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1901-09-20

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House of Representatives.

Mr. Speaker took the chair at 10 a.m., and read prayers.

PAPERS.

Ministers laid on the table the following papers : -

Report and appendices prepared by the Commonwealth Defence Pay Committee.

Further correspondence re introduction of Japanese into the Northern Territory of South Australia, in connexion with correspondence previously laid on the table.

Statistics as to imports and exports of timber and number of saw-mills.

The Clerk laid upon the table : -

Imports of sugar, tea, spirits, tobacco, kerosene, &c. - Return to an Order of the House, dated 7th June, 1901.

Customs statistics as to imports of sugar, tea, spirits, tobacco, kerosene, &c. - Return to an Order of the House, dated 7th June, 1901.

Ordered to be printed.

DAYS OF SITTING.

Mr. BARTON (Hunter- Minister for External Affairs). - I move -

1. That until otherwise ordered, this House shall meet for the despatch of business at half-past two o'clock on each Tuesday, Wednesday, and Thursday afternoon, and at half-past ten o'clock on each Friday morning.

2. That on each sitting day, until otherwise ordered, Government business shall take precedence of general business.

I think I have already explained to honorable members the reason why, in the opinion of the Government, this motion is necessary. In the first place, before the introduction of the Budget, as to which I hope to make a communication to the House on next Tuesday, it is desirable to clear off as much as possible of certain business more or less connected with customs and excise. In addition to that, when the financial discussion comes on, honorable members, I think, will concur with me in the belief that we shall have quite enough to do, even if we take this additional day. If we are to entertain a reasonable expectation of rising from our labours by Christmas time it is just as well to take the extra sitting day at once ; inasmuch as it will give us still further assurance of getting through our business.

Sir WILLIAM McMILLAN (Wentworth). - I am sure honorable members on all sides of the House desire to facilitate business, especially as we are drifting into the latter portion of the year. At the same time I fancy that a good many arrangements have been made which would make it inconvenient for honorable members to meet here on Tuesday next, and I would therefore ask the Prime Minister to amend his motion so that it shall not apply to next week. The proposed alteration will make a very considerable difference to honorable members from New South Wales, and probably also to those from South Australia, because it will practically cut out the Tuesday, which they were formerly enabled to devote to their own business: Personally, I should have preferred to make Friday a full sitting day, and extend our work right on into the evening, because, if we sit on Tuesdays, it will practically deprive honorable members from two States of the opportunity of doing any business there. When honorable members arrive in Sydney on a Saturday, which is really a dies non, they have only the Monday for business, and that is of very little use to many of them ; while, so far as professional members are concerned, Tuesday is one of the most important days in the courts. However, the alteration now indicated will give us a week to think over the matter.

Mr. HENRY WILLIS (Robertson). - I hope the Prime Minister will accede to the request of the acting-leader of the Opposition, as I am sure it will meet the convenience of honorable members from New South Wales if they have a little notice of the proposed change. Many honorable members have already made their arrangements to stay in Sydney until Tuesday night, and it would be very awkward for them if they had to return before then.

Mr. BARTON. - I am quite prepared to add another paragraph to the motion, providing that the resolution

shall take effect after Tuesday next. I can easily see the force of what has been stated by honorable members about existing arrangements ; but in the following week I think we must resume the Tuesday sittings.

Mr. WATSON(Bland). - I would ask the Prime Minister whether he would allow some opportunities for the discussion of private members' business before the end of the session.

Mr. Barton.- Certainly.

Mr. WATSON.-I know that it is easy to make a promise on the subject, but I think private members may fairly ask that they should have an opportunity of going on with private business before the close of the session, and the Prime Minister might give the House an assurance in that respect. I am not too certain that the suggestion of the acting leader of the Opposition with reference to sitting on Friday night would meet with universal favour among honorable members from the other States. Personally, I should prefer to sit on Tuesdays.

Mr. G.B. EDWARDS (South Sydney). -I recognise with other honorable members that something must be done to facilitate the transaction of business, but I hope that the modification of the motion suggested by the Prime Minister will be adopted, because a great many honorable members have not had any notification with respect to meeting on next Tuesday. After next week I think we might very fairly undertake to meet four days in the week, and devote the whole of the time to Government business until we have disposed of the Tariff. I would rather meet on Tuesdays than sit on Friday evening, because I think that under that arrangement we shall have better opportunities of getting home.

Mr. PAGE(Maranoa). - It seems to me very strange that in the arrangement of business no one is taken into consideration except honorable members from New South Wales. Honorable members seem to forget that this is a Commonwealth and not a New South Wales Parliament. I honorable members were not aware of this proposed change in the days of sitting, it was their business to find it out, and they should not take upon themselves parliamentary duties unless they are prepared to fulfil them to the fullest extent: It is all very well for honorable members to talk about going home at the week end, but I should like to point out that many honorable members who come from Queensland and Western Australia and Tasmania have no chance of seeing home until the end of the session. If the Prime Minister is not going to show us any consideration, I do not know how he can expect any from us.

Mr. O'MALLEY (Tasmania).- When I surrendered my Fridays here some time ago I expected that a good deal of Government business would be- done, but there has been nothing but continuous talk. I quite agree with the honorable member for Maranoa that this seems to be nothing but a New South Wales Parliament I have the greatest respect for the honorable members from New South Wales, but we ought to take into consideration the feelings of the people in Tasmania, because that and not New South Wales is the important State. A great mistake was made in not selecting Hobart as the temporary capital of the Commonwealth, and I think that if the matter is carefully considered it may even now be decided to declare Tasmania federal territory, and establish the capital there.

Mr. SPEAKER.- Unless some amendment is moved I shall have to submit the motion as it stands. Perhaps some other Minister will move the amendment indicated by the Prime Minister.

Motion (by Mr. Deakin) agreed to -

That the resolution be amended by the addition of the following paragraph : - " That these resolutions take effect on and after Wednesday next."

Question, as amended, resolved in the affirmative.

#### EXCISE BILL

In Committee(consideration resumed from September 19, vide page 5020) :

#### Clause 23-

No person shall produce material for the purpose of sale or manufacture unless he is registered as a producer. Penalty : £20.

Mr McCAY

- This may not be a novel clause, inasmuch as the Minister may be able to tell us that it exists in some of the State Acts, but I do not know that it has ever been enforced. The definition clause does not define material, but beyond stating that it includes all material used in the manufacture of excisable goods.

"When we think of the various things that are used in the manufacture of excisable goods, we shall see that the clause makes a very wide provision. Potatoes are used as material for the manufacture of

excisable goods, and I would ask whether every man who grows potatoes is to be registered as a producer. It is true that the materials that are to come under the operation of this clause are to be declared by proclamation, but I have not that implicit faith in and unhesitating love for proclamations that many of our Bills seem to display, and I doubt the wisdom of enabling any Minister to compel every one who has a little patch of potatoes to register himself as a producer. Under this clause every grower of barley might be compelled to register as a producer, and I do not see what benefit is to be derived from this unnecessary restriction. It is when the goods go into the factories in which they are to be made up that the control of the Customs should begin, and no attempt should be made to go further than that. Excise duty is charged, for example, on manufactured tobacco, and so long as the control in the factory is complete, I do not see how the Customs or Excise can be concerned except for statistical purposes.

Mr Kingston

- Not for statistical purposes, but for the purposes of check.

Sir William: McMillan

- The provision as to sale might be left out.

Mr McCAY

- Tobacco may be manufactured by the person who produces it ; but it is undesirable to have every grain or root grower in Australia liable to be compelled to register himself because some of the things which he produces may ultimately find their way into a distillery.

Sir William McMillan

- The question is not arguable if that is the intention.

Mr McCAY

- It is impossible to find the intention of an Act of Parliament except from the words, and the words of the clause include the cases I have mentioned. I see no advantage to be gained by insisting on those people registering themselves, because when the produce gets into the factory it is under direct Customs or Excise supervision, and the revenue is properly protected. The supposed gain is doubtful, and, at any rate, small, while the possible disadvantage is very great; and I ask the Minister to let this part of the clause go. There are cases in which we cannot avoid giving these great powers, but they should never be given unless it be inevitable.

Mr KINGSTON

- The honorable and learned member has pointed out that under the Bill those who grow potatoes, grain, and such things are required to be registered ; but the simple answer is that that is not so.

Mr McCay

- That is a question of the interpretation of an Act of Parliament.

Mr KINGSTON

- It is expressly declared that this part of the Bill does not apply to beer and spirits, and that ought to remove the objection raised by the honorable and learned member.

Mr McCay

- But it applies to tobaccogrowers.

Mr KINGSTON

- It is highly desirable to keep an eye on the growth of tobacco. For the purpose of securing the revenue, we ought to know where excisable material is being produced, when it is being produced for sale or manufacture, or otherwise the Customs are liable to be imposed on in a variety of ways. The clause cannot be applied in the cases referred to by the honorable and learned member, but where it is advisable to exercise such a power that can be done simply and effectively by proclamation. There is no fee charged for registration, and under the circumstances a grower of tobacco ought to tell us where it is produced and where it goes. If we lose this control we shall be deprived of one of the greatest guarantees which can exist for the protection of the revenue.

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Mr THOMSON

- I agree that there may be good reasons for proclaiming certain articles excisable materials under the Bill, but the power is rather a large one to give the Minister. Why should Parliament not have some voice as to the articles which are to be proclaimed 1

Mr Kingston

- The House has absolute control as to that.

Mr THOMSON

- But not until, perhaps, a considerable time after the proclamation. The Minister, when he brings in the Bill which will be the basis of the necessity for the proclamation, can take power to get authority from Parliament. According to this Bill, the Minister may issue a proclamation during the recess or at any other time and require certain troublesome regulations to be complied with. There might in the future be necessity for an excise even on other materials grown which are not actually used in manufacture. Tobacco actually comes within this category, and I know -that in New South Wales a good deal of leaf tobacco is sold and smoked without undergoing any manufacture.

Mr Kingston

- That is provided for.

Mr THOMSON

- I suppose the case is the same in Queensland. The leaf is dried and sold, and the authorities find this interferes greatly with the revenue.

Mr Mauger

- Is not that a good reason in favour of the clause?

Mr THOMSON

- I have spoken in favour of the clause, but I point out that this article is not manufactured, being sold as it is produced. There might be other similar cases, especially now that the Tariff will embrace the whole Commonwealth. There might be an import duty on rice, and an excise may be found desirable, seeing that this material is likely to be produced largely in the Commonwealth. These are merely illustrations of cases which are not provided for in the Bill.

Mr Kingston

- Leaf tobacco is provided for, and we have drawn the line pretty stiffly.

Mr THOMSON

- I think the Minister might meet the objection raised by the honorable and learned member for Corinella, and give some power to Parliament. While we may be able to trust one Minister, another Minister thoughtlessly or without the necessary knowledge, might issue unnecessary proclamations.

Mr KINGSTON

- There is no objection to laying the proclamation on the table, though I would point out that all proclamations have to be gazetted.

Mr Glynn

- Proclamations are sometimes subject to the approval of one or both Houses.

Mr KINGSTON

- There are a variety of ways of dealing with proclamations. This is for the protection of the revenue, and it might be necessary to issue it in a moment. The utility of it would probably be destroyed if there were an interval which would be necessary to get the approval of both Houses.

Mr Thomson

- When the excise is introduced the Minister should know what proclamations he ought to issue.

Mr KINGSTON

- He ought to, and in all probability will, but other contingencies may arise. The Minister will not issue proclamations in respect of all minor materials used in the manufacture of excisable goods. There are, for example, a number of minor articles used in the manufacture of tobacco, in respect of which the Minister would not dream of issuing proclamations. If honorable members will kindly allow the clause to stand, the Government will be responsible for any proclamations that may be issued, and the House will have absolute control. The slightest expression of opinion by the House on the subject will lead to the withdrawal or suspension of a proclamation.

Mr McCay

- All Ministers may not be equally obliging or amenable to pressure.

Mr KINGSTON

- Some time ago when on the subject of regulations, the honorable and learned member for Corinella, pointed out that to give to either House the power to prevent the enforcement of regulations would possibly lead to the blocking of reasonable administration. But I am willing to consent to a general

provision that a copy of the proclamation shall be laid on the table of the House.

Mr Thomson

- Will the Minister take into consideration the interpretation of the word " material," and see whether he can meet the wishes of the House ?

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Mr KINGSTON

- I would call attention to the fact that this provision is not an alternative, but that two circumstances must exist before the proclamation can issue. The material must be used in the manufacture of excisable goods, and declared by proclamation to be material within the meaning of the Act. I think, therefore, we can trust the Executive with the power, which I should be sorry to see so hedged round with conditions as to prevent its effective exercise. At the same time the clause in the form I propose undoubtedly gives the House power in the matter.

Sir WILLIAM McMILLAN

- Naturally, on this side of the House we are averse to any restriction on business, if it can be avoided, but I honestly think that in regard to Bills which are for the protection of the revenue, we ought to give a large amount of latitude to the Executive. After all the Executive represents the House, and it seems to me absolutely impossible for human ingenuity to so draft every Bill as to allow for every possible contingency. This case is one in which we must leave the Executive to act reasonably and like sensible people.

Clause agreed to.

Clause 38 (Collector to grant licence).

Mr MAUGER

- I take it that this clause leaves it to the collector to fix any fee for the licence which he may deem wise and expedient. Considerable controversy has occasionally been caused in Victoria in this connexion, and I should like to know whether the clause will enable the collector to fix the licence-fee at any minimum he may deem advisable.

Mr KINGSTON

- Clause 14 provides that licence-fees shall be as prescribed, which gives, of course, the power to fix the amount. Tobacco in this connexion is dealt with in the schedule.

Clause agreed to.

Clause 40 -

Licences may be transferred with the written permission of the collector on security being given by the transferee, and may be cancelled by the Minister by Gazette notice if the holder is convicted of any offence against this Act.

Mr GLYNN

- I would suggest to the Minister that the words in regard to cancellation ought to be struck out. From a glance at subsequent clauses, I see that a number of comparatively minor breaches constitute offences against the Act.

Mr Kingston

- This power is only permissive.

Mr GLYNN

- [ look at the question of licences, perhaps, from a somewhat different point of view from the Minister. I am doubtful whether we can really enforce provisions in regard to licences - whether the Commonwealth has power to prevent manufacture except by a licensed person. In Canada I think all fees for licences go to the States, and not to the Federal Government ; and here we are seeking to prevent manufacture, when the prevention is not necessary for the purpose of identification of the goods. I throw this suggestion out for the consideration of the Minister, because the point has struck me in looking at various Excise Acts. I do not think that the Minister should be allowed to cancel a licence which has been issued simply because there has been a breach of one of the minor provisions of this Bill.

