived.

Paragraph (n). - Any person who satisfies an officer that he has formerly been domiciled in the Commonwealth or in any colony which has become a State.

Senator MACFARLANE(Tasmania).The shipping companies, who of course are supposed to know their own business, and who represent a large amount of intelligence in this community, point out that there are many alien white and coloured people who have been resident in the States for many years, but who are without domicile in the legal sense of the word. They suggest the use of the words, " a resident for at least two years." I move - " That the word " domiciled," line 2, be omitted with a view to the insertion of the words " resident for at least two years."

Senator O'CONNOR

- I object to the amendment, 'which makes the provision much more stringent against my honorable friend's view than it is.

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Senator DOBSON

- I cannot quite see with Senator O'Connor that the amendment would make the provision more stringent than it is. The word " domiciled " has a legal meaning. I understand that before a man can be regarded as having become "domiciled" there has to be the clearest evidence placed before the court that he has absolutely left his native country for good, and means to take up his permanent residence in the new country. If that is not the law, I should be glad if Senator O'Connor would point out what it is. I do not think that the words of this amendment are quite so strict as the word " domiciled," which may require every case to be judged on its own merits.

Senator O'CONNOR

- The word means that a man has made his home in a country. If a man brings his wife and children here, and lives in this country, and has given up his other home, then he is domiciled here, and that may take place in a week or a month. Of course it may be a question of evidence whether a man has become domiciled in the country. If a man has a home in England, and he leaves his wife there and comes out here and establishes another home, it may be that he is not domiciled, but surely it may be left to the Government to decide under the particular circumstances whether a person is domiciled or not. What <io we aim at here? We aim at reaching those persons who have actually made their homes among us. That is a perfectly simple thing to decide. There is no reason why an officer should not decide it.

Senator Sir JOSIAH SYMON

- It seems that there is some little misconception as to what this paragraph is intended for. This is an exception. The previous paragraph deals with prohibited persons, but there are certain classes of persons

who, when they come here even if in other respects, they might be within the prohibited class, are not so if they can satisfy the new conditions. One of these conditions is that if a man has been domiciled in Australia either through having been a native of it, or having had his home here for a number of years has gone away and has returned, he is to be admitted, as a matter of course, as he ought to be. It seems to me that the paragraph is perfectly clear, and is intended to except a class of persons who would otherwise be prohibited.

Senator STEWART(Queensland).- It appears to me, notwithstanding what Senator Symon has said, that this matter is not clear at all. Seeing that our legal authorities are not agreed as to the meaning of the word "domiciled," I think it would be much better to insert the words - "resident for six months."

Senator WALKER(New South Wales). As it is possible for a man to be resident in a State and yet not to be domiciled therein, would it not be better to use the words "domiciled or resident for two years?" That would cover both cases. 24 p 2

Senator O'Connor

- I am sorry that I cannot accept the honorable senator's suggestion.

Senator DOBSON(Tasmania). - This amendment has been suggested and prepared by one of the ablest solicitors in Victoria, at the request of the shipping companies. Like all lawyers, he does not quite like the word "domiciled," because, as Senator Walker has stated in a nutshell, a man may be resident in a place for years and yet not have a domicile there. When we use the word "domiciled" we use a word which has two meanings.

Senator O'Connor

- Because we do not mean resident, but domiciled. We mean that a man must have made his home here.

Senator DOBSON

- Why not put in the words - "made his home or been resident here for two years 1"

Amendment negatived.

Clause agreed to.

Clause 15 (Powers to enforce Act).

Senator Sir FREDERICKSARGOOD (Victoria). - This clause reads - "Every member of the police force of any State." Have we any power over the police forces of the States ?

Senator O'CONNOR

- The clause simply gives power to arrest. If the authorities of a State prevent their police from acting, of course the clause will not apply. The clause does not force' them to act.

Clause agreed to.

Clause 17 (Regulations).

Senator PULSFORD

- I think we ought to insert in this clause the words "not inconsistent ' with this Act."

Senator O'Connor

- If any regulation were inconsistent it would be ultra vires.

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Senator PULSFORD

- It is sometimes desirable to let a Government know that they ought not to make regulations which are ultra vires. It is often advisable, to use a phrase sometimes used by the Vice-President of the Executive Council, and to insert words in an Act of Parliament interrorem so far as concerns evil doers, who are sometimes to be found even in Cabinets. However, I will not move an amendment.

Clause agreed to.

Clause 18 -

The Minister 'shall cause to be made annually a return, which shall be laid before Parliament, showing the number of persons refused admission into the Commonwealth on the ground of being prohibited immigrants, the nations to which they belong and whence they came, and the grounds on which admission was refused ; the number of persons who passed the test prescribed by paragraph (a) of section 4, the nations to which ' they belong and whence they came.

Senator HIGGS

- I move -

That the following words be added to the clause - " the number of persons admitted to the

Commonwealth without being asked to pass the test, the nations to which they belong, and whence they came." «

The clause provides that a return shall be laid before Parliament showing the number of persons refused admission to the Commonwealth on the ground of being prohibited immigrants. I should like words to be inserted providing that all those persons who are admitted without passing the test shall be included in the returns. It is a reasonable proposition, and will furnish us with evidence as to whether the Government are carrying out the measure as Parliament intended that they should.

Senator PULSFORD

- I draw attention to the fact that paragraph (a) of clause '4, which is referred to in clause 18, has been excised from the Bill. Therefore, I presume that the Government will withdraw clause 18 altogether. At any rate, it should be postponed.

Senator PEARCE

- I hope the clause will not be postponed. When we were debating this question on the motion for the second reading we were unable to say whether this clause would work well or not, owing to the fact that in Acts of Western Australia or New South Wales there was no such provision.

Senator O'CONNOR

- The objection of Senator Pulsford to this clause may be technically correct, but we are dealing with things in a practical way ; and I take it for granted, after what has taken place in connexion with clause 4, that it is the intention of a number of honorable senators, including Senator McGregor himself, to support the proposal of the Government when that clause is again considered. I gather that that is so from an interjection made by Senator Higgs. If that be the case there will be no use in postponing clause 18. I am quite willing to consent to Senator Higgs' proposal. If the statistics are to be kept at all, they should be perfect statistics, and there is no doubt that some such particulars as he proposes should be given. If clause 4 remains as originally proposed by the Government, Senator Higgs' amendment might very well be agreed to. I appeal to the committee not to waste time over a technical objection.

Senator PULSFORD(New South Wales). - I object altogether to what I have said regarding clause 18 being described as a technical objection. It is absurd to ask us to pass a clause which refers to another provision that has been excised from the Bill. We ought to have some respect for ordinary usages and for common sense in the matter. I again suggest that this clause be postponed.

Senator CHARLESTON

- I cannot help admiring the very ingenious way in which the Vice-President of the Executive Council has tried to commit the labour party to the abandonment of Senator McGregor's amendment. I did not understand Senator Higgs to convey anything like - what has been suggested by Senator O'Connor. In view of the great probability of Senator McGregor's amendment being carried, we certainly might postpone clause 18.

Senator HIGGS(Queensland).- What I said was that, in view of what had been done by certain honorable senators in creating a blank in the paragraph, it would be necessary for some of us to reconsider our position. I am very glad at all times to accept advice from Senator Pulsford ; but, inasmuch as he wants to see this Bill wrecked, I do not feel inclined to fall in with him on this occasion. In any event, this clause is necessary ; but if it will facilitate business, I will withdraw my amendment for the present, until after clause 4 has been recommitted.