Mr KINGSTON

- As regards excisable goods, the Customs authorities have the right of control. One of the conditions imposed in regard to the issue of any licence is that the licensee shall pay a prescribed fee. Another condition is, that if he breaks the terms of his licence it is liable to be forfeited. The honorable and learned member for South Australia, Mr. Glynn, has pointed out that there are various clauses which provide for

offences against this Bill. Of course, if it were provided here that, in all cases of conviction, the forfeiture of the licence should follow, it would be a little bit hard; but that is not so. All that is done is to declare that, upon a conviction, the Minister may forfeit the licence. That is a power to be exercised with discretion.

Mr Glynn

- It is a very big power to give.

Mr KINGSTON

- It is a big power, but it has a moral effect. These great powers are very seldom put into operation, but their very existence has a most beneficial influence.

Clause agreed to.

Clause 42 -

No manufacturer shall manufacture excisable goods at any place other than the factory specified in his licence or shall manufacture in his factory excisable goods to a greater quantity than allowed by his licence.

Penalty: £100.

Mr THOMSON

- I wish to ask where the necessity arises to limit the Output of a factory? It is very difficult for a man carrying on business to know exactly how much he will require to manufacture. He probably anticipates that his trade will require the manufacture of a given quantity, but finds that the demand increases. Why should he not be allowed to increase his output in such circumstances ? The only danger to the revenue is that a sliding scale of licence-fees is provided for, and that perhaps the manufacturer has paid the lower fee.

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Mr Kingston

- And is exercising the larger power?

Mr THOMSON

- Why should he not exercise it so long as he pays for it ? Why not add to the clause the words - " Without paying the additional licence-fee " ?

Mr Salmon

- There is nothing to prevent him from applying for another licence, or for a licence of a higher character.

Mr THOMSON

- There is no provision here, in the event of a man finding that he has the opportunity of producing more than he is licensed to produce, for the payment of the additional licence-fee. He certainly can apply for an additional licence, but that course would -necessitate delay, and in the meantime he may have business offering. The revenue would be properly protected if we added to the clause the words - "without paying "the additional licence."

Mr SALMON

- The honorable member for North Sydney apparently has not noted that these licences are yearly licences. They are issued upon a sliding scale, I believe, in the interests of the small manufacturer. In "Victoria it has been found necessary to issue £5 licences in order that men who have been thrown out of work may get employment ; but the honorable member must recognise that this means supervision and expense. We must have some return for the additional expense, and beyond that we must have some safeguard whereby the revenue is protected. If we have a multiplication of small factories the honorable member will see that there must be certain restrictions imposed regarding the output, because the greater the number of factories the more difficult it is to exercise supervision over them. A man who applies for a licence will have some reasonable idea of the amount of business which he is likely to do. If he finds at any time that his business has increased to such extent as to warrant it there is nothing to prevent his applying for an extension of his licence.-

Sir William McMillan

- But he must wait until the year has expired.

Mr SALMON

- Who says so? There is no provision absolutely limiting the licence. Indeed, I do not see that a man could not have two licences. It stands to reason that any manufacturer who finds his business increasing to such an extent that the output is likely to exceed the quantity which his licence allows him. to

manufacture, will be able to apply for an additional licence or for a licence of a higher character. But the honorable member would provide that the individual shall be allowed to exceed the output for which he is licensed,, and ' shall be able subsequently to apply for an additional licence. That would never do. I do not know whether the. honorable member has had much experience in the administration of the Excise department, but if he has he will realize how difficult it is to supervise these factories in order to protect the revenue. It is only by such a provision as this, by which the licence bears upon its face a restriction of the output, that we can expect to have even reasonable protection of the revenue;

Mr HENRY WILLIS

- I am of opinion that this clause as it stands will prevent the illicit manufacture of tobacco by storekeepers and others throughout the country. The honorable member for North Sydney very properly remarked that many persons smoke tobacco which is not manufactured into cakes. That is so. In the same way many people smoke tobacco which is said to be prepared, but which is really manufactured for smoking purpose by the storekeepers. As the clause stands, these persons will not be able to manufacture other than in the factories specified in the licences. In this connexion it imposes a check upon that very general trade which is done in the raw leaf tobacco. It is not raw leaf, in reality, because it is prepared by the storekeepers, especially in the outlying districts. In regard to licences we have it on the authority of the honorable and learned member for South Australia, Mr. Glynn, that a man may have any number of licences. The clause as it stands, I think, will provide a check upon that illicit trade which is done in what is called the raw leaf.

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Mr WILKINSON

- It seems to me that there is a great deal in the contention of the honorable member for North Sydney. A man may start in a small way of business under a. jJ5 licence. In a few months, possibly, his business may increase to such an extent that he desires to increase his output. If he does increase it he will require under this Bill to take out another licence - a £10 licence. I think that some provision should be inserted whereby the individual shall be allowed to pay the difference between the two licence-fees and to carry on his business upon the larger scale. Whilst we desire, in every possible way, to safeguard the revenue, we ought also to be careful that we do not hamper the expansion of business.

Mr KINGSTON

- I think it would be a mistake for a manufacturer to be carrying on a business in excess of his licence.

Mr Thomson

- How can the Minister keep him within his licence?

Mr KINGSTON

- I can provide that he shall surrender his original licence, and get credit for the unexpired portion of the year in his new licence.

Mr Thomson

- I think that will meet the case.

Mr KINGSTON

- I will take a note of the matter, and move an amendment in connexion with schedule 3.

Mr. THOMSON(North Sydney).- I wish to reply to some of the remarks of the honorable member for Laanecoorie. Some of these old-crusted Customs regulations are very well known to those who have had to work under the regulations to be absolutely unnecessary and unprotective to the revenue, besides having the effect of hampering business. The honorable member has asked how we were going to protect the revenue if we allow a man to exceed his licensed output?

Mr Salmon

- I did not ask how we were going to do it. I simply pointed out that this was an additional check.

Mr THOMSON

- It is no check at all without the Customs supervision. The statement that a man shall produce only so much is no check without the Customs supervision. How are the Customs authorities to know, except by supervision, that a man who is licensed to manufacture 10,000 lbs. has not produced 20,000 lbs.? Then, again, let us suppose that a man is licensed to produce 12,000 lbs. weight of tobacco in the year. That is equivalent to 1,000 lbs. a month. Are we going to calculate his output by the month? At the end of each month is he not to have produced more than 1,000 lbs. of tobacco? Or are we going to estimate his

output by the week or by the day, or is he to be allowed to continue his business for eleven months, by which time he may have produced the 12,000 lbs. which his licence allows him to manufacture? Are we then to say to him - " This is your yearly production. If you produce more, you will have broken your licence" or to say - "You have produced to your full licence and must now close your factory for the balance of the year." The Customs, I take it, want to encourage the small manufacturers ; and if the latter happen to produce something in excess of the quantity which their licences allow, they ought to be permitted to do so by paying the additional sum that is necessary.

Mr MAUGER

- The honorable member for North Sydney has put forward one view of this matter, but there is another side to the question. The Minister desires to encourage the small manufacturers, but I am sure he has no wish to encourage them to compete unfairly with the large manufacturers, who are paying the union rate of wages, and are subject to inspection and sanitary arrangements. In "Victoria, we found some time ago that the larger manufacturers were being severely handicapped by the fact that the £5 licence men worked all hours of the day and night, and subjected them to all sorts of unfair competition. The power of the Minister to regulate the output, to a very great extent, removes that difficulty. It seems to me that even the smallest supervision will be useful in the way I have indicated. To my mind the danger is with the smaller men, and not with the bigger. There is not so much danger of a large factory suspending operations, as there is of the small man working all hours of the night under conditions that are detrimental alike to himself, to the trade, and to the community.

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Mr G B EDWARDS

- I think that the point raised by the honorable member for North Sydney requires attention, although I do not regard the case as being so serious as he has represented it to be. Clause 39 provides that - Licences shall, unless cancelled, continue in force so long as the licence-fees payable in respect thereof are duly paid.

Clause 60 sets out that -

The annual licence-fee for a licence to manufacture tobacco, cigars, cigarettes, or snuff, shall be according to the scale set out in schedule 8 hereto, and shall be paid by the licensee by equal quarterly instalments in advance on the first days of January, April, July, and October.

Under these two provisions it would be very easy for a man to allow one licence to expire by neglecting to pay his quarterly instalment, and to apply for a fresh licence to cover a larger output. There is a provision in the Bill that an applicant can apply for a licence at any time, and pay a proportionate amount for the remainder of the year. I think that it would be quite feasible for a small manufacturer, who ascertained that his output was likely to exceed the quantity which he was licensed to manufacture, to allow his licence to expire, and to apply for a new one. The Customs authorities would not oppose such an application.

Clause agreed to.

Clause 60 Annual licence-fees).

Mr GLYNN

- I should like to know whether a provision could not be inserted in this clause under which, on the surrender of a licence and application being made for a licence on a higher scale, credit could be given for the instalment paid on the licence surrendered.

Mr KINGSTON

- I do not like provisos as a rule, and I have drafted a provision to come under the scale of fees so that any manufacturer surrendering a lesser licence for a higher licence shall have credited against the higher fees the money paid for the unexpired period of the surrendered licence. I will either put the provision in a schedule or make it a separate clause.

Sir Malcolm McEacharn

- It will also be necessary to provide for the extra security that will have to be given.

Mr KINGSTON

- That will follow.

Clause agreed to.

Clause 63-

No person shall be deemed to manufacture merely because he cures tobacco leaf as stripped from the



plant so as to convert it into leaf tobacco.

Mr THOMSON

- If I understood the Minister aright as to the interpretation of the word "material," used in the manufacture of excisable goods, he said that it was necessary to have power to declare certain produce to be material used for the manufacture of excisable goods, and he mentioned tobacco as affording a case in point. I would ask whether the person who grows tobacco is to be registered as a producer, while the person who cures the tobacco leaf is not to be regarded as a manufacturer.

Mr Kingston

- The person who cures tobacco leaf is not to be considered a manufacturer in the sense that it will be necessary for him to hold a factory licence.

Mr THOMSON

- Is it intended to bring him within the limits of the proclamation as a producer of material for the manufacture of excisable goods ?

Mr Kingston

- Yes, simply in order that we may know all about him.

Mr HENRY WILLIS

- Will the man who cures tobacco leaf have power to sell the leaf?

Mr Kingston

- He will simply be entitled to cure it, but if he sells the leaf he will become a dealer.

Clause agreed to.

Clause 73 (Drawback on goods passing into Western Australia).

Mr G B EDWARDS

- I cannot resist rising to congratulate the Minister on having recognised the principle that was so strongly contended for by myself and other honorable members in connexion with the Customs Bill. This clause shows that the object that two or three mercantile members of this House had in view in connexion with the Customs Bill was a perfectly legitimate one, because it is provided that if there should be excise duty on any goods exported to Western Australia drawback will be allowed upon them.

Mr KINGSTON

- I am thankful indeed for the congratulations of the honorable member, but I do not claim to be entitled to them, nor do I think that any two or three members of the House can lay claim to any special credit. The whole of the House gave the best of attention to this important matter, and arrived at the just conclusion embodied in the Bill previously before us.

Clause agreed to.

Clause 75 (Examination of goods under drawback).

Sir MALCOLM McEACHARN

- This clause provides that goods in respect to which any claim for drawback is made shall be produced for examination by the Customs. I think that it would be sufficient if it were provided that the goods should be produced "if required."

Mr KINGSTON

- When we have to pay drawback we should not only have an opportunity of examining goods, but should exercise our power to do so, and the clause very plainly casts a duty upon the Customs officers in this matter.

Clause agreed to.

Clause 77 -

The person claiming drawback on any goods shall make a declaration upon the debenture that the goods have been exported, and have not to his knowledge been re-landed and are not intended to be re-landed.....

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Mr KINGSTON

- We decided last night, in respect to a similar provision, to strike out the words " to his knowledge," and I now move -

That the words "to his knowledge," line4, be omitted.

Sir MALCOLM McEACHARN

- It is no use going over the arguments that were used on a former occasion, but I think it would be very wise to leave in these words. It is one of the most difficult things for an importer to swear to things that are beyond his actual knowledge.

Mr KINGSTON

- I could not consistently allow the words to remain - firstly, because I do not think they should be there, and secondly because the committee has already expressed its opinion so plainly against their retention. Amendment agreed to.

Clause, as amended, agreed to.

Clause 89 (Notice to be given of goods seized).

Mr G B EDWARDS

- I see that amongst other goods that are liable to be seized are live animals. I would ask the Minister what is contemplated ?

Mr KINGSTON

- The provision is intended to enable us to seize horses or other animals that may be drawing carts employed in the removal of smuggled goods.

Clause agreed to.

Clause 97 -

If any officer of Customs or police has reasonable cause to suspect that any person is unlawfully carrying, or has any goods subject to the control of the Customs secreted about him, the following consequences shall ensue.....

Amendment (by Mr. G.B. Edwards) agreed to -

That the words "the following consequences shall ensue " be omitted.

Clause, as amended, agreed to.

Clause 100-

Any officer may purchase samples of excisable goods from any person being the owner or in possession of excisable goods.

Mr G B EDWARDS

- I do not see the necessity for giving a Customs officer power to purchase samples when any ordinary individual can do so without legislative authority.

Mr KINGSTON

- If a man were in possession of excisable goods that he had wrongly come by, and it were desired to purchase samples for the purposes of identification, it might be very difficult to induce him to part with them, unless special powers were provided, as is here contemplated.

Mr Poynton

- This clause would not force a sale.

Mr Thomson

- Clause 101 decides that point.

Mr KINGSTON

- The two clauses together deal with the power to purchase samples. It is quite possible that the two clauses might be made into one.

Mr Edwards

- Then I could understand the provision.

Mr KINGSTON

- I do not think the separation of the clauses prevent their being intelligible ; but for the purpose of making the matter clear, I move -

That, after the word " goods," line 3, the words " and no person being the owner of or in possession of any excisable goods shall refuse to deliver to an officer samples of such excisable goods on tender of a reasonable price for such samples. Penalty, £20 " be inserted.

The added words are those of clause 101.

Amendment agreed to.

Mr PAGE

- Is not the penalty rather severe? I saw a case reported the other day, where an excise officer desired to purchase a bottle of rum in a public-house, but the woman would not give it to him until he had paid for it.

It was found that the man was short of the amount by a shilling, and thereupon the woman, having the idea that he was trying to swindle her, would not let him have the rum at all. It would be rather rough in such a case to fine a woman £20 for protecting herself.

Mr Kingston

- The penalty of £20 is the maximum, and a severe penalty will not be inflicted unless the refusal be made with a motive which ought not to exist.

Mr PAGE

- When the Customs Bill was before the House the Minister pointed out that justices of the peace were not all alike, and that some of them gave queer decisions. A justice of the peace might have a "set" on an individual, and inflict the full penalty.

Mr KINGSTON

- I do not know that I would not agree to reduce the penalty, but the amendment has been agreed to. I will, however, see whether it can be recommitted.

Clause, as amended, agreed to.

Clause 102 -

No person shall be liable for any seizure under this Act, for which there shall have been reasonable cause.....

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Mr G B EDWARDS

- I think the word "person" ought to be altered to "officer." It is not proper that any person should be allowed to exercise these powers.

Mr KINGSTON

- I would rather that the clause were not altered, because an officer has the right to call to his assistance persons who are not officers. An unfortunate man who came to the assistance of an officer would, if the amendment were passed, be deprived of the protection which the officer enjoys.

Clause agreed to.

Clause 105 -

Upon any proceedings instituted in pursuance of such notice the plaintiff shall not be at liberty to advance any evidence of any cause of action except such as has been distinctly stated in such notice.....

Mr GLYNN

- I think that the word "such," line 2, ought to be struck out, because there might be a case in which no notice had been given. I move -

That the word "such," line 2, be omitted.

Amendment agreed to.

Mr PIESSE

- In the clauses of the Customs Bill corresponding to clauses 103, 104, and 105, some amendments were made, and these should now receive attention.

Mr Glynn

- The amendments dealt with the power to amend the notice.

Mr Kingston

- I shall see what I can do in the matter.

Clause, as amended, agreed to.

Clause 108-

No proceeding, whether against an officer or otherwise, for anything done for the protection of the revenue in relation to any Tariff or Tariff alteration proposed in Parliament, shall, except as mentioned in the next section, be commenced before the close of the session in which such Tariff or Tariff alteration is proposed.

Mr G B EDWARDS

- The word "Tariff," I presume, means a scale of excise duties. But there is no definition of "Tariff" in the interpretation clause, and I do not know whether the general meaning of the word is what the Bill really means. I would suggest to the Minister that the word might be altered to "excise." "Tariff," to an ordinary layman, relates to Customs duties on imports only, but here we are using the word in regard to excise duties.

Mr KINGSTON

- I am obliged for the suggestion, and, though I think the clause is clear enough, it might be as well to make it clearer. I move -

That the following words be added to the clause: - "For the purposes of this section, Tariff" shall include any excise duty."

Amendment agreed to.

Clause, as amended, agreed to.

Clause 123.

If any penalty hereby provided shall be less than three times the value of any goods in respect of which the offence has been committed the the maximum penalty shall be thrice the value of the goods.

Mr. G.B. EDWARDS (South Sydney).I regard this as one of the most dangerous clauses in the Bill. There are several clauses under which it would be an infringement of the Bill to omit the marking and numbering of tobacco, or to neglect other minor -regulations. Do I take it that if there is a slight breach of this kind, a manufacturer will be penalized to the extent of three times the value of the goods, which value might in some cases be ?2,000 to ?3,000. If that is so, the clause ought to be remodelled.

Mr KINGSTON

- It is the exact provision as contained in the Customs Bill.

Clause agreed to. Clause 126 - The minimum penalty for any offence against this Act shall be one-twentieth of the prescribed maximum.

Mr THOMSON

- To the corresponding clause in the Customs Bill the words were added - " Which is prescribed in pounds." Reasons for the insertion of these words were then given.

Mr Kingston

- I owe an apology to the honorable members for not inserting the words in the clause.

Mr THOMSON

- I move-

That the following words be added to the clause - "Which is prescribed in pounds."

Amendment agreed to.

Clause, as amended, agreed to.

Clause 137 (Averment of prosecution sufficient).

In all proceedings for an indictable offence the guilt of the defendant must be established by evidence.

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Mr PIESSSE

- There is a difference between this clause and the responding clause in the Customs Bill, and in order to make them uniform I move -

That after the word " offence " the words " or for an offence directly punishable by imprisonment " be inserted.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 145 -

In all excise prosecutions the court may award costs against any party or claimant, and all provisions relating to the recovery of penalties shall extend to the recovery of any costs adjudged to be paid.

Amendment (by Mr. Kingston) agreed to -

That after the word "penalties," line 3, the words "except commitment to gaol" be inserted.

Clause, as amended, agreed to.

Clause 148-

If any dispute shall arise between any officer and any person with reference to any noncompliance with or contravention of this Act, the Minister may in manner prescribed, with the written consent of such person, inquire into and determine the dispute, and shall have power by order to impose, enforce, mitigate, or remit, any penalty or forfeiture which he shall determine shall have been incurred.

Amendment (by Mr. Piesse) agreed to -

That after the word " order," line 6, the words " which shall be forthwith published in the Gazette"be inserted.

Clause, as amended, agreed to.

Clause 150-

The Minister, in holding any inquiry under this part of this Act, may - (a) Summon the parties and any witnesses before him. (b) Take evidence on oath, (c) Require the production of documents, (d) Allow reasonable expenses to witnesses and costs to successful parties.

Amendment (by Mr. Piesse) agreed to -

That after the word "act," line 2, the words "shall hold such inquiry in public and" be inserted.

Clause, as amended, agreed to.

Mr KINGSTON

- I move-

That the following new clause stand clause 22 of the Bill : - " A lesser licence may at any time be surrendered for a larger licence, and in such case the licensee shall receive credit for a proportionate part of the fee paid for the lesser licence against the amount payable for the larger licence. "

I think that this clause expresses what is intended, though perhaps it is not put in such an artistic way as we could desire.

Mr G B EDWARDS

- I wish to ask, on a point of order, whether we can consider this clause without the recommittal of the Bill

1 I would point out that we have already dealt with the schedules.

The CHAIRMAN

- The honorable member is perfectly correct, but I put the new clause with the concurrence of the committee.

New clause agreed to.

Bill reported with amendments.

PROPERTY ACQUISITION BILL

Bill received from the Senate, and (on motion by Mr. Barton) read a first time.

POST AND TELEGRAPH BILL

Consideration of committee's report.

Resolved(on motion by Mr. Deakin) -

That the Bill be recommitted for the reconsideration of clauses 3, 63, and 78, and to consider two proposed new clauses.

In Committee(Recommittal) :

Clause 3 (Interpretation).

Mr PIESSE

- In this clause I desire to introduce a definition of indecent or obscene matter, so as to enable the administration of this Bill to embrace that of portions of several Acts, which are really part of the postal laws of almost all the States. The amendment is in print, and I do not think that I need do more than formally move it. It has been carefully compared with the existing provisions, it will overcome the objections urged upon a previous occasion, and will enable the Postmaster-General of the Commonwealth to attend to this very important matter. I therefore move -

That the following paragraph be added to the clause : - " Indecent or obscene matter " includes any drawing, or picture, or advertisement, or any printed or written matter in the nature of an advertisement if it relates to venereal or contagious diseases affecting the generative organs or functions, or to nervous debility or other complaint, or infirmity arising from or relating to sexual impotence or intercourse, or sexual abuse, or to pregnancy, or to any irregularity or obstruction of the female system, or to the treatment of any complaint or condition peculiar to females.

Attorney-General

Mr DEAKIN

. - I have had the State Acts relating to this delicate - or indelicate - subject examined, and find the definition in the proposed new clause is in accordance with the terms of those Acts, except in one particular. Although this may be covered, I propose to remove all doubts by moving -

That the words "or may reasonably be construed as relating to any illegal medical treatment or illegal operation " be added.

Honorable members are aware how covert advertisements are inserted in the newspapers, and this

amendment aims at reaching these. The proposed new clause will be very useful, and will prevent the States from being deprived of the protection which they have hitherto enjoyed.

Mr Page

- Is the Postmaster-General going to be the censor in these matters?

Mr DEAKIN

- There will not be any difficulty in these cases.

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Mr Page

- I think there will be.

Mr Barton

- Any way of getting rid of these advertisements will be a good way.

Mr DEAKIN

- This is the law already in every State except one.

Sir EDWARD BRADDON

- I cordially support this new clause, as I think that the more we can do to abolish advertisements such as the amendment seeks to do away with, the better it will be for the community generally.

Amendment agreed to.

Amendment, as amended, agreed to.

Clause, as amended, agreed to.

Clause 63 verbally amended.

Clause 78 -

The Postmaster-General shall have the exclusive privilege of erecting and maintaining telegraph lines, and of transmitting telegrams or other communications by telegraph within the Commonwealth, and performing all the incidental services of receiving, collecting, or delivering such telegrams or communications except as provided by this Act or the regulations :

Provided that the Government railway authorities of each State shall have authority to erect and maintain within the railway boundaries telegraph lines required for the working of the railways, but except by authority of the Postmaster-General no such telegraph line shall be used for the purpose of transmitting and delivering telegrams for the public.

Mr DEAKIN

- In connexion with this clause it was pointed out that in certain of the States, particularly in Queensland, there were private railway companies which had constructed telegraph and telephone lines under various conditions, and that in this Bill no recognition was given to the existence of any of their rights. I now propose to amend this clause so as to leave matters in exactly the same position as they are at present. I move -

That the following sub-paragraph be inserted after the word "railways," lines 12 and 13 : - "The owners of any railway or tramway may maintain for the time, and to the extent authorized by any State Act, any telegraph lines which were erected before the commencement of this Act in pursuance of rights conferred by any State Act, and which are required for the working of the railway or tramway."

Mr Page

- This is a matter which affects Queensland very much, and I should like to know what the effect of this amendment will be.

Mr DEAKIN

- The amendment affects Queensland, it is true, but only to the extent of taking care that nothing in this Bill shall alter the existing position of affairs. It also affects other States. This amendment gives no new right where a right does not exist, and it takes away no existing rights. If it is not inserted, it may be contended that the rights of these companies are swept away without any consideration. Although it is provided in the last part of the Bill that we shall have power to deal with such cases, this amendment has been introduced so that nothing may be done unless it is intentionally done, and so that any rights that exist may be retained intact.

Sir MALCOLM MCEACHARN

- I think that after the words "State Act" in the amendment, the words " or authority " should be inserted. There may be no provision in a State Act for the construction of some of these lines, but there may be

other authority.

Mr DEAKIN

- "Authority" is too wide a term. I know what a State Act is, but neither the honorable member nor myself can know what an authority may be. If there should be any case in which a line has been constructed under authority other than that given by an Act of Parliament, there is power given under the Bill to recognise such a line, but we do not want to bind ourselves to recognise it, even although we might inherit a moral obligation from the authorities who gave permission for the construction of the line.

Mr Fisher

- The Attorney-General tells us that we shall be perfectly safe in inserting this provision, but I want to know why it is inserted.

Mr DEAKIN

- The clause as it stands provides that the Postmaster-General shall have the exclusive privilege of erecting and maintaining telegraph lines, and that language is open to the construction that the railway companies which have been especially authorized to construct telegraph lines, would no longer have the right to maintain the lines they have constructed, even for the purpose of working their railways, and the alteration is made to meet that difficulty. The amendment confers nothing that does not already exist, but it will prevent us from unintentionally taking away what we have no desire to interfere with.

Mr BAMFORD

- I should like to know whether it is intended to limit these lines to tramway and railway purposes.

Mr Deakin

- That is what the amendment provides.

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Mr BAMFORD

- If the amendment is carried in that form it might place some of my constituents at Chillagoe in a very awkward position, because I do not suppose that the Commonwealth would immediately build a telegraph line to replace the line now alongside the railway, and the public might be deprived of the advantage of using that line.

Mr DEAKIN

- When the honorable member previously brought this matter under notice I inquired into the circumstances of the case to ascertain whether it was necessary to make special provision for it in this Bill. The Chillagoe line was constructed by a private company, but the public are allowed to use it at certain rates which have been complained of as excessive. I directed the attention of my colleague, the Postmaster-General, to these rates with a view to ascertaining if they could be reduced. He will see that the necessary inquiries are made. We have power to deal with matters of the kind under this Bill, and all that is needed is administrative action, which we are willing to take. The amendment now proposed does not affect the use of the Chillagoe line by members of the public, but relates only to the use of the line for working the railway line.

Mr POYNTON

- I noticed recently statements that there was a wish on the part of the Commonwealth authorities to take over the whole of the telegraph arrangements in connexion with the railways, and I should like to know if there is anything in this amendment which will affect that question 1

Mr Deakin

- The amendment relates to only private railway lines.

Mr POYNTON

- I should like to know also whether the amendment would affect a number of private telephone wires that have been erected on various station properties?

Mr Deakin

- They are already protected.

Mr FISHER

- I would suggest that the word " solely " should be inserted in the amendment, so as to provide that these lines shall be used solely for the purpose of working the railway or tramway lines. Otherwise it may be claimed by the railway companies that they should have control over these lines for other than purely railway management purposes.

Mr DEAKIN

- By inserting the words suggested by the honorable member for Wide Bay we might affect the case of the Chillagoe Company referred to by the honorable member for Herbert, because that line is used by the public. 15 d

Mr Fisher

- But the Government have the power to take it over.

Mr DEAKIN

- We have the power to take over any of these lines, whether they are used solely for the purposes of railway management or not.

Mr FISHER

- I think the sooner the Commonwealth Parliament considers the desirability of taking over all telephones and telegraph lines the better. It is advisable that something should be done to\* almost compel the Government to take action in this direction at the earliest possible moment. The amendment may mean nothing more than the preservation of existing rights, but as a matter of policy I hold that all telegraphic and telephone services should be under the one control for the benefit of the people of the Commonwealth.

Sir EDWARD BRADDON

- Surely the honorable member for Wide Bay would not deny to the railway companies which have constructed the telegraph lines the right to use them for their own private purposes.

Mr Fisher

- No.

Sir EDWARD BRADDON

- All the Attorney-General seeks to do is to leave these railway companies in possession of such rights as they have hitherto had for the working of the lines for their own purposes.

Mr Fisher

- Yes, with liberty to charge the public what they like.

Sir EDWARD BRADDON

- No, that cannot be as the Postmaster-General has-' power to prescribe the rates that shall be charged to the public for the use of privatelines.

Mr Fisher

- He may have the power,, but he may not exercise it.

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Mr DEAKIN

- I am quite in agreement with the honorable member for Wide Bay that it will be necessary to acquire all these private rights in telegraph and telephone lines, so that there may only be one control. Agreeing with that view, however, I would point out that there is nothing in the amendment that would make the carrying out of that object more difficult, or that would require a single penny more to be paid than under existing conditions.. We are really only inserting this amendment in order to avoid repealing, without intending to do it, any of the State Acts.

Sir MALCOLM MCEACHARN (Melbourne). - The amendment proposed by the Attorney-General will put matters right as far as certain railways are concerned, but there are certain lines in existence which may have been constructed under authority, but not under a State Act of Parliament. This statement will apply to Queensland and Tasmania, if not to other States, and I think we might insert some words that would protect existing telephone and telegraph lines that have been constructed under some authority other than that conferred by a State Act. The word " authority," first suggested by me, may be too large, but it would be unfair, after having allowed people to construct these lines, to take away from them the right to maintain and use such lines for their own purposes.

Mr. DEAKIN (Ballarat - Attorney-General). - I have already told the committee that in cases of this kind, when, relying on some authority less than a statute, a company, for its own purposes, has done certain work and constructed certain telegraph lines, that since it exists now, without the sanction of written law, so it must continue to exist. I am quite sure the Post-office will give every fair consideration to the position of such companies, but as they have not a statutory position now we cannot afford to give it a statutory position in this Bill.



Mr Glynn

- Is there any danger in using the words " State authority "? The word " authority" would follow the qualifying adjective " State."