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Senator Sir JOSIAH SYMON

- I think Senator Higgs is adopting the proper course; because, in spite of what Senator O'Connor says, we are satisfied that our friends who proposed and supported the amendment to paragraph (a) of clause 4 are perfectly sincere in what they have done. As far as I can see, it would be an absurdity to pass this clause in such a form that in any event we should have to reconsider it. Returns must be obtained in whatever form clause 4 remains. I intend to pursue the course I have hitherto followed in regard to this matter, and when a reconsideration of clause 4 takes place, and the issue in regard to supplying the blank in paragraph (a) is decided, we can deal with the nature of the return which shall be required.

Amendment withdrawn.

Clause agreed to.

First schedule (State Acts Repealed).

Senator O'CONNOR

- It may be remembered that when this Bill was first taken into committee the question was raised of whether clause 3 was in the proper form. After consideration, it appears to me that it would be better to omit the clause, which it will be seen, refers to this first schedule. If the clause is omitted, this schedule must go. The position would thus be left in the way in which the Constitution operates. I move - That the first schedule be omitted.

Amendment agreed to.

Postponed Clause 3 negatived.

Senator HIGGS(Queensland).- I move -

That the following new clause be inserted to follow clause 8: - Any aboriginal native of Asia or Africa or the islands thereof, who arrived in the Commonwealth prior to the passing of this Act, shall, after the 1st day of January, 1892, pay a fee of £5 per annum during the time he remains within the Commonwealth. Neglect to comply with this clause shall render the offender liable upon summary conviction to a fine not exceeding £100, or to imprisonment for a period not exceeding six months; and in addition to or in substitution for such fine or imprisonment shall be liable, pursuant to any order of the Minister, to be deported from the Commonwealth.

Provided that the imprisonment may cease for the purpose of deportation if the offender finds two approved sureties, each in the sum of £50, for his leaving the Commonwealth within one month.

The object of this amendment is to meet the case of the 80,000 coloured aliens, or something like that number, who are within the Commonwealth at the present time. Of course, there are exceptions, but, as a rule, these aliens do not adopt our standard of civilization. They live very cheaply, they contribute very little to the cost of the government of the country, and in many cases their sole aim is to acquire as much wealth as they can, and leave the country as quickly as possible. The majority of these aliens reside in very poor habitations, a crowded room, or a hut, sufficing in many instances as a sleeping apartment for sixteen or twenty of them.

Senator Charleston

- How could that happen under the Health Acts of the different States ?

Senator HIGGS

- Apparently those Acts cannot be administered to cope with this great evil. Municipal councils have appointed officers to administer the Health Acts, but find it impossible to deal with the Hindoos and the Chinese. I desire to compel these aliens to pay something towards the government of the country, and I think that the proposition that they shall pay a tax of £5 per annum is a very reasonable one. I noticed in a Brisbane paper the other day a paragraph, setting forth that hordes of Hindoos, Chinamen, and other Asiatics are concentrating in the northern portion of Queensland. The paragraph stated that the Premier of Queensland, when interviewed on the question, said that the Government had official intimation that such was the case, and that he had no doubt that these aliens were being brought into the north of Queensland to meet the kanaka legislation of the Federal Parliament - to supply the places of the kanakas who will be deported in course of time. These Hindoos and Chinamen will compete with our workers in many ways, and I am anxious that we shall not make their stay in the Commonwealth too rosy. If we can, by the imposition of a tax, prompt them to leave the country, I think we ought to do so. I have proposed that the tax shall be £5 per annum, because I think that is a fair compromise. Personally, I should like to make it £20. There may be something in the contention that those who have already paid a poll tax of £100 should have some special consideration, and I am quite willing that they should.

Senator Dobson

- Can we legally have a black man's tax under the Constitution ?

Senator HIGGS

- I think it will be perfectly constitutional for the Senate, to give effect to this proposal. We find that we cannot get at these people through the Customs, or by means of an income tax, and I think that we should tax them in this way.

Senator O'CONNOR

- I must oppose this amendment. It goes altogether beyond the necessities of this measure. This Bill is to regulate immigration, and it seems to me that it would be a very unnecessary and harsh proceeding to place under special disabilities aliens who are already in the Commonwealth. If it is found that, in carrying

on the business of the Commonwealth, it is necessary to make special laws dealing with any particular class of coloured aliens, there will be power to do so under sub-section (26) of section 51 of the Constitution. That, however, should be done only by some special Bill, and not by a side wind.

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Senator Higgs

- Is Senator O'Connor favorable to special legislation of the kind?

Senator O'CONNOR

- I have not seen sufficient evidence to justify it, but if the occasion should arise, it might be considered. I do not want to touch upon the constitutional aspect of the question now, but I should not like to be understood to say that it would be right constitutionally to insert a provision of the kind in such a measure as this.

Senator Higgs

- By leave, I will withdraw my amendment.

Amendment, by leave, withdrawn.

Senator DRAKE

- I move -

That the Chairman leave the chair and report the Bill to the Senate with amendments.

Senator O'CONNOR

- As an amendment upon that motion I move, under standing order 294 -

That clauses 4 and 18 be reconsidered.

Amendment agreed to.

Clause 4 -

The immigration into the Commonwealth of the persons described in any part of the following paragraphs of this section (hereinafter called ' ' prohibited immigrants ")is prohibited, namely : -

Any person who--

Senator O'CONNOR

- I move-

That the words "when asked to do so by an officer fails to write out at dictation and sign in the presence of the officer a passage of 50 words in length in an European language, directed by the officer," be inserted after the word "who."

I think this is the best way in which to carry out the desire of those who wish to have an Immigration Restriction Bill passed in a reasonable way, and a way which will insure its coming into law.

Senator MCGREGOR

- Honorable senators will recollect that at almost the commencement of the session, I said in a jocular way that the labour party were for sale when the proper auctioneer came along. The auctioneer did come, and an offer was really made. I am not saying that any individual member of the Opposition came to the labour party and said - "If you do so and so, we will do so and so," but no one could fail to understand that we were offered support. Now the labour party has been sold, and the next time an auctioneer comes along and makes an offer, he will also have to make a deposit, to prove the bona fides of his offer, and of the arrangements proposed to be made. Last night I honestly moved an amendment, and I was supported ; in fact, there was a majority of six against the proposal of the Government, and in favour of deleting a certain paragraph. That was done, and we, as a party, thought that everything was going on well. But that paragraph was knocked out for the purpose of inserting something else, and when we attempted to put that something else in we failed to do it by two votes. All the labour party were here, and I throw the responsibility of the present position upon Senators Pulsford and Ferguson, who have declared that they are against this Bill. They have been against another Bill of a similar character, and they and other senators have gone in the same way. I have every confidence in the position taken up by the leader of the Opposition, Senator Symon, and I believe also that Senators Smith and Charleston have been sincere in the position they have taken up ; but I tell honorable senators that, if the labour party are going to ally themselves with anybody, it must be with some party that has some respect for their leader, and the members of which will follow their leader, and not lead us into a misunderstanding.

Senator Ferguson

- I voted with the honorable senator.

Senator McGREGOR

- Most decidedly ; and then came in and knocked me out again.

Senator Ferguson

- I did not.

Senator McGREGOR

- I do not consider it is safe for me as a member of the labour party to put myself in that position again, Once sold is quite sufficient for me. Seeing that honorable senators in opposition have declared that they are opposed to this Bill, because it is too stringent and is altogether prohibitive, I certainly have a right to be satisfied, and consequently during the rest of the consideration of this Bill I am going to do all I can to support the Government in carrying out the provision which honorable senators in opposition have declared to be too stringent, and which they, have two or three times made an effort to make less effective as a means of preventing aliens and ail other objectionable immigrants from coining into the Commonwealth. That they think it is too stringent is warrant enough for me to support this amendment, knowing that according to them it will carry out the provision I desire to see inserted.

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Senator STANIFORTH SMITH

- I regret very much indeed the present position of affairs. There is no doubt that Senator McGregor moved his amendment in a bona fide manner and he had no stronger supporter for it than myself. Last night I asked an honorable member of the labour party if there was going to be a division, and he said there was not, as there were four or five honorable senators who desired to speak. This morning I was out of the chamber for not more than a quarter of an hour, and when I came back I found that a division had been taken and that Senator McGregor's amendment had been lost. Then another proposal that certain -words should be substituted was also lost, and now the position is exactly the same as it was before. This is a matter of the greatest importance. I was pledged to the absolute exclusion of every coloured alien from Australia, and if there is one question more than another upon which I feel strongly it is this question. The amendment now proposed by Senator O'Connor will be ineffective, if it is administered honestly. It will be effective if it is administered dishonestly, but if that is the intention it will be a disgrace to the statute-book. If Senator McGregor carefully considers the matter he will see that he is in no worse position now than he was yesterday. If some honorable senators on the opposition side and the labour party vote against the Government proposal now made, it will be defeated, and then Senator McG regor's amendment can come on again. The honorable senator has hinted at treachery, but I deny that there has been any treachery. Senator Ferguson is pledged to vote for it.

Senator Higgs

- He did not vote for it last night.

Senator Ferguson

- I paired.

Senator STANIFORTH SMITH

- I point out that even if there had been treachery, and Senator McGregor's proposal were defeated by an unholy alliance, the effect would have been that the Bill would have been sent back to the House of Representatives in that form, or with some other amendment; and the Government in the House of Representatives, supported by the labour party and other progressives, would have put in the education test, as before, and when returned here it would have been accepted.

Senator O'Connor

- After a discussion extending, perhaps, over three or four days

Senator STANIFORTH SMITH. What is a discussion of three or four days on an important measure like this ? If Senator McGregor persisted in moving his amendment now, I am absolutely positive it would be carried.

Senator McGregor

- Once is enough to be fooled.

Senator STANIFORTH SMITH

- The honorable senator has not been fooled,, except by a catch vote, which reflects credit on the astuteness of the Government. In this matter I have not been actuated by. party principles at all. I have honestly expressed my views. I supported the Government in connexion with the Kanaka Bill, and I came

here pledged to absolute exclusion. I promised the electors of Western Australia that I would not vote for any legislation that would leave a loophole.

Senator O'Connor

- We want something practical..

Senator STANFORTH SMITH

- I do not want anything dishonest, and to be practical the administration of this Bill would, according to the honorable and learned senator, have to be dishonest. I am exceedingly sorry at the turn affairs have taken. I would propose the amendment which Senator McGregor has seen fit to drop, but I am afraid there would be little use in it, because if the labour party have pledged themselves to support the Government proposal, the Government will win, and legislation will be placed upon our statute-book which it is certain Mr. Chamberlain never contemplated. He certainly said that the legislation might be made more stringent, but it is clear that he referred to a more stringent English education test.

Senator O'Connor

- There is an European language test in three of the States now, and it has been assented to.

Senator STANFORTH SMITH

- Yes, but the immigrant is given the choice of the language in which the test is to be applied. Under this proposal an alien may come here who can speak three or four languages, and because he may not be able to speak the language selected as the test in his case he may be excluded. The object is plainly to exclude a person on account of the colour of his skin.

Senator Playford

- That is what the honorable senator wants.

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Senator STANFORTH SMITH

- I want to do it honestly, and to say frankly that for ethnological reasons we do not desire the coloured races to come into Australia. Instead of that, legislation is proposed in which it is suggested that there is no bar to the coloured races whatever, and that we only desire to see that our immigrants are educated people. The subterfuge is that the intending immigrant may be examined in any one of the 78 languages mentioned by that eminent philologist, Senator Pulsford. I shall be sorry if any such legislation appears on our statute-book in the first year of our national life. It seems to me that the Government have won, and I am not annoyed at it for any party reason, but because legislation is likely to be passed which is directly contrary to the pledge I gave my constituents, and which will be a disgrace to our statute book, because to be administered effectively it must be administered dishonestly.

Senator CHARLESTON

- I am extremely grieved that Senator McGregor should abandon his guns at this stage, when there is every reason to believe that if he moved his amendment again it would be carried. That the honorable senator should tell us as the leader of the labour party that that party is for sale, that the Opposition have practically made an offer for the party, and that he should now plainly show as he has done, that the Government have bid something higher, is one of the most disgraceful things I ever heard of in politics. We know that when the vote was taken this morning two or three of our supporters happened to be away. We know also that Senator Neild from all he has said is practically pledged to Senator McGregor's amendment now that he has lost the amendment he desired to see carried, introducing the words of the Natal Act. Unless you apply Senator McGregor's test, how can there honestly be a test of colour at all? I need not deal with that point, because it could not be put more clearly than Senator Smith did. I shall vote against the amendment of Senator O'Connor, and if Senator McGregor deserts his guns I shall move the insertion of his own amendment.

Senator PULSFORD

- Senator McGregor, smarting under a defeat which I suppose was unexpected by him, appears to have lost his head, and has mentioned the very last man in the Chamber whom he should have named. In the various divisions I have taken no part. I have not voted with the Government or against them, with Senator McGregor or against him. It will be recollected that when the subject was last before the Chamber Senator O'Connor twitted me with being a party by myself. He did not know what attitude I should take, nor did Senator McGregor have a shadow of information from me, directly or indirectly, that I intended to support his amendment. The position I have taken has been exactly the same as I have

occupied in public life for the last ten or fifteen years. I have always held that it is the duty of Australia to effect these arrangements with regard to immigration by treaty with powers like Japan and China, and as to the natives of India, by an arrangement with the British Government. I have had very little support, but I have not wavered from this attitude. I have not, on this occasion, supported either the proposal made by the Government, or by Senator McGregor, or by Senator Walker. Therefore, considering the extraordinary position we seem to have reached, when Senator McGregor publicly announces that he has deserted the proposal to which he intended to stick, he must not be surprised if, after having passed reflections on honorable senators, which were entirely undeserved, he finds reflections made on his own conduct, and, perhaps, with a greater degree of accuracy.

Senator Major GOULD

- So far I have not spoken in regard to the Bill, but my attention has been drawn to the fact that a little time ago in the debate Senator O'Connor wondered what I was going to do, and reminded the committee that I was a member of a Government which had passed a Bill similar to this one. While that statement is true, it is equally true that that Government passed a Bill practically on the lines of the amendment of Senator McGregor, not in the same words, but virtually to the same effect, because it contemplated applying all the provisions of the Chinese Restriction Act to the different coloured races.

Senator O'Connor

- And the Government dropped that Bill after the conference in London.

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Senator Major GOULD

- One moment, please. It also repealed the provision in the Chinese Restriction Act which exempted British subjects from its operation. The Bill was framed with the express purpose of dealing entirely with coloured races in the same drastic manner as Senator McGregor's amendment did. It is true, as Senator O'Connor has interjected, that the Bill was subsequently put on one side, in order to submit another. But it was passed through both Houses, and reserved, and at the conference of Premiers, Mr. Chamberlain said that the Royal assent would not be given, and suggested the adoption of the educational test in the Natal Act. Returning to New South Wales, the Premier submitted a Bill on those lines, because clearly it was the only legislation he could get of the kind which was desired, but it was thoroughly understood at the time that it would be a question for the Commonwealth Parliament to deal with by and by. Therefore the attitude which was taken up by the Reid Government, and the attitude which was taken up by Mr. Reid in the House of Representatives, in supporting an amendment similar in character to that of Senator McGregor, has been consistent throughout. I also claim to be following a consistent course of action. I find that when the Bill I mentioned was being dealt with in New South Wales, one honorable member said

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I intend to vote for the second reading of the Bill, believing, as I do, that it rests upon a principle which must be applied in the building up of Australia; believing, as I do, that it rests upon the principle of self-preservation, which we must begin now, at this early period, to adopt; believing, as I do, that it supports that principle, although it may lead, perhaps, to some discussion, and perhaps to some official complications in the British Empire.