Mr DEAKIN

- The honorable and learned member will see how vague a general State authority is. An officer of the State may conceivably be construed to have conveyed a right or authority of some kind. The honorable member for Melbourne need not be in the least alarmed. I feel quite sure that as people have been allowed to construct and use lines in the past they will be allowed to use them for their own purposes- in the future, provided they do not affect the public interests. But I do not think we should be justified, in giving a statutory right to those who have no statutory right now.

Sir MALCOLM McEACHARN (Melbourne). - I move -

That the amendment be amended by the insertion of the words "or State authority" after the words " State Act," line 3.

Mr Deakin

- I am sorry I cannot accept that amendment.

Mr PAGE

- I hope the Attorney-General will adhere to his proposal.

We know very well that lines have been constructed in Queensland by private people for their own personal benefit, and that the public, when they desire to use them, are quietly pushed aside. In Western Queensland there are lines from stations into the towns, and the Postmaster-General has been good enough to authorize the postmasters to take messages from the telephones for transmission to different parts of the world. If the amendment of the honorable member for Melbourne be accepted, a Commonwealth sanction will be given to every one of these lines.

Mr PIESSE

- The chief difficulty the honorable member for Melbourne has in his mind is partly met by previous proviso of the clause, but the proviso will have to be made a little clearer. As it appears now in the Bill, there may be a question as to whether an existing private line can be maintained if at any time the Postmaster-General erects a line within 12 feet of it. It would be better if the clause were made to provide that no line hereafter erected shall be within 12 feet of a line of the Postmaster-General's, and that the owner of lines already erected shall not be subject to inconvenience or required to remove them because the Postmaster-General has erected a line within 12 feet of them.

Mr McCAY

- The Attorney - General, by his amendment, has, I think, kept the promise he made to honorable members. It was distinctly understood, so far as my memory serves me, that we were to maintain by statute what existed by statute - nothing more and nothing less. But now we are asked by the amendment of the honorable member for Melbourne, or by the still wider suggestion of the honorable member for Tasmania, Mr. Piesse, to give statutory protection to lines which now have no statutory protection.

Sir Malcolm McEacharn

- But which are in existence.

Mr McCAY

- The Commonwealth surely has not come into existence to create fresh private rights?

Sir Malcolm McEacharn

- Or not to take away existing rights.

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Mr McCAY

- We are not taking away existing rights if we leave without statutory protection that which has no statutory protection. The cases to which the honorable member for Melbourne refers have or have not been created under State authority; and we know how widely State authority may be interpreted. It may be said to be a Ministerial undertaking, an act of the Executive, and all sorts of things. The people who have put up these lines have done so with the full knowledge that they have no statutory protection.

Sir Malcolm McEacharn

- But with the consent of the State authorities-.

Mr McCAY

- Exactly; they have to rely on the good-will, fairness, and honesty of the State authorities, and, in the same way, must rely on the honesty of the Commonwealth authorities. The amendment of the Attorney-General leaves matters in the same position as if the Commonwealth Postal Bill had not been introduced. That seems perfectly fair ; but the honorable member for Melbourne wants things put in a different position. He wants the Commonwealth Postal Bill to make changes instead of leaving things in statu quo. But the honorable member's argument in favour of additional protection might very well be turned against himself, because it is a two-edged sword. The honorable member raises the question of policy, which the Attorney-General's amendment does not, the latter leaving the policy to be hereafter dealt with when we know the circumstances of each case. If the honorable member for Melbourne wants to raise the question of policy now, there are many honorable members who hold very strong views as to the policy which is being maintained for the present by the Attorney-General's amendment. At this stage in the Bill's history it is not wise to raise questions of policy, and I would suggest to the honorable member that in view of that aspect of the case he should withdraw his amendment. I think he will see with me that he is raising a big question which the Attorney-General's amendment is moved expressly to avoid raising.

Mr G B EDWARDS

- The direction in which the honorable member for Melbourne is moving is, I think, very dangerous, and the committee ought not to accept his amendment. In the Bill we have in several other instances largely interfered with the rights of States. We have interfered still more largely with the rights of municipal institutions, and now we are asked to go back and not only to protect, but to invest with statutory rights certain unknown bodies, who have at present no statutory rights. That would be a very dangerous step, and I trust the honorable member for Melbourne will rest content with the assurance he has received, that existing authorities will be permitted to continue.

Amendment of the amendment, by leave, withdrawn.

Amendment agreed to.

Mr DEAKIN

- There now remain two new clauses relating to the preservation of the existing State practice in some States of using the postmasters in connexion with the electoral machinery, and providing for the payment by the State for the conveyance of ballot-papers under any system of voting by post which may be adopted in any State. We have taken powers under the Bill to make regulations for this purpose, but the Premiers of Queensland and New South Wales have requested that special provisions in this regard shall be made on the face of the measure. We have pointed out that the power already exists, but the Premiers have courteously made this request, and we have no objection to granting it. I do not think there will be any objection on the part of honorable members to the clauses I am about to propose. I move -

That the following new clause be inserted after clause 25 : -

Where any State Act, whether passed before or after the commencement of this Act, purports to confer or impose upon postmasters any powers or duties

with respect to the preparation of lists or rolls of electors for parliamentary or other elections, or for the purpose of facilitating the voting at such elections, the Governor-General may at the request of the Governor of the State, direct by order under his hand that postmasters may exercise such powers and shall perform such duties accordingly, and thereupon postmasters may exercise such powers and perform such duties accordingly, and shall be bound by the provisions of the State Act relating to such powers and duties.

This subject was discussed in committee, and honorable members approved of our having power to assist the States in these matters.

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Mr GLYNN

- I think it would be better, and if some words were inserted to the effect that where the postmaster is acting under the States Act, his capacity may be continued. In the Electoral Act of South Australia there is no reference to the postmasters, but recently on Executive authority they have been used very often. Only some of the postmasters are used for electoral purposes.

Mr. G.B. EDWARDS (South Sydney). - Is the Attorney-General going to take any steps to provide for the remuneration of these officers ?

Mr Deakin

- We have power in another part of the Bill to provide for remuneration subject to arrangement.

Mr G B EDWARDS

- I do not see what power the Federal Government have to enforce payment by the States, except by making it a term of the arrangement.

Mr DEAKIN

- Exactly ; it will be the first term of the arrangement. I will consider the point raised by the honorable and learned member for South Australia, Mr. Glynn.

New clause agreed to.

Mr DEAKIN

- I move-

That the following new clause be inserted after clause 25a : - ' It shall not be necessary to prepay the postage upon letters or packets containing only ballot papers or voting-papers, or other electoral documents, and sent in compliance with the law in that behalf, to any electoral officer of a State if on the outside thereof they bear a statement signed by the sender that they contain such matter only, but the postage thereon at prepaid rates shall be paid by such officer on delivery of the letters or packets."

If a State chooses to adopt voting by post for its municipal or general government, it will not be necessary for the voter to prepay his letter. He will sign his name on the outside, and the officer who receives it on behalf of the State or municipality will pay for the total number of letters he receives.

Sir Edward Braddon

- But that provision is already in the Bill.

Mr DEAKIN

- I pointed out that we have power under regulations to do this, but the States prefer the special provision placed on the face of the Bill.

Mr Page

- What is the idea for putting in this special provision when there is already a clause giving power to make regulations for voting by post ?

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Mr DEAKIN

- The special provision is not necessary, but it is inserted as a concession to the wishes of the Premiers of New South Wales and Queensland, who consider that to deal with the matter by way of regulation, when it affects the States, is not respectful towards the States. They represent great and important Governments, which they urge ought to be named in the Bill when they are directly dealt with. To grant the request costs us nothing, and is an act of courtesy.

Mr. PAGE(Maranoa). - I should like to explain that I regarded the proposal to insert the special clause as somewhat suspicious. There was a similar amendment I had asked the Attorney-General to insert with regard to friendly societies, which would have come under the regulations it was proposed to apply to voting by post in the States. I am, however, quite satisfied with the explanation of the Attorney-General.

Sir EDWARD BRADDON (Tasmania). - I hope the Attorney-General will not press for the insertion of this new clause. He admits that it is totally unnecessary, and I would point out that its adoption may lead to serious confusion and some amount of discomfiture on the part of the general public. We have in the Bill a provision which covers all the papers which are mentioned here, and others as well. That provision is a general one, and if we insert a clause which specially relieves from postage the papers which are enumerated here we shall leave it open to question whether any other than those will be allowed free transmission through the Post-office. It is only a disfigurement of our legislation to insert that which is admittedly unnecessary, and which may result in considerable confusion.

Mr. POYNTON(South Australia).- I object to this clause, not because of the principle which it contains, but because it only half states the case. It has been said that this provision has been asked for by certain States because they wish to have it in the Bill, and because as States they ought to have some further recognition than is given to them in the regulation relating to this matter. But I would point out that the regulation covers the whole ground, whereas this clause covers only a portion of it. If we insert this provision, it may be subsequently argued that what is meant by the regulation is not meant by the clause. It is bad law which only half states any case.

Mr. GLYNN(South Australia).- I wish to point out that this Parliament may pass an electoral law in

reference to which provision will have to be made. This clause refers only to State Acts. There is no reference to any Federal Act. I do not know whether the Attorney-General will re-cast the whole clause so as to make provision for that.

Mr Deakin

- Of course we are masters of our own Post-office.

Mr. PAGE(Maranoa). - I presume that the question which has been raised by the honorable and learned member for South Australia, Mr. Glynn, will not apply in this case. If we insert a clause in the Electoral Act providing for voting by post we shall practically be bosses of the situation, and shall be able to do as we choose.

Mr DEAKIN

- I merely wish to point out that this clause cannot cut down the generality of the paragraph in regard to the regulation, because that is couched in the most absolute language. Paragraph (o), of clause 93, reads -

The Governor-General may make regulations providing for the payment by the receiver, or by the Governor of any State, instead of the sender, of the rate payable on any postal article.

The word "receiver" is so wide that it covers the secretaries of friendly societies, and indeed any body with whom an arrangement may be made.

New clause agreed to.

Bill reported with amendments.

#### CUSTOMS BILL

Report of committee on Senate's amendments adopted.

Resolved(on motion by Mr. Kingston) -

That Mr. Deakin, Mr. Glynn, and Mr. Kingston be appointed a committee to draw up reasons for the House of Representatives not agreeing to certain of the amendments made by the Senate.

The committee presented the following reasons : -

Reasons of the House of Representatives for disagreeing to certain amendments of the Senate -

As to amendment No. 46 -

Because the provision proposed to be omitted is usual and necessary for the proper protection of the revenue ; further, it is permissive and to be exercised only when the collector sees reason to require it, instead of, as in many existing Acts, in all cases.

As to amendment No. 49 -

Because when a person declines to comply with the law in his relations with the Customs, it is reasonable that the department should have the power to postpone, until compliance, the transaction of further business with the person in default.

As to amendment No.67 -

Because the State has a right to ask for a positive assurance that the necessary conditions have been performed before paying away money which is only payable when those conditions have been performed.

As to amendment No. 69 -

Because the amendment is unnecessary and not altogether consistent with the context.

As to amendment No. 1.01-

Because so long as the statement is misleading the injury to the revenue and to more careful traders is the same, whatever the intention ; further, where necessary, any forfeiture can be waived, but to make the right of forfeiture for misleading entries depend on proof of intention would in many cases defeat the course of justice.

As to amendment No. 110 -

Because the result of the amendment would be to unnecessarily limit the effect of the clause.

As to amendment No. 113-

Because the amendment would prevent the truth from being elicited.

Reasons adopted.

#### IMMIGRATION RESTRICTION BILL

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In Committee(consideration resumed from 12th September, vide page 4859) :

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 : -

Any person who when asked to do so by an officer fails to write out and sign in the presence of the officer a passage of 50 words in length in the English language dictated by the officer.

Mr. SALMON(Laanecoorie). - During the debate in the House this Bill was subjected to very severe and somewhat adverse criticism, which was levelled almost entirely against the clause now under discussion. It had been my intention during the second reading debate to say a few words on the Bill generally, and especially with regard to this clause and the attitude of the Government on this most important question. The Attorney-General, in speaking on the second reading, courted debate and expressed the opinion that every member of the House should, if possible, address himself to the subject. I quite agree with the right honorable and learned gentleman regarding the importance of this Bill, and I desire now to take an opportunity of expressing my views upon it. The desire for a white Australia is undoubtedly general, and it would be very difficult to find any large section of the community who are opposed to the idea. History teaches us that the failure on the part of those responsible for the good government of the nation, to protect that nation not only at the time at which they are administering its affairs, but especially for the future, has been followed by the most disastrous results. I need not allude to the great Republic of the United States, in order to impress honorable members with the importance of that phase of the question. We are all at one in our desire to maintain the purity of the white race that is now settled in Australia. I am proud indeed to be a citizen of the British Empire - the greatest nation that the world has ever seen - but I recognise that although we pride ourselves, and justly so, upon the high state of civilization which we have reached, and the success that has attended the efforts of those who have so wisely governed the Empire in the past in the direction of securing liberty to all, and in assisting by every means in raising the status - the social status especially - of the nations with which we have come into contact, these facts only intensify the responsibility which rests upon us in this Commonwealth Parliament. I recognise that there are "white races which have reached just as high a point of civilization as we have. We have here in Australia an admixture of the best and choicest of the white races ; we have here the progeny of men of adventurous spirit and sturdy frame, who have shown themselves by their actions to be imbued with patriotism of the loftiest kind, and it is in order to preserve all these elements that we desire to shut out from Australia the inferior races. No one will argue for one moment that we can improve the condition of any of the black races of the world by bringing them here and allowing them to intermingle with us. We must all recognise that their importation would only result in the deterioration and degeneration of our own race, and we must also feel that we could not assimilate properly with them. It would take centuries before they could become completely absorbed by us, even if we were to prevent any others coming here, and only to allow those already here to intermingle with us. I feel that we have too many coloured aliens 'amongst us already. The majority of those who are here have come to stay, and will have a particularly marked effect upon the black race in the very near future. In certain portions of the Commonwealth these coloured aliens have been settled for a considerable time and their numbers have been largely augmented from year to year with the result that they have not been improved so much as the white race has degenerated. In certain parts of the Commonwealth a condition of things exists that causes those who prize the civilization we have reached to shudder with apprehension at the prospect of any extension of the practices which have been followed in the past. I feel, therefore, that we shall do well if at the very inception of our federal existence we take this matter in hand and attempt to deal with it. The next question for us to consider is whether clause 4 will enable us to secure the protection we desire for the white race. We have an alternative method suggested to us, namely, that of throwing overboard the educational and applying the colour test. I quite agree with those who desire that we should absolutely exclude the black alien races from the Commonwealth, but we have to consider not only how we can best accomplish our desire but how it can be most speedily brought about. It will be too late for us years hence to bring in legislation with the object we now have in view because then the damage already done will have been accentuated. Some injury has been done already, and we have to guard against any further development of the evil. An amendment is to be placed before us which will aim at introducing the colour test into the Bill. There is no honorable member in this House who feels more strongly than I do the necessity of securing a white Australia, and I will go to almost any length in order that we may protect our people against the contamination of alien coloured races, but I recognise that delay will be fatal, and I am,