Senator O'Connor

- That was a speech of mine?

Senator Major GOULD

- Yes.

Senator O'Connor

- It was very well put, I think.

Senator Major GOULD

- It was very well put, indeed. Then the honorable and learned member said :-

It is an instance in which the law of self-preservation makes it imperative upon us to take up the position that we shall have to preserve Australia for the white races, even if we have to exclude British subjects in the process; and when you remember that the British Empire includes every nationality and every colour under the sun, when you remember that the British Empire includes almost every clime in the world, it is impossible to say that it is not right for one portion of the British Empire to say that it shall prevent from encroaching within its limits, members of other portions of the Empire.

The honorable and learned member also said -

I am so much impressed with that principle that I would extend the provisions of this Bill, not only to coloured aliens, but to any race or class of persons whom we considered to be a menace to our civilization, or whom we considered unfit to be members of our community.

There are many other passages which I might quote from the speech of Senator O'Connor, who now so earnestly deprecates legislation of this character. I have cited these passages for the purpose of pointing out that while certain honorable senators are maligned for their consistency others, who have proved themselves to be inconsistent, take credit to themselves for the action they are pursuing now. I admit that Senator O'Connor was not responsible in any way as a Ministerialist, and that he said it was a responsibility which he would allow the Government to take themselves. But, in a well reasoned out speech from the stand-point which he then occupied, he pointed out how clearly and necessary it was in the interests of this great nation that we should have the power of direct exclusion. If he had been as consistent as some of us he would not have found himself in the unfortunate position which he occupies to-day, for it must be remembered he has not said yet that he does not now believe in ' these principles. There has not been any doubt as to what action I was going to take, for before he spoke, my name was entered in the pair-book as having paired with Senator Walker against the Government and in favour of the amendment of Senator McGregor. There is no question that it was consistent with the attitude I had previously taken. One cannot always believe the whisperings one hears in the lobbies. But from the very commencement I have been very much impressed with the idea that there was a bit of a game going on. Some honorable senators wished to posture before their constituents, and they thought they could do this very well and say afterwards - "We did all we could, you see ; but the Government beat us." However, these honorable senators have ' discovered that their gun was loaded. They thought they had blank cartridge. An amendment was submitted last night, and it was a remarkable thing that no member of the labour party had the courage to call for a division. It was left to an honorable senator not of that party to call for a division, when the Chairman said that the voices were given against the amendment.

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Senator McGregor

- I thought the decision was given in our favour.

Senator Major GOULD

- That leads me still more to believe that there was something in the whisperings that the labour party had no desire to embarrass the Government over this question. They found that it was likely to embarrass the Government, and therefore it was not their intention to proceed with the amendment to a final issue if it could be avoided by any pretence. I should not have been surprised if the amendment had not even been submitted.

Senator Higgs

- We were here, and voted anyway. That is more than the honorable senator's followers were.

Senator Major GOULD

- The members of the labour party had postured, and when a division was called for they could not do otherwise than vote for the amendment. I am not responsible for any one who stayed away. I am only responsible for my own vote.

Senator McGregor

- The honorable senator was not here either.

Senator Major GOULD

- The honorable senator is wrong again, because I voted both last night and this morning.

Senator DAWSON

- Give us a chance to vote now.

Senator Major GOULD

- Directly. Honorable senators who have been trying to make a great noise, but with the desire to do no harm, find themselves in an unfortunate and humiliating position. Senator McGregor shows the hollowness of the whole tiling when he says that he will not go to a division against the proposal of the Government. I recognise the fact that the longer one lives in political life the more instances one gets of honorable gentlemen turning summersaults, sometimes gracefully, sometimes the reverse. I congratulate Senator McGregor and his friends who have told us that they were selling themselves, that they think that

they have been sold, and that therefore next time they shall require a deposit. I presume that the Government has given them a deposit. What it is I do not pretend to know. But I did notice the other day with regard to some measures that they stuck close and fast to the position they had taken. I dare say that even now they will have an opportunity of voting for Senator McGregor's amendment. It occurred to me last night that it would have been very much wiser to have submitted it as a substantive amendment, and then to have dealt with paragraph (a) in the light of what had been done with the amendment. But assuming for the sake of argument that the Government proposal is carried, it will enable them to deal with races that are not coloured and to deal with the very cases which Senator O'Connor mentioned last night of undesirable immigrants from European countries, who, though not coloured, are not desired as citizens. So that it will do good so far. After all it is still open to any honorable senator to submit Senator McGregor's amendment. I do not propose to do so, but if it is submitted I shall be prepared to vote for it, and if Senator McGregor and his colleagues do not vote against it, it will be a matter of very great astonishment to me. But let every man who is allied to this party which has posed as being the friend of the working man, which believes in certain principles that the working men advocate, go before his constituents, and explain why he voted against an amendment which he knew could be carried by the votes of honorable senators. Let him explain why he voted against his own principles.

Senator O'Connor

- We can see what a friendly alliance it was on your part now.

Senator Major GOULD

- I have been in alliance with the Government when I have voted with them, and honorable senators will see what a friendly alliance it was. It matters not to me whether the members of the labour party vote on the same side as I do. If our views on a subject happen to be in accord, why should we not vote together? Why should we not vote together just as readily as Senator McGregor and Senator O'Connor do ?

Senator Sir J osiah Symon

- But the Government have a monopoly of the labour party !

Senator Major GOULD

- They have a monopoly it seems. Senator Dobson and I fought together on some questions a little time ago, but we are opposing one another now.

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Senator O'Connor

- I am sorry, sir, to interrupt this interesting disquisition on politics in general, but has it really anything to do with the question before the committee? We have been kept quite strictly to the amendment, and I submit that the honorable senator is travelling a long way beyond it.

The CHAIRMAN

- I propose to allow some latitude, as I did to Senator McGregor when he made his statement. Various aspects of a more or less personal character have been introduced, and I think I am justified in permitting some reference to them.

Senator Major GOULD

- I think I am not discussing the question in an offensive way. I have only been discussing it on fair and consistent lines. I presume the amendment will be moved and voted upon presently.

Senator Higgs

- Will the honorable and learned senator have the pluck to move it.?

Senator Charleston

- I shall do so.

Senator Major GOULD

- I said that I did not propose to move it, but that I was going to vote for it. Will Senator Higgs have the pluck to vote for the amendment when it is proposed by Senator Charleston ? At any rate, whatever may be the result of the vote, I am very glad to congratulate the Government upon the way in which they have collared the labour party, and have compelled them to vote against their own convictions on this question.

Senator Dobson

- The present proposal will carry out their convictions quite as well.

Senator Major GOULD

- That has been a matter of argument. It has been put to them, but they have not been satisfied with it.

Why should we not deal with this matter honestly ? If we desire to deal with a particular class of aliens, should we not do so straightforwardly, and not place a fraud upon the statute-book ? My action upon this matter has been consistent from the first. Ever since I have been in politics I have followed one line of action, which may have , been right or wrong, but which at all events has been con-consistent. When honorable senators say they want a thing, they should be prepared to stand up for their so-called principles, and do what they say they intend to do. I shall watch with a considerable amount of curiosity the result of the vote upon this question.

Senator STYLES

- We have heard a good deal from Senator Gould upon the question of shams. He tells us that some years ago he was a member of a Government which earned a Bill through the New South Wales Legislature containing a clause precisely similar to that proposed by Senator McGregor.

Senator Major Gould

- A clause similar in effect.

Senator STYLES

- The Bill containing that clause was sent Home, but the Royal assent was refused. Now, Senator Gould desires us to vote for something that he knows will be rejected directly it is presented for the Royal assent.

Senator Sir JOSIAH SYMON

- Not a bit of it.

Senator STYLES

- Yes ; he declared that the New South Wales Bill was refused the Royal assent, and now he tells us that he is going to vote for something that he knows must likewise be refused the Royal assent.

Senator Staniforth Smith

- Is there no difference between a Commonwealth Bill and one passed by a State Legislature ?

Senator STYLES

- The principle is the same whether it is contained in a measure passed by one State or by a Commonwealth - by one colony or a dozen colonies. Who is really posing before his constituents? Why, it is Senator Gould himself, and not the labour party as he has said. The labour party have found out - just as I felt they would when I voted last night in opposition to their proposal, although my sympathies are with them - that they were on the wrong track, and they are acting a manly and straightforward part in harking back and voting for what they believe they will secure, instead of voting for what, according to Senator Gould, they cannot obtain.

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Senator STEWART

- I regret very much the unfortunate position in which I find myself. I admit freely, as Senator Gould has suggested, that I have been cornered. While Senator Gould was speaking, the old story of the spider and the fly came forcibly into my mind, the- spider in this case being the Opposition, and the fly, the poor, innocent labour party. The spider invited us into his parlour. We went there. We have come out not entirely unscathed, but still with some life left in us. We are invited to reenter the spider's parlour. If we go in again, probably we may never come out. Therefore, having some regard for our own skins, we have decided to remain where we are. The blandishments of the spider are not going to have any effect this time. As every honorable senator knows, I believe in the direct exclusion of coloured aliens.

Senator Ferguson

- If that is so, why does not the honorable senator go on with that proposal?

Senator STEWART

- I know perfectly well what are Senator Ferguson's opinions. I do not care to tell the Senate what I think of that honorable senator's action. If I did, perhaps it would not be very complimentary to him. He came into the Senate under the flag of a white Australia.

Senator Ferguson

- And I am still under it

Senator STEWART

- Senator Fergusonvoted to-day for the principle of direct exclusion in the hope that that would kill the Bill.

Senator Ferguson

- No.

Senator STEWART

- I am satisfied that that is so. I know that Senator Ferguson does not believe in a white Australia, and that some honorable senators on the Opposition side do not believe that a white Australia is possible. The leader of the Opposition has told us himself that he does not believe that it is.

Senator Sir J osiah Symon

- I never said so.

Senator STEWART

- I suppose I must accept the honorable and learned senator's denial, but that certainly was the impression which his speech last night conveyed to my mind. Senator Gould has charged the labour party with having gone back on its principles. I deny that. We have principles, but I would remind honorable senators that the labour party is not the child in politics that it was a few years ago. It has cut its wisdom teeth, and has come to the conclusion that it is sometimes better to take half a loaf than have no bread. We have not gone back on our principles. The leader of our party moved a certain amendment upon this Bill, and every honorable senator of the party supported it. We had the support of certain honorable senators in deleting clause 4, and we naturally came to the conclusion that, having gone so far in the fight, they would see it out. But when it was sought to insert the words proposed by Senator McGregor, our honorable friends who had so kindly assisted to create the blank in the clause did not turn up. They had business elsewhere. Various explanations have been given for their absence, but the one fact which stares me in the face is that, having gone with us to a certain extent, they deserted us.

Senator Charleston

- Why not give them another trial ?

Senator STEWART

- I shall tell the honorable senator my reason for refusing to do so. We cannot go on recommitting this Bill. If we were defeated upon the second trial, as we were upon the first, we should be the laughing stock of all Australia. Finding that we cannot obtain all that we want ; finding that we have been betrayed, practically, by those who professed to be our friends, we have come to the conclusion that it is much better to take what the Government offer us than have nothing. I do not approve of the Government proposal, but it is better than nothing. Nothing would suit our planter friends in Queensland better than that this measure should be hung up indefinitely. While Mr. Chamberlain and the Commonwealth Government were corresponding in regard to it, the Queensland planters would be pouring Hindoos and other Asiatics into Queensland, and when the question was finally settled we should find that the alien difficulty in Australia was much greater than it is at the present moment. We make some pretensions to being practical politicians. If we cannot obtain all that we should like to get, we shall take all that we can obtain for the time, and I trust that on some future occasion, if the necessity arises, we shall return to the charge, and, perhaps, have complete effect given to our will in the matter: I protest against the insinuation thrown out by Senator Gould. That honorable and learned senator, I understand, occupies a leading position as a member of the Opposition. If he had been desirous of seeing Senator McGregor's amendment carried, he would have taken care that his fellow members of the Opposition were present to vote upon it. He did not take that precaution. The gun missed fire, and now he invites us to have another shot. I have read of guns missing fire and of people being so foolish as to "monkey" with them afterwards, with the result that they have been shot. We have no intention of getting shot. We have done all in our power to embody in this Bill the principles in which we believe. Having failed, we intend to do the next best thing, and accept the provision which the Government desires to insert.

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Senator Sir JOSIAH SYMON

- With one exception, we are in exactly the same position as we occupied last evening when this question came before us. We have to determine whether or not we should accept the educational test proposed by the Government or the direct exclusion proposal put forward by Senator McGregor last night. There is no alternative or middle course. The exception is that whilst last evening we were all under the impression - and certainly I was under the impression most deeply - that the amendment was proposed with the most perfect sincerity, we have now reached a stage at which the little game seems to be exposed. Senator Stewart says that the reason for the sort of jump- Jim- Crow tactics to which we have been treated this

afternoon is that the labour party have been betrayed. Betrayed by whom? Betrayed by themselves. They are their own worst enemies. The honorable senators who came forward to declare that they wished to secure a white Australia by a policy of direct exclusion of coloured aliens, that they would be no party to any educational test which might be used this way or that way, at the discretion of an officer, to admit one immigrant and exclude another - the honorable senators who said they would have no paltering with this question - turn round, drop their own amendment for direct exclusion, and say - " We are going to vote for the Government educational test." What then ? Senator McGregor has selected two of those who voted yesterday with him as honorable senators in whom he has perfect confidence, namely, Senator Smith and myself. Therefore I may speak with the most perfect friendliness and in a tone of the most kindly criticism of my honorable friend and of the most extraordinary attitude which he has adopted.

Senator McGregor

- Senator Symon has no control over his own followers.

Senator Sir JOSIAH SYMON

- My honorable friend has no control over himself. How can he throw stories at other people in this respect? He is put up for sale. He glories in it. He is to be sold when the auctioneer arrives to the highest bidder. Is not that an exhibition of political prostitution - declared on the floor of the Senate- without a parallel ? Senator McGregor talks about it as a joke ; but it is not a thing to joke about. We might say - "What price to-day as against yesterday ? " Is it a kind of Dutch auction, so much last night and a little more to-day? What is the bargain which results in this exposure of the little game in regard to this amendment? It was going to be proposed, but in a kind of " Willing to wound and yet afraid to strike" style. I think we may all ask where was the serious desire to secure a whits Australia by direct exclusion.

Senator McGregor

- We were betrayed. Senator Sir JOSIAH SYMON. - My honorable friend knows that when his amendment to omit paragraph (a) of clause 4 was put to the committee last night the voting was nine to fifteen in his favour. Who failed him to-day? Who was the one who was absent? It was Senator Smith, in whom Senator McGregor has perfect confidence, and whose sincerity he pledges. Every one represented in the list of voters with the " Noes " was present to-day with the exception of Senator Smith.

Senator DAWSON

- Where was Senator Clem on s ?

Senator Sir Josiah Symon

- Senator Clemons paired with Senator Walker.

Senator Pearce

- And where was Senator Neild.

Senator Sir JOSIAH SYMON

- Senator Neild declared in my hearing last night before the amendment went to a division, that he was in favour of the Natal test.

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Senator Lt Col Neild

- And I voted for it to-day.