therefore, going to support the Government proposal which offers the readiest means of attaining our ends. I wish to be thoroughly understood with regard to the Queensland sugar plantations and the employment of kanakas. I am prepared to support proposals which would, if it were found necessary, close the plantations of Northern Queensland altogether rather than that kanakas should be employed there. I trust, therefore, that honorable members will understand that in taking the action that I am now indicating I am not in any way departing from my desire to preserve United Australia for the white races. We have heard a good deal recently about the influence of the Colonial-office. The Government have been taunted with a desire to placate the Colonial-office. They have been charged with want of courage - virtually with cowardice - in this matter. It is said that they have been acting under directions, and that they are submitting us to the dictation of the Colonial-office. I fail to see that any action on the part of the Government has indicated any one of these courses. I believe in the first place that the relations, especially recently, between the Colonial-office and ourselves have been of the most harmonious character, and I believe they will always be so. I agree with those honorable members on the other side who have said that any demand in reason made by us will be acceded to by the Colonial office. The Commonwealth occupies such a position at the present time in the Empire that a Colonial Secretary or British Cabinet would pause before doing anything that would at all strain the friendly relations which exist between us. I recognise that we have received most courteous consideration from the Colonial-office during the last few months. It was only a few months ago that delegates from the various States went to the old country in order to assist the passage through the British Parliament of the very measure under which we are now acting ; and they were received in the most friendly manner. Undoubtedly mistakes were made ; certain objections were taken to some of the desires expressed in the Commonwealth Bill as presented to the Home Parliament ; but who was responsible for that? The fault did not lie with the Colonial-office altogether. I would remind honorable members that some of our own citizens were ear-wiggling the British Government with proposals for a modification of the Commonwealth Bill. I would remind honorable members also of the undoubted mistake which, in my opinion, was made by the Colonial Secretary himself, when he appealed to various high officials in the States for an expression of public opinion with regard to the Privy Council proposals contained in the Bill. I very much regret that those officials did not adopt a uniform attitude. It is to be deplored that in some of the States gentlemen occupying high judicial offices saw fit to arrogate to themselves the position of acting as mouth-pieces for the people of Australia. They occupied no such position, and when the request was made to them they should have replied that they were not competent to give an expression of opinion to the Colonial-office.

Sir Edward Braddon

- What? Could they not express an opinion?

Mr SALMON

- They had no right to express an opinion.

Sir Edward Braddon

- And this is a free country?

Mr SALMON

- The Judges of the Supreme Courts of the States have no right to express political opinions.

Sir John Forrest

- But were they political opinions ?

Mr SALMON

- Undoubtedly they were.

Mr Poynton

- What is this to do with the Bill now before the House ?

Mr SALMON

- I can understand the honorable member's restiveness, for the chief offender in this respect resided in South Australia. I am trying to show that the relations between Australia and the Colonial office have been of the most amicable character, and have only been strained when people residing within the Commonwealth have endeavoured to draw the British Government in a certain direction. We have most to fear from ourselves. As long as we are loyal to Australia, and loyal to each other, we need have no fear whatever with regard to our relations with the Home Government. As an Australian native, as one who is proud to call this my native land, I regret the trailing of the coat which has recently taken place, and the

way in which Mr. Chamberlain has been invited to tread upon it in order to create a disturbance.

Mr Poynton

- That statement is unjustifiable.

Mr SALMON

- Those honorable members who, like myself, are anxious to secure a white Australia, are entitled 'to show a certain amount of impatience, and I do not quarrel with them at all. I believe that their anxiety to preserve this country from contamination, and what eventually must be a scourge, does them every credit ; and that their determination to do all that they can to bring about that end, likewise does them infinite credit. I was surprised, however, to hear from a quarter where we might have expected calm, deliberate opinion, a suggestion that we should go even to the point of separation, in order to secure our object.

Mr Poynton

- No such statement was ever made.

Mr Sawers

- It is to be found in Hansard.

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Mr SALMON

- It is my opinion that we should secure the passage of this measure as rapidly as possible. We have had indications from the Home Government of the readiest means of securing our end. I do not say that they are the most complete means.

Mr McDonald

- The Attorney-General said that the Government had received no instructions.

Mr SALMON

- I said "indications," not instructions, and that is a very different thing. We have the result of debates which have taken place in the House of Commons ; we have had despatches with regard to the Natal Act read to us, and we have had opportunities of discovering exactly what is the mind of the Home Government upon this question. We have had also an opportunity of ascertaining the best way of accomplishing our object, and in my opinion the readiest means of bringing it about are -contained in the proposals placed, before us by the Government.

Mr Poynton

- Will mere. education get over the racial difficulty ?

Mr SALMON

- I do not believe it will ; but I think the educational test will stop the stream of coloured aliens that is now coming in. The honorable member is in the position of a man who would like to stop Niagara, but would endeavour to stop it at the Horseshoe Falls instead of going to its source. The most effective way of bringing about the end we have in view is by means of progressive steps.

Mr Poynton

- It is like Handy Andy cutting off the dog's tail by inches.

Mr SALMON

- The honorable member may imagine that the dog is represented by the Colonial-office, and that we are fighting against it. We are fighting against the alien.

Mr Poynton

- You would let him in if he were educated.

Mr SALMON

- The honorable member for South Australia (Mr. Poynton) knows that there is a very great difference between what he says and what I desire. What I wish, is to stop the present influx. As soon as we have stopped one means of ingress, let us go on and stop another, until we make the net that we spread round Australia perfect, so that it will exclude every undesirable alien, whether coloured or not. Every undesirable alien, whether coloured or not, should be excluded, and we can only do that by proceeding in the manner proposed by the Government. I feel certain that years would elapse before we could accomplish our object by any other means. I am confident that the Government do not intend to stop here. I am convinced that they intend to go very much further. Honorable members must realize that in a matter like this, although sentiment may be decried, we have to show some respect for the feelings of other nations which have been in the past, and still are, really allies of the Empire to which we belong. If

they tell us, as they have told us in unmistakable terms, that the application of the colour test would be obnoxious to them, and yet, at the same time, indicate to us that they will be prepared to co-operate with us in preventing their own people from coming amongst us, why should we affix this stigma to them, more especially when we realize, as in the case of Japan, that the nation is highly civilized, and civilized very much on the pattern of Great Britain.

Mr McDonald

- What? India? Are the Hindoos so highly civilized ?

Mr SALMON

- I have said nothing about India and I hope the honorable member will not attempt by interjection to distort anything I have said. I am sure he realizes how very much one may be misunderstood even by a simple interjection. With regard to His Majesty's subjects in India it has been well pointed out that they do not occupy the same position as citizens of other nations. They are not citizen subjects but subject citizens. They do not enjoy the same privileges as other members of the British Empire. I believe they never will. They have to be kept under subjection.

Mr Fisher

- I am against the honorable member there.

Mr SALMON

- Perhaps the honorable member has not been to India and seen the armed camps which exist in every part of the country.

Mr Fisher

- The honorable member said that they would always be under subjection. I protest against that.

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Mr SALMON

- Neither the honorable member nor myself will ever see them reach the point of civilization attained by the British people. We do not claim to be at the very apex yet. We are only climbing up the pyramid and we will progress just as rapidly as they will. Centuries hence we shall still be progressing. I do not desire to keep down the coloured subjects of His Majesty. I should like to see them on the same level as ourselves, but I recognise that that cannot be accomplished in our time. I have indicated my opinions, and how

I intend to vote upon the Bill. The debate which has taken place has been a very valuable one, and. I agree with those honorable members who say that the reports will be carefully scanned, not only here but in other parts of the world and especially in London. The debate will have a good effect, not only upon the public men of Great Britain, but upon those in every part of the Empire. I believe we have the good wishes of the Mother of Parliaments. We have the good wishes of every part of the Empire, and we have the good wishes of every civilized nation under the sun. They desire, just as we desire, that we shall have the higher civilization, and that the white races, which are the only races that can insure that civilization, shall predominate. I was surprised to hear an expression of opinion from some honorable members that under this clause men from Germany, Denmark, and other continental nations will be excluded from Australia. It will not be mandatory on the Government to impose this educational test.

Mr Poynton

- That is the hypocrisy of it.

Mr SALMON

- The honorable member talks about hypocrisy, and I am surprised to hear that expression used in such a connexion. It would be just as fair for me to accuse of hypocrisy honorable members who are anxious to alter this clause, and make it distasteful to His Majesty's Government, and to other nations, and to say that they are not anxious to have this Bill passed at all. I do not for one moment make such an accusation, but give every credit to them for their opinions, asking for myself the same consideration that I am prepared to extend to them. I am not hypocritical in the attitude I take up, and I do not believe that the Government are hypocritical or that they are cowardly. I believe that the Government are adopting the best and most ready means of accomplishing the aim we all have in view, and I feel sure that when this clause is brought into operation, as it will be, those who are now of opinion that it will be ineffective will be found amongst its warmest supporters, and will generously agree that they were wrong on this occasion. I feel perfectly satisfied that sentiment has a good deal more to do with their attitude than they think it has.



Many of them have seen the ill effects of this alien immigration to a greater extent than we have in the southern States, and I recognise that their attitude is very largely governed by personal experience, and by their great anxiety to keep out the coloured alien. But if they think they are going to keep him out by the means they propose, I am afraid they will be bitterly disappointed. I for one am not prepared to set back the movement, as it will undoubtedly be set back if the amendment is carried. I want this Bill put into operation as rapidly as possible ; and under the circumstances I intend to support the clause with the amendment indicated by the Attorney-General.

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Sir LANGDON BONYTHON

- It was my intention to have taken part in the debate on the second reading of the Bill, but, as honorable members know, the debate closed so suddenly that I had not the opportunity. Under the circumstances I feel that I should say a few words at this stage. When I was addressing the electors of South Australia I stated very plainly that I was in favour of a white Australia, and therefore I was glad to find that the speech of the Governor-General, in opening this Parliament, contained an emphatic declaration that a white Australia was to be the policy of the Government. Ministers are seeking to give effect to that policy by the Bill now under consideration. The methods which the Government propose to adopt may not be the best methods, looked at from certain stand-points, but they may nevertheless be the most expedient under the circumstances. I do not in the least degree blame Ministers for the character of their measure. I see clearly enough the difficulty of their position ; nor would I for a moment minimize the importance of the consideration which is controlling them in the matter. We are a part of the British Empire. We are proud of the fact, and we admit that it is a privilege, and I trust this Parliament will never forget that privilege carries with it both responsibility and obligation. But the world is moving on. As the honorable member for Wentworth very truly said, Australia to-day is neither a Crown colony nor an ordinary dependency, and so there must necessarily be some change in our relationship with the old country. This reference reminds me that Sir William McMillan has not been at all fairly treated, and in his case the fact must be hard indeed, as no honorable member in this House has acted in a fairer fashion or shown a more generous spirit. To me it has often seemed that he has sunk the politician in the gentleman. I heard his speech on this Bill from the first word to the last, and, whatever may be thought of the course advocated, those who heard it must admit its conspicuous ability and undoubted eloquence; and I go further and say that in that address there was no trace of disloyalty. I have always been an advocate of the building up of the Empire, and of the maintenance of the connexion between the colonies and the mother country, and I should certainly have been at once impressed by a suggestion of disloyalty ; but I was not so impressed, because the speech contained nothing of the kind, and in saying that I am sure I am expressing the opinion of every member who was present in the chamber and heard the address. Is it not a fact that the Attorney-General, in admitting that there is not necessarily any finality in the present Bill, concedes to the honorable member for Wentworth the right to take up the position which he has done in this matter 1 Personally I confess that I am not in agreement with Sir William McMillan. I am prepared to follow the Government. In my opinion there is no occasion to hurry things ; we can afford to await developments. We should remember that there never was a Minister in the Colonial-office more keenly alive to the troubles and perplexities which surround the colonial statesman, nor one more genuinely sympathetic with the aspirations of Greater Britain than Mr. Chamberlain. He knows well enough that Australia federated is not the same as Australia divided into six colonies, and that there must be some modification in the relation with the motherland. The Commonwealth must be allowed to work out its own salvation, and to a large extent in its own way. That is inevitable, and no one, I am certain, perceived the fact more quickly or more clearly than Mr. Chamberlain himself. I was surprised to see the other day a statement made by a distinguished prelate to the effect that " Australians would not allow themselves to be trampled upon by those at home who know so little about Australia." I thought a remark of that kind was quite unnecessary. Australians have nothing to fear, but we must be reasonable and admit by action as well as by word that Australia is not the whole of the British Empire. It should not be forgotten that a change in relation does not necessarily mean the creation of antagonism. It may mean - and I hope in this case it will mean - the prevention of antagonism. The history of the past two years has proved that the British Empire is federated, bound together by the bonds of love and affection. These are the bonds that bind, and so we find Lord Salisbury, in a speech addressed to the members of the British Empire League, counselling

caution and careful consideration before the existing federation is put into a more concrete form. Was this the foresight of the statesman who perceived in advance such difficulties as that with which we are now attempting to deal ? However this may be, it goes to show that " sweet reasonableness " is amongst the characteristics of the Prime Minister of England. Has the past anything to tell us on this subject I think so. Years ago, a suggestion was made in South Australia that higher duties should be collected on imports coming from foreign countries than on imports coming from the mother country, and that the money so derived should be used for defence purposes. But the suggestion was swept aside by the statement that any such arrangement would interfere with the treaty obligations of England. Years pass on, and a similar proposition is made, not by one of the British colonies in Northern America, but by the whole of those colonies combined as the Dominion of Canada. Then it is not the proposition that is swept aside, but the treaty engagements, which rendered it impossible to give effect to the suggestion when it was made in South Australia. The bond uniting Australia with England must be an elastic one, but this very elasticity may be of mutual advantage. There is no use mincing matters. Australians will seek to govern themselves and govern their country. At the same time I am satisfied that they want to build up a nation which will be a source of strength and not of weakness to the Empire of which they form a part. But we must be careful to avoid needless friction. There are difficulties enough in the government of an immense empire like that of Great Britain without undue assertion of rights. So long as these can be obtained, we should not be particular as to methods. We should be prepared, if need be, to waive methods in the interests of the Empire. At one of the election meetings I attended, I was asked the straight-out question, what would be my position in the event of it being proved that certain portions of this continent could not be developed without coloured labour. My reply was just as plain. I would not, I said, sacrifice the interests of the white races for any mere material advantage ; that if we could not develop parts of our territory without such labour, then I was afraid they must remain undeveloped. But I do not believe that anything of this sort will really occur. If through lack of foresight or culpable negligence a racial trouble is created in Australia, future generations will have reason severely to condemn this Federal Parliament, but I am satisfied that wiser counsels will prevail, and that posterity will read with satisfaction the brilliant speech delivered in this chamber last week by the Attorney-General. Though we may be accused of selfishness, we shall preserve Australia as a heritage for the white races - not exclusively for the Anglo-Saxon race - so that the Australian people of the future may be worthy of this great country. But is the policy really selfish I think not. To me it seems to be a policy dictated by common-sense and the highest prudence, and based on the best interests of humanity.