SenatorSir JOSIAH SYMON.- What right has the labour party to bring forward this petty pretext for the abandonment of their principles ? If they had stood up and said - " We have changed our mind; we do not care two pence for securing a white Australia by means of a policy of direct exclusion, and we have thrown aside this majority of 15 to 9," none of us would have a right to complain. A man has a right to change his mind, but what I complain of is the apparent subterfuge. The fever has been catching, and seems to have taken possession of honorable senators. I was afraid it would after what happened last night. I was present, and can corroborate what has been said by another honorable senator, that there was no voice from the labour corner calling for a division. They were going to let the question go on the voices. That shows the absolute sham ! Who have been betrayed? Those who voted with the labour party upon this, and who are prepared and intend to vote again upon the same question.

Senator Pearce

- If we had had the fifteen this morning, we should have won.

Senator Sir JOSIAH SYMON

- My honorable friend knows that it was a catch vote. I do not say it was a catch vote dishonestly taken,

but Senator Walker proposed an amendment by accident. The honorable senator does these things by accident. When I came into the Chamber, I found my honorable friend dancing with joy at having moved a little amendment. The Vice-President of the Executive Council very readily accepted that amendment as we should all have done in the same position. But the words were struck out, and Senator Walker's accidental performance was not successful either. That was dropped out also, and so we come back to the actual position we were in last night, and if my honorable friends had one grain of political honesty in their composition they would go forward with their amendment now.

Senator McGregor

- We have been too simple.

Senator Sir JOSIAH SYMON

- My honorable friend is very simple. Some one has said that the members of the labour party have cut their wisdom teeth, but that kind of wisdom is the wisdom of the serpent, and they have plenty of it. It has been an example of guile from the beginning to the end of the transaction. We are quite agreed that the honorable senator may abandon the amendment as he chooses, but it is not right for honorable senators, even if they are seduced by a Bill which involves so many elements of dishonesty and subterfuge, to indulge in that kind of thing themselves. I think they ought not to do it. I think their political reputation will be apt to suffer, and the effect is not likely to be neutralised by the constant and callous declaration that they are up for sale to the highest bidder. Senator Styles spoke last night and to-day as if no honorable senators except those on the Government side should vote for any proposition . submitted by the labour party. If they did - and I was rather amused at the declaration - my honorable friend said that whatever his views might be upon the merits of the question he would vote the other way. He told me last night, that although his sympathies were with the labour party, and with the amendment they proposed, yet because I forsooth agreed with their proposition he would vote the other way. That is a fine declaration of political creed.

Senator Styles

- I had the honorable and learned senator sized up before the labour party.

Senator Sir JOSIAH SYMON

- I know my honorable friend of old, but that is a sort of political principle which I think he would do well to abandon, as his friends of the labour party will do -well to abandon the position they have taken up to-day.

Senator O'CONNOR

- This is a good lecture.

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Senator Sir JOSIAH SYMON

- It is very necessary that these things should be pointed out, and my honorable and learned friend, Senator O'Connor, should not have a monopoly of lecturing his supporters. I say we are now back to the point at which we diverged last night. The issue now being put to the committee is whether the Government educational test, which is not intended to be an educational test at all, shall be embodied in this Bill. Upon that issue last night, on the invitation of Senator McGregor, the committee determined by a majority of six that it would have nothing to do with the educational test. A debate then took place as to whether the words proposed by Senator McGregor should be inserted, and if we had taken a division last night those words would have been inserted. Honorable senators know that on Friday morning the attendance is not usually large, and when the division was taken this morning there was a majority against Senator McGregor's amendment, and the only member who was absent and had not paired was Senator Smith. A proposal to insert words in lieu of those proposed by Senator McGregor was also defeated, and that was equivalent to an intimation by the committee that the field was once more clear for Senator McGregor's amendment. Now, when we come to consider the proposal, relieved of all those other entanglements which complicated it, and the clear issue is as to whether there is to be an educational test, or direct exclusion, we have the intimation that those who favour direct exclusion are going to vote for the educational test. If that is their view of the principles on which our proceedings should be conducted, it is a pity we did not know earlier. So far as I am concerned, I intend to be consistent with what I declared on the hustings, and in the Senate, and I intend to vote against this educational test, because it is inefficacious for the purpose we have in view. Every member of the

committee knows that the intention is prohibition, and no one could have stated that more lucidly than the Vice-President of the Executive Council. I say we should not put an educational test into this Bill, which can be made prohibitive only at the discretion of the Customs officers and of the Administration. One man may get in and another be shut out. Education is not the test by which we are dealing with these immigrants. It is race and colour. It is not a linguistic test at all. We do not wish to admit people because they possess the faculty of writing 50 words in English or in some European language, but we propose to shut them out because they are not of a race and colour of which we approve. It has been said that if this is honestly administered it would admit every Hindoo and every negro in the United States of America.

Senator Playford

- That would be so under the amendment the honorable and learned senator supports

Senator Sir JOSIAH SYMON

- Not at all, because I intimated yesterday that if that amendment was not sufficient we could always add to it. This is not an educational test, but an embargo upon race and colour at the discretion of the officers who have to administer the law, subject again to the discretion of the Ministers as to whether they shall exercise it faithfully or not. I warn honorable senators that if this Bill is passed in this shape, as a means of excluding Asiatics from this country, before long they will repent of it. If we are to adhere to the principles which we came here to give effect to, we should be clear in the language of our statute. My strong objection to this proposal is on the ground, firstly, of its inefficacy, and secondly on the ground of its being discretionary. I do not care who is to exercise the discretion - discretion upon this subject is not what the people of Australia want. They want exclusion. And thirdly, I object that this measure, with regard to the subject of exclusion, is a mere sham and pretence if it is intended to be honestly administered. I do not desire to minimize what Senator Styles has said as to the views entertained long ago with regard to the interference of the Colonial-office. But are we only to legislate when we know that the Colonial-office will give its assent? Are we to tie our hands in legislating in that way? We had better lock up our chamber altogether, if, whenever a Bill is introduced into the Senate, we are to be told that we must not pass this clause, or some other clause, because Mr. Chamberlain - meaning the Secretary of State for the Colonies for the time - may veto the Bill. If that is to be the understanding we shall tie the hands of Parliament, and for that reason, if for no other, I say let us vindicate our right to legislate without restriction and without being hampered by any such fear. If in the exercise of our prerogative we pass legislation, and it is subsequently vetoed, then it is for us, and not for Mr. Chamberlain, to consider whether or not we shall give way. We should not humiliate ourselves by hesitating to pass a Bill in a particular manner because of any alarmist notions as to what may happen to it when it gets to the Colonial-office. I am as anxious as any one to preserve good relations with the Imperial authorities, but I am far more anxious that the self governing powers and the legislative powers of Australia gathered together in this Commonwealth should be preserved, and that our self-respect as a people should be upheld. It is for these reasons that, even if I vote alone, I shall be found voting against this educational test and in favour of direct exclusion.

Senator PEARCE

- I am sure we are very much obliged to the honorable and learned senator for the excellent lesson he has given us as to the necessity of party organization, but I should like him to apply the lesson to his own party. If he had done so the position would not be what it is at present.

Senator Sir Josiah Symon

- This is not a party question.

Senator PEARCE

- It may not be a party question, but our proceedings are conducted on party lines, and the labour party were given to understand by the Opposition that they would get support for their amendment. We have not now to discuss the reasons why we did not get that support. We know we did not get it. Let me point out that we were told that Senator Neild was going to support it.

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Senator Lt Col Neild

- No one had a right to say such a thing.

Senator PEARCE

- I understood one honorable senator to say that he had Senator Neild's authority to say so.

Senator Charleston

- In explanation, I desire to say that I mentioned the name of Senator Neild, but I did not say I had his authority. I simply said I thought he would vote in that way.