Mr CROUCH

- I felt that it would be wise to speak in committee upon this matter rather than upon the second reading of the Bill, because there is no doubt that the House was greatly influenced by the speech of the Attorney-General, and the words of praise bestowed upon it were not at all an exaggeration. That deliverance has powerfully affected the course of the debate, and has influenced a large number of votes. Undoubtedly it has also appealed strongly to the outside public. I am, therefore, sorry to be obliged to say that I intend to support the amendment submitted by the honorable member for Bland, because I pledged myself to my constituents to vote for a white Australia, and, if I remember rightly, the Prime Minister, in his declaration at Maitland, also advocated the same policy.

Mr Barton

- I do so now.

Mr CROUCH

- What the amendment of the honorable member for Bland aims at bringing about is a white Australia, whereas what the Bill proposes to bring about is a whiter Australia than exists at present, but not a white Australia. I notice that the

Minister for Home Affairs makes a similar distinction between an absolutely white Australia and what is proposed in the Bill. In a press interview which appeared in the Age of Monday last, he is credited with saying-

Personally, he was strongly in favour of an absolutely " white " Australia, but as a question of Imperial expediency it was doubtful whether it would be wise to attempt to pass such a measure through. The Government had no sympathy with the immigration of aliens, but desired to pass some legislation on the subject, and was proposing a measure which they confidently expected would become law. It was of no

use proposing a Bill which would perhaps be vetoed by the Imperial Government. That would lead to a great waste of time ; and could they expect to receive what the Home Government had refused to Canada ? The Government was entirely in favour of a white Australia, and would go as far as it possibly could to obtain it.

I believe in an absolutely white Australia, and I do not think that this House should consider matters of Imperial expediency so much as the Government desire us to consider them. When the Government ask Parliament to take that responsibility they are putting the responsibility upon the wrong shoulders. We have at the present time under our Constitution no responsibility to the British Empire.

Mr Knox

- What does the honorable member mean 1

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Mr CROUCH

- The responsibility for the conduct of the affairs of the British Empire lies at the present time with the Imperial Government and the Imperial Executive. In the choice of that Imperial Government, in the direction of that Executive, in the election of the Parliament which has to do with that Executive, and in a thousand and one other things which we are asked to consider, we have absolutely no part. Not having any responsibility, I think that an attempt is being made under this clause to put that responsibility upon entirely wrong shoulders. The responsibility should not be placed upon this House, nor should it be assumed even by "the Government themselves. We should do what we think is right to Australia, and allow the Imperial Government to take its own action in regard to this matter. This is purely an internal affair. Another objection which I have to the Government proposal is that it is a distinct fraud and subterfuge. It is an acknowledged fraud. Under the Bill there is supposed to be an educational test provided, and yet we are told that this test will not be applied to white people. That is the point upon which the whole of the educational test goes wrong. We are told by the Secretary of State for the Colonies that the educational test is required purely for the purpose of stopping the immigration of those people whom the Imperial authorities dare not name specifically. It is quite sufficient, it is understood, to apply the educational test only to Asiatics, Africans, and such immigrants as the honorable member for Bland proposes to exclude under his amendment. Therefore, this is not an educational test at all. In this connexion I am glad to be able to quote from Hansard, page 4816, where the Attorney-General is reported as having said -

When the House is told by the head of the Government exactly what the intention of the Bill is, I do not understand the charge that we are pursuing an underhand course.

I repeat that the Government are pursuing an underhand course, in that the intention of the Bill is different from its wording. Is that not a fraud ? I would further point out that the educational test is not intended merely to meet Japanese susceptibilities, because it is said that that test can be increased. That is the Attorney-General's own statement, as can be seen by a reference to Hansard, page 4811. I think that if the educational test is not sufficient, we may as well apply some absolutely impossible condition, or prescribe a test in the Australian aboriginal language. That would completely stop the immigration of these people, because it is intended that Europeans and others, whether they comply with the educational test or not, shall be admitted. That shows conclusively that this educational test will not meet Japanese susceptibilities. On 14th September the following cable appeared in the newspapers : - At the instance of Japan, it is announced that Great Britain has persuaded the Government of the Dominion of Canada to disallow the British Columbia Bill, which sought to impose an educational test, with the object of excluding Chinese and Japanese immigrants, and also to forbid their employment on certain Government works.

The Prime Minister has admitted the accuracy of that cable to the extent of having interviews as to its effect.

Mr Barton

- I have not admitted the authenticity of it. I have only said that if it be true it affords a very strong argument in favour of the position of the Government.

Mr CROUCH

- Because a Bill imposing an educational test has been vetoed elsewhere, I do not see that we should go straight away from our desire to pass legislation of a certain character, and introduce another form of

educational test. It would be far wiser to adopt an absolutely straight course. I would further point out that under this Bill we do not exclude all Japanese. The fact of a Japanese becoming educated does not make him a European. The Indian Baboos, who are so frequently referred to by Rudyard Kipling, quickly acquire a sufficient education to allow them to take positions in the civil service there.

Mr Watson

- They debar them from the higher ranks of the civil service, because they pass the examination so easily.

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Mr CROUCH

- Exactly. The educational test provided is therefore insufficient. There are 2, 000,000 Hindoos who are now speaking English, and there are hundreds of them attending colleges at the present time. These facts are conclusive proof that it would be folly to rely upon any educational test for the exclusion of undesirable immigrants. Will a knowledge of the English language cause the Indian Baboo to cease to propagate his species? I wish, further, to point out that education does not make a man a good citizen. The education of inferior races is a matter of centuries. It will be centuries before ever we can expect the Japanese or the Hindoos to reach the standard of civilization which we desire to see them reach.

Moreover, will the Japanese accept the educational test 1 Will they not see that this Bill is absolutely aimed at their exclusion. The Attorney-General himself admitted that it is against the Japanese that this measure is primarily aimed. We know very well that Mr. Eitaki, the consul for Japan, is reading very carefully our debates upon this Bill. He has been interviewed upon the matter, and declares that if the European language test is insisted upon the Japanese will refuse to accept it. He says in an interview published this week -

The Japanese think that, by reason of their importance as a nation, they should be placed upon an equality with European nations ; and for this reason they are prepared to accept the educational test provided in the draft Bill, which is on the basis of examination in England, because this does place them on the same footing as Europeans, excepting Great Britain; whereas a test in any European language would place them at a disadvantage.

If the amendment proposed by the Prime Minister to make any European language an equal test with English be adopted, the Japanese themselves will refuse to accept that position, and will regard it as an unfriendly act. There is a further reference to this matter by the Japanese consul in the Age of September 18, which reads as follows : -

The persistent references to Japan in this connexion are incomprehensible. The whole thing suggests a suspicion that those who are loudest in their endeavours to make the Immigration Restriction Act apply specially to Japan, are ignorant of the real facts of the case, or are deliberately misrepresenting them for political purposes.

I have already referred to the fact that the Attorney-General has made a declaration that the measure is primarily aimed at the Japanese. That is known to the Japanese Consul-General in Sydney. I would point out further that the educational test is not to be applied to Europeans, consequently the Japanese will see that this measure is aimed directly at their exclusion. The result will be that we shall have the same difficulty that occurred at Hawaii, where the Japanese did not object to the medical examination, but objected to discrimination being exercised between themselves and people of European nations. The result will be that this Bill by its distinction of race will prove a constantly open sore of irritation to the Japanese. The amendment of the honorable member for Bland would be sharp, final, and conclusive ; whereas the irritation caused by the Government proposal would be renewed with every ship-load of Japanese who received discriminating treatment. There was a time in the history of the United States when pressure was put upon the abolitionist party, not to do what they thought to be the right thing, but to allow slavery to be continued in the new States as a matter of expediency. One of the consequences of this weakness was the civil war which devastated the country, whereas if the abolitionist party had then taken a straightforward course, the chances were that there would have been no slavery and no civil war. Instead of doing that they dealt with the matter as one of expediency, in much the same way as the Government are now proposing to deal with this question, by introducing the educational test. The best thing for us to do is to go straight for the exclusion of coloured alien races, because I do not think we need have any fear that the Imperial Union will be adversely affected by our action. To speak straight out was once the British way of doing things, and it is extraordinary that we Britishers cannot speak out as we

ought to do and as we used to do. It strikes me that the British Empire has fallen very low indeed when we cannot say straight out what sort of men we desire within the Empire. It is very humiliating when we find that it is necessary to temporise with other nations 'in order to secure some temporary trade advantage. That is really what this means. So far as the Imperial Government is concerned it is not a question of manhood or race in the same way as it is with us, but purely a question of trade. England wants the support of Japan in her trade policy in China, and in order to get it she is ready to sacrifice us - that is assuming that this Bill would be vetoed rather than that offence should be given to Japan. It has been stated that this Bill might be vetoed ; but, on the other hand, that although it might be very painful to His Majesty the King he would assent to it, and I think that we ought to do what is right at all costs. We shall make a very great mistake if owing to fear of the veto we are prevented from doing what we consider to be necessary to preserve the purity of the white race in Australia. I suppose that we shall have to fight upon this question of the right of veto some day, and the sooner we have the matter out the better. I do not think His Majesty the King would veto a measure of this kind, and it certainly should not be vetoed by the Secretary of State for the Colonies, who has no right of veto under our Constitution. Further than that, I find that statements were recently made in the State of Victoria with regard to the action of the Secretary of State for the Colonies, for which there was no authority' whatever. A member of the State Legislature was expelled, and subsequently some correspondence between the Lieutenant-Governor and the Secretary of State for the Colonies was published. Two or three days afterwards the Secretary of State, on being asked by Mr. Keir Hardie, in the House of Commons, whether he had given any instructions, said that he had not done so. It is, therefore, plain that in these matters the name of the Secretary of State for the Colonies is sometimes used without his authority by some Colonial-office subordinate, and it seems almost as if we were going back to the time when Mr. George Higgins Hotham had to fight the man Rogers of the Colonial-office who took it upon himself to decide matters relating to the Colonies without referring them to the proper authorities. There is apparently another man "Rogers" at the Colonial office whom we shall have to fight, and no more favorable opportunity of entering into a contest could be afforded than is offered by the present case, because the whole of Australia is at one on this particular question. I am exceedingly sorry that I have to vote against the Government, but this matter is one which involves more than a question of trade ; it really affects our national future and national manhood-, and unless we are able to speak out straightforwardly, we shall never be able to get any satisfaction or any constitutional freedom.

Mr A McLEAN

- I did not take part in the second reading debate, as I knew that it was not intended to challenge the second reading, and I did not desire to prolong the discussion at that stage. As this question is, however, probably one of the most important that is likely to come under our notice, I should like to say a few words regarding this clause. I think it is very unfortunate that the honorable member for Corio should have thought it necessary to speak about the consequences which might ensue if the British Government did something that they have never indicated their intention of doing. Surely we need not shake our little fist at the Imperial Government before we have any cause to do so, and we need not be afraid to deal with this matter on its merits.

Mr Crouch

- We did not bring that element into the debate.

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Mr A McLEAN

- It is my ambition, as I believe it is the ambition of every member of this House to see Australia become the home of a free people, the- home of a people who will enjoy equal rights and privileges. I hope that every person subject to the laws of the Commonwealth will have a voice in creating those laws, but we can never hope to reach that high ideal if we permit to settle amongst us alien races or undesirable persons who are not prepared to rise to our standard of living, and upon whom we should hesitate to confer the franchise. I think we are all unanimous as to what should be our future policy in regard to keeping Australia for a people fashioned after the Anglo-Saxon type, but there is a great difference of opinion as to the best means of attaining that object. I admit that my own feelings and predilections would be in favour of adopting the straight course suggested by the honorable member for Bland and the honorable member for Wentworth. If we only had our own interests to consult I would not hesitate for one

moment in deciding, between that proposal and the course suggested by the Government, but we must remember that there are other considerations which should weigh with us. When we are passing legislation which affects other nations as well as our own, surely it is necessary for us to consider the feelings and susceptibilities of those people, more especially when they belong to friendly nations, such, for instance, as Japan. Whilst we admit that the Japanese cannot blend successfully with our own people, and that, perhaps, of all others, it would be most undesirable to allow them to settle amongst us - because if they got a footing it would ultimately become a question of the supremacy of one or the other of two nationalities - we must, nevertheless, admit their intelligence and industry, qualities which are operating to rapidly bring them into line with some of the leading nations of the earth. Then, again, we surely must consider the wishes of the Imperial Government - of that great Empire with which we have been so long allied. Whilst I admit that the advantages resulting from our union with the Empire have been mutual, and whilst I believe that in the future the preponderance of benefit may rest with the mother country, I think that up to the present time we have had by far the best of that connexion - that by far the greatest advantages have accrued to us. In the first place, regarding our trade relations, we could only offer them a market of 4,000,000 of people, whilst they could offer us a market of 40,000,000. But far greater than that consideration has been the advantage accruing to us from the protection afforded to us as a young and rising community. If we look at our past history and remember that up to the present time we have enjoyed - what perhaps few nations on earth have ever enjoyed - such a long-term of profound and blissful peace, and at so little cost to ourselves, and that up to the present time not a single foreign invader has set foot on our shores, we must know that that great advantage has been due to our connexion with the mother country. No one will imagine for a moment that the great military powers of the earth were deterred from attacking us because of any inherent strength, that we possessed for self-defence. In this connexion I think that a great many honorable members over-estimate our present strength for defence purposes, and that they draw a very false comparison between our conditions and those of the Boers in South Africa. We must remember that the Boers occupy a territory which can only be reached after traversing hundreds and hundreds of miles from the sea-board, whilst we have all our capitals situated on the sea-board in positions where they can easily be shelled from the ocean. Our position, therefore, is very different from that of the Boers, who have made such a stout resistance to one of the greatest military powers in the world, and honorable members are very much mistaken if they think that we should stand in any similar relation to an attacking force. One can imagine the position of the honorable the Minister for Defence with all his volunteers away up the country climbing gum trees to catch opossums for food whilst the enemy was in possession of all our capital cities. We should not close our eyes to the fact that our immunity from attack has been due to the fact that the British Empire has been behind us, and that any country contemplating an invasion of our territory would have to reckon with the British navy before they could get at us. While I refer to these matters I think it is really unnecessary to do so, because I believe that patriotism and loyalty and the ties of kinship alone are sufficiently strong to induce us to work in harmony with the British Empire as long as we can do so without abandoning our own rights. Although this is an extremely difficult question, I believe it can be successfully dealt with either in the way proposed by the Government or by a modification of their proposal. I can see myself some difficulty in the way of making the passing of a test in the English language the standard for admission, because it may be possible that, after a time, the people affected will make themselves familiar with it. They might educate themselves in English in order to pass that test. Of course, we can amend our laws, but I think the Government might modify somewhat their present proposal. I understand that my honorable friend is prepared to alter the amendment, of which he has already given notice, in order to provide that the test shall be an examination in a passage of the English language, or some language to be prescribed by the Governor in Council.

Mr Higgins

- Would the honorable member allow the Japanese language as a test?

Mr A McLEAN

- I would not allow a test in the language of any people whom I thought we should exclude.

Mr Higgins

- Then we shall offend the Japanese !

Mr A McLEAN

- But if we provided for a test which could be applied wherever it was desirable, we would not offend them to the same extent that we should if we branded them in this measure, before the whole world, as a people who are to be excluded. I do not think that the Japanese so strongly desire to be permitted to come into Australia, but, naturally, they would not like to be branded before the whole world as a people who are to be specially excluded. It is for these reasons, and for these alone, that I would adopt what I admit is repugnant to my own feelings, and bring about what we propose to do, and are determined to do, by what may be truthfully regarded as a side-wind. There is no doubt whatever that we are not saying all we mean in this Bill - that we mean a great deal more than we say. In other words, we do not intend to apply the test all round ; we only intend to apply it where it is necessary.

Mr Fowler

- Will that hypocrisy satisfy the Japanese?

Mr A McLEAN

- We are assured by those who are in treaty with the Japanese, and who ought to know their views better than we do, that it will.

Mr McDonald

- The Attorney-General has said that the Government have received no instructions in the matter.

Mr Deakin

- I read the despatch to the House.

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Mr A McLEAN

- Yes, and as I understood, that despatch it indicated the wish of the British Government in regard to the adoption of the safest course in a difficult and delicate matter. It is a delicate matter to legislate for the exclusion of the subjects of a power that is an ally of Great Britain.

Mr McDonald

- "Would it not be cowardly, then, to exclude the kanakas when they have no defence behind them ?

Mr A McLEAN

- "When we consider them undesirable, as we do, I think it is our duty to exclude them. We should exclude all undesirable aliens. I hope, however, that my honorable friend will not mistake my feelings. I would go to any length in order to attain our object, and if it became necessary I should go very much further than this Bill proposes. I think it is wise, however, at the initial stage, to adopt either the suggestion made to us by the British Government or some effectual modification of it, if that can be done, without involving international complications. We all desire to attain the same object, and we are equally unanimous and desirous of attaining it in a way which will cause the least embarrassment to the mother country, and at the same time give the least offence to friendly powers.

Mr Poynton

- Does the honorable member think that can be done by dissembling our real intentions ?

Mr A McLEAN

- We are assured by those who are in treaty with Japan that it can be done in the way I have indicated. I do not think for a moment that it is the mere exclusion of Japanese that would cause Japan the most serious offence. The greatest offence would be caused by branding them before the whole world as the people who, before all others, are unfit to associate with us.

Sir William McMillan

- How will that objection be avoided by the European test?

Mr A McLEAN

- I say there should be some modification of the Government's proposal.

Mr Higgins

- In what direction ?

Mr A McLEAN

- By applying a test in the English language, or some other language prescribed by the Governor-General.

Mr Barton

- What objection has Japan raised to the Natal Act or similar Acts 1

Mr Watson

- She is raising them now.

Mr A McLEAN

- Of course we cannot imagine that our legislation will be agreeable to Japan, but there is a great deal of difference between causing some friction and placing an insult upon them which they may consider it their duty to resent in a way which we certainly do not wish to bring about.

Sir William McMillan

- But does not the honorable member see that by selecting a European language we shall be practically differentiating between" Europe and Africa and Asia 1

Mr A McLEAN

- The honorable member does not follow me. I said we might modify the Government proposal ; we might say that the test shall be in the English language or in any other language prescribed by the Governor-General in Council.

Mr Higgins

- If we prescribe the German and not the Japanese language, we shall be in a nice mess.

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Mr A McLEAN

- We shall meet that when the difficulty arises. It is a difficult matter, and as sensible men we should endeavour to solve the difficulty in a way which will be effectual. I shall certainly go as far as any honorable member in making "the measure effective. At the same time we should attain our object in a way which will cause the least embarrassment to the mother country by giving the least offence to those great nations whose peoples are intended to be excluded. I hope honorable members will give very careful consideration to this measure, because it is a very serious matter, and I sincerely trust that every honorable member will weigh well the consequences of the vote he intends to record on this very important clause.

Mr. RONALD(Southern Melbourne).I should just like to point out in regard to the contention that we are likely to offend Japan, and in that way lead to British complications, that the natural ally of Great Britain is America, and that the sooner we give up - if we have any voice in the matter at all - leaning on such a broken reed as Japan, the better it will be. I should like to urge upon the committee the desirability of keeping diligently in view the fact that whenever we depart from the straight course we have to resort to devious ways and subterfuges. The direct course may be somewhat offensive, but it is utterly impossible to get an inoffensive course which will not be ineffectual. Every honorable member who has spoken on this subject has maintained that we must have an effectual means of stopping the influx of undesirable aliens. The only course possible so far as I can see, and so far as any honorable member has been able to suggest, is that which will be offensive to a certain degree. Let us minimize the offensiveness, but let us by no means sacrifice the efficacy of the means we are about to adopt in order merely to avoid giving offence. I sincerely trust that we shall weigh this matter very carefully. Let us minimize the offensive element, but do not let us emasculate the whole concern. There is no virtue in the Bill as it stands, because the linguistic test will not be a test at all unless supported by other means which have not yet been put before us. If we add other means of making it effectual, we shall only add to the offence given to other nations, and place ourselves in the position of the man with the ass who, in trying to please every one, pleased no one. We shall certainly not please Australia - which is our first charge - if we adopt ineffectual means which will have to be tinkered with again and again, and if we add to the linguistic test another test we shall only make the system cumbersome. I hope we shall take the heroic and straight course. I do not know what the consequences will be. This, however, cannot be a party matter. We are pledged up to the hilt to secure a white Australia. I know there are honorable members on the Opposition side who will vote with the Government, but we are pledged to support a straight method, and I am sure that every honest democrat who means what he says, and is sincere in his protestations for a white Australia, will make a stand for the direct method, at the same time trusting to the men who have the management of these matters to carry it out. It is only a question of choosing between two courses, and I sincerely trust that we shall not resort to any devious ways. The straight way is the only effectual one. The inoffensive method is the ineffectual method. Therefore, I appeal to all who have made use of this electioneering cry to be true to their principles, to be true to their country, to be true to the great vital principle in question here - for it is a vital principle - and not temporize or compromise except to avoid



giving needless offence. We do not desire to give needless offence to any nation, and if I were persuaded that there was a more effectual way than that proposed in the Bill I should support it. Let us remember that we are pledged to the policy of a white Australia, and that the only way to secure it is by prohibition.

Mr HIGGINS

- I confess that I feel a good deal of difficulty about this question. I do not go so far as to say that those who prefer the indirect course are less sincere than we are. It is only a question of method, and I am very anxious not to vote against a Government I support upon such a question. I may say frankly that although I think the method is wrong - and the more I think of it the more I am convinced it is distinctly wrong - if the Government will state publicly through the Prime Minister that they make this a vital question, I shall not feel free to vote against them in the matter. But until the Government actually state in public, so that the responsibility will fall on themselves, that they make this a vital question, I shall feel free to vote according to my inclination.

Mr Barton

- I shall be able to give reasons, when my turn comes to speak, why the Government should make this a vital question in regard to this Bill.

Mr HIGGINS

- Under the circumstances, I am very glad to have a definite statement, because I must say that my inclination would draw me to vote in the other direction. I want to explain to the committee why it is I feel that a question of method is of such great importance. The whole question is : Are we to say what we want, or are we to say what we do not want ? We do not want education in the sense that we will not admit people because they cannot read or write, and we do want a " white Australia." Why not say so? If it be true that the other course will lead to friction and make us hated, I prefer to be hated rather than have contempt with hatred. I prefer to state outright that we do not want yellow and black faces in Australia.

Mr A McLEAN

- Can the language of diplomacy be carried on in that way?

Mr HIGGINS

- I do not want the language of diplomacy.

Mr A McLEAN

- What led to the war between France and Germany but a few words in a telegram ?

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Mr HIGGINS

- I do not want diplomacy, but a straight-out statement of what we desire. In starting what is called our "national life" - that is the expression used, although I do not at all agree with it - and considering that last year the British Parliament expressly gave us a power to legislate as to any races which we might think fit to make laws about, we must assume that the British Parliament did not mean to leave that power helpless and useless on our hands.

Mr Sawers

- It is subject to veto.

Mr HIGGINS

- It is not subject at all. We are given power to make laws in regard to the people of any race, other than the aborigines of any State, for whom it is deemed necessary to make special laws. It is a very great power, and we ought to be grateful to the Parliament of Great Britain for giving us this large measure of confidence. I am not going to assume that the British Parliament did not mean to repose that confidence in us. The argument on the other side suggests a boy who is given a gun as a present, and told that he must not use it. We are given this particular power to deal, in the way of legislation, with any particular race, and then we are to be told - " Oh, no, you must not legislate in regard to any race ; you can only legislate in regard to a man's education."

Mr Barton

- Would the honorable member approve of giving a boy a gun with an intimation that he was quite at liberty to shoot the giver ?

Sir William McMillan

- But this is a double-barrelled gun, and we may shoot the wrong barrel occasionally.

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Mr HIGGINS

- I am afraid I am getting a little off the target. I do not believe that this direct proposal will embarrass the Empire; and that really is the vital matter. I do not know upon what grounds Ministers say that this proposal, will embarrass the Empire. There has been no direct statement made by Mr. Chamberlain yet to that effect - there has been no direct statement made by any responsible person. If we are to take the views of the Japanese consul as at all indicating the views of his Government, we have it that he admits the right of the Australian Commonwealth to restrict immigration in any way it thinks fit, Japan, of course, claiming similar rights. If Japan passes a law that Australians must not go to that country, we must submit, and I should not object. I should like to go to Japan some time, but I might not be able to pass the educational test there. So far as regards official statements, we have nothing whatever to show that this direct proposal will embarrass the Empire. With regard to Hindoos, Mr. Chamberlain seems to hint more than to say, that there will be some complications with the Hindoo Rajahs. But I do not believe that the Hindoo Rajahs care anything about the matter. They do not want their people to come here ; and, besides, there never has been a policy within the British Empire that I know of, that every subject is to be at liberty to go to any part of the Empire. If this principle has been laid down, I ask, where and when ? I am quite sure that if any gentlemen in England, who form the Government of England, saw any chance of English slum children rubbing shoulders ' with their own children, they would soon take steps to stop it; and if they found a considerable influx - not an actual, but a threatened influx - of aliens, they would take very good care to legislate with a view to its prevention. I pointed out when speaking on the second reading, that the present conservative Government of England had given its sanction to the principle of excluding undesirable aliens, and I feel quite sure they would extend that legislation to Asiatic aliens if they thought fit. The whole thing arises from the inadequate grasp and unstatesmanlike attitude of Mr. Chamberlain, who, in his despatch, completely misapprehends the attitude, desires, and ends of the people of Australia. Mr. Chamberlain conceives that our only idea is to keep out people on the ground of some undesirable quality, and says -

It is not because a man is of a different colour from ourselves that he is necessarily an undesirable immigrant, but it is because he is dirty, or he is immoral, or he is a pauper, or he has some other objection which can be defined in an Act of Parliament, and by which the exclusion can be managed with regard to all those whom you really desire to exclude.

Mr. Chamberlain has the idea, which we certainly have not here, that our only ground of exclusion is immorality, or pauperism, or dirt, or something of that sort. The Attorney-General put the matter in a very different light, and he knows, from personal contact, what the ends of the Australian people are. He pointed out that it is not on the ground that these aliens are not good people, but on the ground that they are too good, that there is a desire to exclude them. It is not their bad qualities but their good qualities which make them dangerous to us. We frankly and openly say - "You are thrifty, industrious, and you are willing to work from morning to night for the mere satisfaction of your physical wants, and for that reason we will not have you." We frankly say that we want men with a higher standard of life, who will not be content with . a low standard, or with low wages, but who are determined to get the best things the world can give them.

Sir William McMillan

- But there is the question of race mixture, too.

Mr HIGGINS

- Mr. Chamberlain starts with the idea that we are insulting Asiatic nations like Japan by excluding them on the ground of dirt, immorality, or for some similar reason. But that is not the case at all. We are trying to exclude them on grounds which are distinctly complimentary, and we say to them - " You are too good ; you are too industrious for us."

Mr BRUCE SMITH

- There is no irony in that, is there?

Mr HIGGINS

- Not in the least. I do not take the attitude that the honorable member for Parkes may perhaps take, that thrift and industry are the only virtues in life. I can conceive a man who may be so thrifty and so industrious as to be vicious in those respects, and I, myself, should like to do with less thrift and less industry. I think the difficulties have been raised from Mr. Chamberlain's want of knowledge of these

States. It is very much owing to that fact that he misconceives our end.

Mr Thomson

- Yet Ministers have had the opportunity of laying the matter before him.

Mr HIGGINS

- If the Ministry would only give us something more recent - something since they have had the opportunity of putting matters before him - I could understand it. But there is something more behind, which we have not heard of yet. I want to know what it is ; and I shall give the Ministry every opportunity to inform the committee, so long as that course does not embarrass the British Government. I want to know where we are, because I feel rather in a difficulty. I did think it was the British privilege that we could say what we want to say, and "fling our thoughts, not fearing, into words." Apparently that is not so ; and this is the result of a few years of a Jingo Ministry. Apparently the end of the Imperialism of a Jingo Ministry is that Britain, who from the time of Waterloo has been wont to speak as first in the counsels of Europe, is afraid to speak because of a power like Japan being possibly offended. I confess that we want more reasons, and more definite reasons, before we forego the privilege we have inherited to " fling our thoughts, not fearing, into words." I want to know why it is that previous Queensland Acts, with the very same trend, and the very same provision, have been allowed. The honorable member for Kennedy the other day, to my amazement, instanced several Acts which contain the very clause which Mr. Chamberlain said he would not allow in a Queensland Act at the end of last year.

Sir Malcolm McEacharn

- Those other Bills simply prevented aliens being employed in the making of a railway.

Mr HIGGINS

- In the Sugar Mills Bill there was a clause in the same words, saying that these aliens should not be employed, and Mr. Chamberlain stopped that measure, although he had allowed the four or five previous measures to go. I know the reason. It was because he had pressure brought to bear from certain quarters in regard to this one Bill which was not brought to bear in regard to the others-; and we want to know who is pulling the strings behind the Colonial-office. We want to know what are the influences, apart from the Federal Parliament, which are working behind the Colonial-office. We should be told, because we want to put the responsibility on the right shoulders. If it is a fact that certain persons are making representations, which we know nothing of, to the Colonial office, we are entitled to know who they are. I do not see why we should be going through the form of legislating for Australia, unless we are the only persons consulted with regard to the measures which are submitted for His Majesty's assent. It must be remembered that Japan has no desire to lose her people, and only very few are coming here now. Japan wants all the people she can get to stop within her borders.