Senator PEARCE

- That is just the reason why the labour party do not feel safe in going any further. There is too much of this kind of offer - "We think so and so will vote with you." When we moved the amendment honorable senators were found voting against it, and other honorable senators whose votes we were led to believe we would get were absent. Can honorable senators wonder that, having been defeated once with such support, we decline to risk a similar defeat again. I remind the committee that there has been a debate during this last week, which has been very ominous. The labour party have been supporting the Government in an effort to rid Australia of a large number of people of a coloured race, and on which side have honorable senators been in that discussion, who are now so anxious to take the extreme step of complete exclusion to which the labour party is pledged? They have been most severe in their criticism of the attitude the labour party have taken up upon that question, and yet they are the men who led the movement for an extension of time for the planters in Queensland. That is a significant incident in the week's proceedings, and should be sufficient to make us pause before we again walk into the spider's web. If any one is responsible for the present position it is the free-trade party, and their lack of organization, and their lack of loyalty to their leaders.

Senator Sir Josiah Symon

- It is not a party question.

Senator PEARCE

- Whether it is a party question or not, we are face to face with that fact that in the Senate there are three parties, and if we wish to carry any legislation, as Senator McGregor puts it, we must approach the dominating parties in the Senate. We did approach them. We approached the Government on the one hand and they offered us an educational test, which is admitted by some of the free-trade party to amount to prohibition. On the other hand, the free-trade party said - "We will go the whole way with you, and vote for complete exclusion." In good faith we brought forward our proposal for complete exclusion, and honorable senators of the free-trade party united with us to create a blank in the Bill. But when we wished to fill in the blank, what support did we get? We were in a minority. In one division we had a majority of six, and in the next we were in a minority of two. Now we are again asked to move the amendment again, but we have to remember that this is not the last stage of this Bill, and we may have to depend on the men who have failed us once to fight this Bill if we come into conflict with the other House. If their organization is so loose that their own leader cannot depend upon them, and does not know whether they are going to fight with us or not, how can they blame the labour party for taking an offer, which, at any rate, has some backing in it, and which does carry some vote with it for a certainty. We should be novices, indeed, in political life if we took an uncertainty for a certainty. We have played and lost, and we decline to again allow the same contumely to be heaped upon us. I advise the party on this side, if they wish for the support of the labour party, and wish to combine with the labour party, to first set their own house in order and secure some shred of organization.

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Senator Lt Col NEILD

- I should not have risen, but that my name has been brought into the debate as if I were going to give a different vote to that which I have already pledged myself to give. I have not pledged myself to any individual, because I have not been asked for my vote, but I pledged myself openly in this chamber last night that if the Government would bring in a proposal strictly analogous to the terms of the Natal law, I would vote for it without one word of discussion. The suggestion I made was not acted upon in any way, and according to the well-known rule I was not necessarily bound by it. Even though I had the best possible excuse to go back upon that assertion, I did not go back upon it. It is quite true that I voted with Senator McGregor to make a blank in the clause, because I had plainly announced my opposition to the provision as it stood in the Bill. The blank being made, I waited in order to fulfil my intention of voting for the Natal clause, and I had already given a vote to create an opportunity for doing so. When the opportunity came I voted for the Natal clause. What is there inconsistent in that, and why should I be charged with having failed to keep some compact, which I never heard of and never entered into? So far

from being open to any allegation of the kind, my action has been absolutely free from the slightest suspicion of trickery, and it is a misrepresentation to suggest that I am going back upon anything I pledged myself to do. I am going to vote against the Government when the new clause is submitted. I have already taken exception to it, and I am not quite sure, if Senator Walker does not do so, that I shall not move the introduction of the provision in the Natal Act. It is just as legitimate for Senator Walker to move the introduction of that provision a second time as it is for Senator O'Connor to move the introduction of a clause which has been defeated. Whilst Senator Walker was defeated by only one vote, Senator O'Connor was defeated by half-a-dozen. So the former has five better reasons than the latter for re-introducing his proposal, which I hope he will do. I shall vote against the paragraph (a), as proposed by the Government, for two reasons. I do not consider it an honest proposal, because it attempts to do by a subterfuge that which the Government are not game to do openly. If they are game to do it openly why did they not vote with Senator McGregor? He desired to do the thing straight out from the shoulder. That I was not with him does not prove that he was wrong. He sought in a direct and deliberate way to achieve that which the Government wish to do by an underhand method. I am also against the proposal of the Government, because I do not consider that paragraph (a) is likely to be used efficaciously for the object which all of us have in view. I assume that we are all at one for the exclusion of undesirable people, but we look from different stand-points at the question of the best way in which it is to be accomplished. Of the three proposals we have proof of Senator Walker's being efficacious, so far at least as Imperial consent is concerned, and of its working we have heard no complaint. I consider it my duty to vote for it, because it seems to be the most reasonable course, and perhaps it has the advantage of being to some extent a middle course. I do not know how it was that Senator Charleston managed to evolve from his inner consciousness the idea that 24 g

I was going to give a certain vote. He had no warrant for pledging me in any way.

Senator Charleston

- I did not pledge the honorable senator.

Senator Lt Col NEILD

.-No one has discussed this question with me privately. . I took my own course and I do not think that Senator Symon, or the free-trade party, or the Opposition/or whatever you like to call us, is open to any strictures such as have been passed.

Senator Sir Josiah Symon

- There was no party question at all.

Senator Lt Col NEILD

.- While we recognise Senator Symon as our leader in respect to- Tariff matters, there is no obligation for party action in respect of other matters. We have held no meeting. We have not discussed the matter of this vote in any form, and I am quite sure that I am saying no more than I am entitled to say. There has not been the least idea of party action in respect to it. We have gone on our own, and done that which we thought was best. We have had a splendid homily as to the necessity for party action. That homily may bear good fruit, and we may be very greatly indebted to Senator Pearce for his kindly instruction. But at the present time I do not know that we shall be able, to get the full benefit of it, or that it will affect the issue before the committee. I shall vote against the proposal of the Ministry as it stands, and for the introduction of the provision in the Natal Act if the opportunity is offered.

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Senator HIGGS

- I have' never heard a more ungracious attempt to add insult to injury than has been disclosed in the speeches of Senator Gould and Senator Symon this afternoon.' We have fulfilled to the very letter our part of the compact with the electors, both in the other House and in this Chamber. We told the electors that we should go for direct exclusion. Our representative in the other House moved an amendment to that effect, and was' defeated, although we saw a strange combination of conservatives voting with him in a direction in which they were never known to go before. Then, true to our principles, we came here and the same amendment was proposed. We were in our places to vote on every occasion. Senator Symon tells us that we have the same strength to-day as we had yesterday. But how was it, then, that although last night we had fifteen votes, to-day we could command only eleven ? Because some conservative senators, who were never before known to vote for a democratic proposal, find themselves defeated in an

attempt to disparage or discredit the Government, they turn round and heap a lot of contumely on our heads. The action taken this afternoon is only in keeping with Senator Symon's interjection, at the time we raised a little cheer on behalf of a white Australia. In a contemptuous way he sang out - to Senator Playford - "Are you not proud of your allies?"

Senator Sir Josiah Symon

- Not on that question, but on the question of white labour on ships.

Senator HIGGS

- When we succeeded, so far as we could, in excluding black labour from ships, and being a little joyful over our success, raised a cheer, the honorable and learned senator in a studied, contemptuous way, said to Senator Playford - "Are you not proud of your allies?"

Senator Sir Josiah Symon

- And Senator Playford was by no means proud.

Senator HIGGS

- Whenever we carry out Senator Symon's designs, we are to be complimented, but when we refuse to go with him or neglect to fall in with his views, we are to be treated with opprobrium.

Senator Sir Josiah Symon

- No, I was going with you.