Mr Sawers

- Japan is overcrowded.

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Mr HIGGINS

- With all respect, I do not think it can be said that Japan is overcrowded. As a matter of fact Japan looks forward within the next few years to a great struggle in which she will need all the men she can get hold of. Japan has no desire to lose her population. At present the number of Japanese who come here is very small. Therefore it is much easier for us, without offence, to legislate now. It is much easier to dam back the waters before they become a flood. When once the flood sets in with the awakening of the East it will be almost impossible to stop it without giving offence. I think the easiest way would be to interfere now. Up to the present time the Imperial authorities have no authentic expression of opinion from Australia that we want this continent for the white people. I wish to place upon record the distinct and almost unanimous expression of opinion that Australia must be kept for the white races.

Sir John Forrest

- The Imperial Government refused assent to the New South Wales Bill on account of the colour line.

Mr HIGGINS

- It is one thing to refuse New South Wales, and another thing to refuse Australia, when the desire of Australia is voiced by the Federal Parliament. I think we ought to have some means of giving an authentic expression of our views as to what we really want. If, after we have done that, we get a representation from the Home Government which is beyond cavil and doubt, that it will be impossible for the Home

Government to preserve its relations with friendly nations if we pass this Bill in the form proposed by the honorable member for Bland, then I admit we should hesitate before insisting upon such legislation. I believe it is our business not to do anything which would render the position of the Home Government difficult. The Attorney-General says that the Imperial authorities will, if we persist in this course, allow us like spoiled children to have our way. I do not think that is a very happy analogy. Here we are asking for what we know to be good for ourselves, and unlike spoiled Children who frequently ask for what is injurious. Again, we are not to be treated :as children at all. By giving us our "Constitution we have been treated as grown men with the responsibilities of grown men. I hope that the Government by next week will reconsider the position, and give their followers an opportunity to vote as they think best. If the Government insist upon ' the passage of the Bill in its present form, as essential to their existence, I shall feel bound to vote with them.

Mr Barton

- I cannot proceed with -this Bill if the amendment is carried, and I may have more to say than that.

Sir William McMillan

- We have not treated this as a party question.

Mr HIGGINS

- I do not think the acting leader of the Opposition has ever treated this matter as a party question. A gross injustice was done to the honorable member the other day when certain motives were imputed to him with regard to his deliverance on this question. I am assured that the honorable member is as loyal to the British Crown as any one else, and that there was no ground for the attack made upon him. It is urged that by this legislation we shall offend Japan, but I would ask if we have offended China by our restrictive legislation? China has been a friendly nation, and Britain forced herself into China with the opium trade. There was a much stronger case for allowing the Chinese in here than there is for admitting the Japanese. America forced herself on Japan and Britain did not. There has been no sign of our having offended the Chinese, and I do not think we need apprehend giving any offence to the Japanese. It would be infinitely better to frankly exclude them, and to couple with that the complimentary reasons used by the Attorney-General. Let us say to them - " You have all these virtues, but we do not want them. We prefer to remain in our own vicious way of good living."

Mr Barton

- A case of " heads I win and tails you lose." We keep them out on account both of their virtues and their vices.

Mr HIGGINS

- I accept the position frankly. We do not want men beside us who are not as exacting in their demands on civilization as ourselves, be they "as chaste as ice, as pure as snow." The proposal of this language test lands the Government in a very peculiar position. As the Bill stands the English language is essential. That has aroused the ire of Germans, Scandinavians, and of Europeans who are as fully civilized as ourselves. Then the Prime Minister said that he was willing to accept an amendment allowing any European language to be selected by the proposed immigrant.

Mr THOMSON

- By the officer.

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Mr HIGGINS

- The officer might select the Danish language for a man from England. If we say that the English language shall be selected, and that language only, we offend Germans, Scandinavians, and French. If, on the other hand, we say that any European language shall suffice, we grossly offend the Japanese. Here is the way in which the Japanese consul in Sydney puts the position : -

The Japanese think that by reason of their importance as a nation they should be placed upon an equality with European nations, and for this reason they are prepared to accept the educational test provided in the draft Bill, that is, on the basis of an examination in English, because this does place them on the same footing as Europeans excepting Great Britain, whereas the test in any European language would place them at a disadvantage.

The Japanese say in effect : " We must be as good as the Germans and Scandinavians." What course is the Government going to adopt ? Apparently the honorable member for Gippsland feels the difficulty, and

he suggests that the test should be in such language as the Governor-General in Council may prescribe. What will the Governor-General in Council do? If he insists upon Gaelic, English, and German, and refuses Japanese, the offence to the Japanese will be more marked than ever. Then the Japanese Government can complain and say, "You have actually given an opportunity to the Germans, Italians, and others to come in, but you absolutely deny us admission." At present in the Japanese schools the English language is being taught. I am informed that the teaching of the English language in Japan has actually become as common a matter as is the teaching of it in Germany. In the course of a few years, the Japanese will be able to get through this language test very easily. Then, if we attempt to stop their immigration to Australia, we shall give more offence than ever. Surely it is better to say now that we want to draw a line between Asiatics and Europeans, than it is to defer action till some future period. It is easier to stop the dribblets at the present time, when there is not much of an overflow from these eastern nations to Australia, than it will be in a few years. When we consider the proximity of Australia to the east of Asia, and reflect how the east of that continent is the most populous part of the whole world, we can easily understand that there is nothing more likely than that a tremendous influx will take place from those nations now that they have been stirred up by the European advance. Before that influx comes, surely it is better to lay down our limitation, and to do it in very precise terms?

Sir John Forrest

- The ships will not bring them, under this Bill.

Mr HIGGINS

- That is the point. It will be a most unsatisfactory state of affairs for ship-owners, if they do not know what test will be imposed on the immigrants coming here. It is far better that shipowners should be told distinctly who are to be excluded, and who are not. It will be most unsatisfactory for a man to have a ship-load of desirable persons coming from Europe, or elsewhere, and not to be certain that when they get to Australia they will be admitted. In conclusion, I feel that if we are bold we are safe. If we are unanimous, we will carry our way with the least friction. What I feel in my inmost heart is, that if only the Government have the courage of their opinions - if they only grasp this nettle boldly - we shall have no difficulty. At the same time, I wish to say that I do not like changes of Government, and I do not think I should be justified in giving my vote against the judgment of men better than myself upon a mere question of method. If the Prime Minister adheres to his statement that he intends to make this a vital question for the Government, I do not think I would be justified in throwing the country into confusion.

Mr Thomson

-Then the honorable and learned member does not consider the difference between the two proposals vital to Australia ?

Mr HIGGINS

- I understood that when the Prime Minister first spoke he said that he would treat this question as vital to the Government.

Mr Barton

- I said that I considered this amendment vital to the Bill. In other words if this amendment is carried I shall drop the Bill, and I shall consider further what I shall do.

Mr McDonald

- It is not vital to the Government.

Mr Barton

- The honorable member had better be careful how he says that.

Mr HIGGINS

- I feel the responsibility of my position. It was only as a last resort that I felt it essential in order to justify myself to my constituents and to the public, to ascertain what the intentions of the Government really were. As the matter at present stands I take it that I am free to vote in the way which I think will best secure a white Australia.

Progress reported.

ADJOURNMENT

Immigration Restriction Bill - Cost of  
Printing - Private Members' Business  
Motion (by Mr. Barton) proposed -

That the House do now adjourn.

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Mr WINTER COOKE

- I have a grievance which I want to ventilate. I understood the Prime Minister to say last week that he would take a division on the Immigration Restriction Bill this week. Subsequently he gave it to be understood privately that no division would be taken this week on clause 4. Acting on the public statement made by the right honorable gentleman last week, I did not keep a very important engagement which I had in the country. I was desirous of voting on clause 4, and I intended to vote with the Government, but I was afraid that the division might take place during my absence, and therefore I broke my engagement. If the Prime Minister had told the House that no division would take place this week, this would not have happened. When the right honorable gentleman makes a statement to the House, that statement should be kept. Of course it is quite possible that a division would have taken place this week on clause 4 if it had not been for some--

Mr Barton

- For the long discussion on the Distillation Bill, to some extent, and the adjournment over Wednesday.

Mr WINTER COOKE

- I understand, however, that the Prime Minister informed certain honorable members that he would not come to a division on clause 4 this week. Every honorable member of the House should have known of that.

Mr MAHON

- I should like to obtain some information from the Prime Minister with regard to the cost of printing Hansard and the official papers. I understand that at the present time the Victorian Government Printing-office, at which these papers are printed, is setting up type by hand. It has not introduced the linotype, which is manifestly a very great expense-saving machine. Furthermore, I receive documents every day ordered to be printed by the House of Representatives, and then I get the same documents ordered to be printed by the Senate. I should like to see the account and to learn whether the Government is being charged twice for the printing of all these documents. The Victorian Government has to be paid for all this printing, and the bill must be a very substantial one. It is a gross and monstrous waste of public money. I believe there is a so-called printing committee in existence, but I have never seen any report from it.

Mr Salmon

- They' could not control the printing of another place.

Mr MAHON

- I am aware of that, but they ought to be able to' make some suggestion whereby the committee of the other place could join with them in economizing the public money. Another matter in regard to which I am not at all pleased is the way in which the time for private members' business has been absorbed by the Government. The Government is returning to Tuesday sittings, and we shall have to meet on Tuesdays, Wednesdays, Thursdays, and Fridays ; but we are told that private members will not have a chance of bringing on their business until the end of the session. When the motion was being discussed one honorable member was very liberal in regard to the giving up of the time for private members' business. He remarked, "Oh, give it to them," reminding me of the American humourist who proposed to send his mother-in-law to the front when a sacrifice was required from the family. He was ready to give away the time allotted for private members' business because he did not require it himself. I have an important motion listed for discussion, and should like to have an opportunity of proceeding with it. I do not think it was right for any honorable member to get up in that unauthorized way, and practically suggest to the Government that we should be deprived of the opportunity of discussing this motion. The Prime Minister may well look into these matters. He will find that there is a great waste of money in regard to the printing of these documents ; while, in regard to the second complaint, I think he might make some arrangement by which private members who have motions on the notice-paper will have an opportunity of discussing them some time before Christmas.

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Mr MCDONALD

- After the speech made by the honorable member for Coolgardie, I feel rather afraid to ask the Prime

Minister the question that I desire to have answered. I intended to ask the right honorable gentleman whether, in the event of his making the statement next week, 'that I understand he intends to put before the House, on the Undesirable Immigrants Bill, he would cause to be printed any despatches from which he quoted, so that they might be in the possession of honorable members 1 Despatches are difficult to understand if the right honorable gentleman has sole possession of them, and only quotes extracts. We should have the full text placed before us. I wish to know whether the Prime Minister is prepared to adopt the course I suggest?

Minister for External Affairs

Mr BARTON

. - With regard to the complaint made by the honorable member for Wannon, I am quite sure that he will not accuse me of any intentional misleading of the House. I have endeavoured at all times to give the fullest information as to the course of Government business. With regard to the passage of the Immigration Restriction Bill, he will remember that I have at all times mentioned to the House that measures such as the Customs Bill and others in relation to the customs and excise demanded a great deal of attention, because, first, the Customs Bill must undoubtedly be passed into law before the Tariff is introduced, and next it is a question whether some of these other measures must not also be passed into law. Subject to these necessities, I was willing and anxious to press on with the Immigration Restriction Bill, as I have always endeavoured to do. But, as the honorable member knows, we lost a day by the adjournment on Wednesday. The most rigid parliamentarian will not accuse me of being at fault in regard to that adjournment. It was not I who fired the shot that caused the death of President McKinley. Next we lost a great deal of time over the prolonged discussion upon the Distillation Bill, carried on by private members and not largely contributed to by the Government. Both these matters put back the Immigration Restriction Bill, and how can I be held to blame? I went as far as I could, but it was impossible to get this Bill into discussion again until this afternoon. I have made no private arrangement, and I have said or done nothing that I am not willing to account for to the House. I have not done anything behind the back of the House. I would say this : That we intend to go on with this Bill on Wednesday, and continue with it till a division is taken. That, I hope, if not on Wednesday, will be no later than Thursday afternoon next. It will conduce very much to expediting the business of Parliament if the division is not postponed beyond that day. If my honorable friend will speak to me privately upon the subject, I can show him, I think, that my endeavour has been to act in perfect good faith to all honorable members.

Mr WINTER COOKE

- I understand that the Prime Minister gave it out privately that there would be no division on clause A of the Bill until next week. If I had known that fact, I should not have been here.

Mr BARTON

- To the best of my recollection, I said nothing on the subject until to-day, when my honorable friend was here - and I had been spoken to by several honorable members about it - except that last night I intimated to the House, at the earliest opportunity that I had, that I did not intend to press the matter to a division to-day, because I considered that it would be a breach of faith with honorable members on both sides of the House if that were done. That was announced last night, so that if the honorable member had wished to go away to-day he could have done so.

Mr Winter Cooke

- It was too late when I heard of it.

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Mr BARTON

-I am sorry it was too late. As to next week, I have already made my statement. With regard to the complaint of the honorable member for Coolgardie, if he asks for a return as to the cost of printing, I shall be happy to consent to it ; but I may inform him that the matter is one as to which I must refer to the Treasurer, in connexion with whose department the printing is done. If there is any unnecessary publication of parliamentary papers, that can be reduced by a private consultation between the President and the Speaker, who, I am quite sure, are ready to prevent any unnecessary expense, as experience has already convinced me. For my own part, I cannot see any necessity - inasmuch as we provide for an interchange of parliamentary papers between the two Houses - where a paper is ordered by one House to be printed, for the same paper to be ordered to be printed by the other House. If that is being done I do

not see any necessity for it. It can only be a stilted view of dignity that requires anything of that kind to be done, inasmuch as the papers are already distributed among honorable members of both Houses. As to private business, what I have to say is that while the exigencies of public business require that time should be taken in regard to a matter which must overtop all abstract motions, still that will not prevent me from making every effort I can make to get as much private business dealt With as possible before the end of the session. When the pressure is relaxed that must arise in connexion with the public business of this first Australian Parliament, I shall endeavour to make some provision for the transaction of private business. I can say nothing fairer than that. As to the other matter raised by the honorable member for Kennedy, I do not think there is any paper that I shall require to have printed for the use of honorable members during the debate.

Mr SPEAKER

- With reference to the point raised as to the printing of parliamentary papers, I wish to say that two papers have been laid before this House this afternoon, and this House has ordered those papers to be printed. That order must be given effect to. If similar papers have been laid before the Senate and the Senate has ordered them to be printed, that order also must be given effect to. But such duplication the President and I have tried to avoid as much as possible. I think it can best be avoided by leaving the matter of the printing of papers in the hands of the Printing Committees of the Houses.

Question resolved in the affirmative.

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16:15:00

House adjourned at 4.15 p.m.