Senator HIGGS

- I have felt during the debate, that I have been in a very dangerous position. As it proceeded, I could see that the Government were evidently desirous of securing as far as possible a white Australia, but that, judging from the tone of despatches from the old country, we might get no law at all unless we passed the measure as introduced by the Government. On the other hand, I could see from interviews with Mr. Philp, in the Brisbane Courier, that he was hopeful, owing to the combination which was taking place in the Senate, that this Bill would be hung up, and probably the Government in the other Chamber would be forced to resign, and so both the Pacific Island Labourers Bill and this Bill might be delayed for twelve months or more. What is the idea of some honorable senators in voting for Senator McGregor's amendment? Is it to secure a white Australia, or is it to put the Government in such a position that they will have to eat their own words or resign?

Senator Sir Josiah Symon

- No fear of them either resigning or eating their words.

Senator HIGGS

- The honorable and learned senator makes that remark with great regret. We know that he and others do not contemplate with satisfaction the fact that the Government have the power to confer a great deal of patronage, and they wish to unseat the Government in order that they may distribute that patronage amongst their friends.

Senator Sir Josiah Symon

- Is that remark in order, sir?

The CHAIRMAN

- There is nothing offensive in it.

Senator Sir Josiah Symon

- Not to make a suggestion that men are striving to get into power to distribute patronage amongst their friends?

The CHAIRMAN

- There is nothing personal about it.

Senator HIGGS

- If Senator Symon takes exception to the remark I shall at once withdraw it.

Senator Sir Josiah Symon

- Never mind!

Senator HIGGS

- I would remind honorable senators that no one here is more sensitive to the slightest reflection than is Senator Symon, although in his speeches no one uses stronger language. Did he not say, to us this afternoon that if we had a grain of political honesty in our character we would act quite differently, and also speak of political prostitution? What stronger terms could be used?

Senator Sir Josiah Symon

- That was as to putting yourselves up to the highest bidder, as your leader says.

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Senator HIGGS

- The honorable and learned senator is keen enough to know that that statement by Senator McGregor may be distorted, although it was only meant to describe the position which anybody coming in here to try to secure reforms is entitled to take up. We find ourselves in a minority. We have a certain programme. We say to the two great parties here - " We are anxious to get the best we can. Give us such reforms as we believe will be for the benefit of the people, and we will support you so long as you try to do something for the people of the Commonwealth." Senator Symon has endeavoured by his eloquence to make out that some of us are putting ourselves up for sale, and that we are going to get something personally out of the sale.

Senator Sir Josiah Symon

- Oh, no. If my honorable friend is under any such an impression I must deceive him at once. I do not think my words were calculated to suggest any personal motives.

Senator HIGGS

- What did the honorable and learned senator mean by saying that if we put ourselves up for sale we were doing something which was politically dishonest or were guilty of political prostitution ? Is it political prostitution to come into this chamber, and endeavour to get some of the reforms which the electors sent us in to secure ? The Government have stated that they intend this Bill to be prohibitory. I wish to ask Senator O'Connor whether, if the Bill does not prove to be effective, his Government are prepared to solemnly pledge themselves to introduce such legislation as will bring about the direct exclusion of these undesirable aliens ?

Senator O'Connor

- That has been said in both Houses. I have said it here, and I repeat it.

Senator HIGGS

- I do not see that Senator McGregor and the other members of the labour party have any other course to adopt, after what occurred this morning, than to signify that we are prepared now, since we have been defeated in trying to get our amendment introduced, to support the original proposal of the Government. Senator CHARLESTON(South Australia). - Surely there was no reason why Senator McGregor should have deserted his amendment so quickly. The statement that there were fifteen honorable senators pledged last night to vote for striking out the clause does not bear on the point at all. I grant that in the group of fifteen senators some voted to strike out the clause, so that they might insert the provision in the Natal Act, and others, so that they might insert the amendment of Senator McGregor. This morning the vote was taken more quickly than was anticipated by some honorable senators who had supported Senator McGregor, and was lost. With what result? We were in exactly the same position as we were in last night, and Senator McGregor could have again moved his amendment and seen what effect it would have. He failed to do so, and therefore he deserted his guns. I came into the Senate with a free and open mind in regard 24 g 2 to these great questions. Only once, I be-believe, during ray campaign, was I asked the question, " Are you in favour of a white Australia?" And I said, "Yes." In my manifesto I inserted the words, " I am in favour of the supremacy of the white races." I came here so that I might hear from the representatives of Queensland who have had experience of the kanaka traffic, and from other honorable senators, what the effect of these Bills would be. What was the result? From all I heard on both sides here my sympathies went out to the kanakas. We were told of the great wrong which was done to them. What did I do ? I gave my worthy friends in the labour corner an opportunity to stop that wrong at once. Were they found voting on that side? No. Therefore they proved again their insincerity. They declaimed against that traffic, yet they were willing that it should be continued for another five years. In this Bill they have had another opportunity of declaring for a white Australia, and of protecting Australia entirely from the incursions of coloured people. Again they have deserted their guns, and they are prepared by their vote to admit black races from any part of the world. It is useless for them to say that the administration of this measure will give them all they want. That may be the case with the present Ministry, but if a Government came into power which was opposed to the measure, what would be the result ?

Senator McGregor

- Hear, hear.

Senator CHARLESTON

- I am very glad to find that these honorable senators are prepared to cheer the mention of what they say they want, although they are not prepared to act according to their professions on the public platform. They stand condemned before every constituency in Australia.

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Senator De LARGIE

- I can quite believe that, in view of the position which the labour party occupy at the present moment, they may be liable to be lectured. If the lecture comes from those who are justly entitled to lecture us, we will not mind it. An honorable senator in the position occupied by Senator O'Connor or Senator Symon might very well criticise our situation at the present time, but when a political wobbler, like Senator Charleston, has the audacity to lecture the labour party, not only in regard to their attitude on this measure but in relation to the Pacific Island Labourers Bill, I think he is going a little too far. I must protest against being lectured by an honorable senator of his standing. No matter how inconsistent our present position may appear to be, we shall always receive a great deal more credit for political straightforwardness than Senator Charleston is likely to secure. There is no honorable senator whose opinion upon any question is so difficult to ascertain until he actually votes. He wobbled right through the debate on the Kanaka question, and it is only now, when he sees an opportunity of gaining a little political capital, that he takes up a definite attitude. Those who know him best will have no difficulty in seeing through the little game.

Question - That the words proposed to be inserted be so inserted - put. The come niittee divided -

Ayes 18

Noes 7

Majority

11

Question so resolved in the affirmative.

Amendment (by Senator Charleston) proposed -

That the following new paragraph be added to the clause, "Any person who is an aboriginal native of Asia or "Africa, or of the islands thereof."

Question - That the words proposed to be inserted be so inserted - put. The committee divided.

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AYES

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NOES

Majority

AYES

NOES

Question so resolved in the negative.

Paragraph (h) consequentially amended.

Clause, as amended, agreed to.

Clause 18 - (Annual return showing persons refused admission).

Amendment (by Senator Higgs) agreed to-

That the following words be added to the clause : - " the number of persons admitted to the Commonwealth without being asked to pass the test, the nations to which they belong, and whence they came."

Clause, as amended, agreed to. Bill reported with amendments.

Senator O'CONNOR

- I move - That so much of the standing orders as would prevent the Bill passing through its remaining stages without delay be suspended.

We are very anxious that this Bill should become law by the 1st January next. If that is to be done, it is

necessary that the Bill should go down to the other place today. To wait until next week would only be a matter of form, and now that the question has been settled, I shall ask the Senate to help the Government in their desire to make the Bill law as soon as possible.

Question resolved in the affirmative. Report adopted.

Bill read a third time, and passed. PAPER.

Senator DRAKE laid upon the table

Copy of correspondence relating to the erection of a new post-office building at Hobart, Tasmania.

Ordered to be printed.

PACIFIC ISLAND LABOURERS BILL

Bill read a third time, and passed.

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16:00:00

Senate adjourned at 4 p.m.