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1901-12-05

Senate

The President took the chair at 2.30 p.m., and read prayers.

QUESTIONS

LATE SITTINGS : VENTILATION OF SENATE CHAMBER

Senator PEARCE

- I desire to ask you, sir, whether in view of the probability of late sittings being held during the session, it is your intention to arrange for the attendants not to be kept here throughout, as is done in another place ; that is whether you will arrange for a relay of attendants in the chamber ?

Senator Lt Col NEILD

- May I be permitted sir, to call your attention to the absence of ventilation in the chamber. The question of kanaka labour was well ventilated yesterday, but I doubt whether the chamber was. I know that some honorable senators find the atmosphere very oppressive, and I do not see much opportunity for securing that ventilation which is certainly needful if we are to have late sittings.

The PRESIDENT

- I shall have to consult the Executive with regard to the provision for late sittings. If arrangements have to be made for late sittings, other messengers will have to be appointed, I presume. To secure proper ventilation would necessitate enormous alterations at very large expense. If the ventilation of the chamber is defective, and honorable senators wish to remove the defects, the Senate should take action, as I have no funds and no power.

STANDING ORDERS

Senator DOBSON

- I desire to ask the

Vice-President of the Executive Council if he will consider the advisability of recommending the Senate to adopt provisionally the standing orders which the standing orders committee framed, after a great deal of trouble and pains 1 When we are dealing with the Tariff, and have messages and suggestions passing to and fro, it is most advisable that we should have standing orders that accord with the Constitution.

Vice-President of the Executive Council

Senator O'CONNOR

- If the Government could ensure that the standing orders would be adopted without debate, we should be disposed to favourably consider the suggestion of Senator Dobson. In the course of the next few days my colleague and I will consider the matter, and we may put the proposal in such a form that the Senate will have an opportunity of adopting the standing orders provisionally on a formal motion. If that could be done, we should be only too happy to accede to the request. On the other hand, if it is to involve any debate, it is quite impossible at this stage to make a proposal.

PAPER

Senator DRAKE laid on the table

Communication to the Deputy Postmaster-

Generals delegating certain powers to them under section 8 of the Post and Telegraph Act.

QUESTIONS

PUBLIC SERVANTS AS PARLIAMENTARY CANDIDATES

Senator FERGUSON

asked the Postmaster-General, upon notice -

Is it true that Mr. R. M. Grant, an employe in the Post and Telegraph department, Rockhampton, has received leave of absence for two months ? 2. Is he aware that he intends contesting a seat in the State Parliament of Queensland ? 3. Has he been promised his situation in the Post and Telegraph department if defeated for the seat he is contesting ? 4. Does the Postmaster-General mean to give leave of absence to any employe in the Post and Telegraph department in any State of the Commonwealth who may wish to contest seats in either the State or Federal Parliaments ?

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Postmaster-General

Senator DRAKE

- The answers to the honorable senator's questions are as follow : -

Mr. R.M. Grant was granted leave of absence for six weeks in June last, to take effect when convenient to the department. 2. I am not aware that- he intends contesting a seat in the State Parliament of Queensland. 3. He has not been promised his situation in the Post and Telegraph department if defeated. 4. I do not mean to give leave of absence to any employe in the Post and Telegraph department in any State in the Commonwealth who may wish to contest seats in either the State or Federal Parliaments.

CUSTOMS AND EXCISE REVENUE

Senator PULSFORD

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

Will the Government take steps to secure the publication at the beginning of every month of the amounts of Customs and Excise revenue which each State has credited to all other States - State by State - during the preceding month ? 2. What are these figures for the month of October? 3. If the figures for November are not ready, when may they be expected ?

Senator O'CONNOR

- The following answers have been supplied to the honorable senator's questions -

Monthly accounts will be made available for publication as desired as early in each month as practicable? 2 and 3. The figures for both months will be available within the next week.

SUGAR PRODUCTION BY WHITE LABOUR

Senator PULSFORD

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

Will the Government consider the desirability of putting to a practical test the possibility of producing sugar in the north of Queensland solely with white labour, by taking over one or two fair-sized sugar farms, and working them without kanaka or any other coloured labour ?

Senator O'CONNOR

- The Government does not consider itself called upon to take this course.

MILITARY COMMANDANT DEFENCE BILL

Senator Lt Col NEILD

asked the Postmaster-General, upon notice -

. When is the new Military Commandant, Sir Edward Hutton, expected to arrive in Australia ? 2. Is it intended to postpone consideration of the Defence Bill pending the arrival of the new Military Commandant?

Senator DRAKE

- The answers to the honorable senator's questions are as. follow : -

The Government is expecting information, and hope it will be as early as possible. 2. Will depend upon date of arrival.

POSTAL AND TELEGRAPHIC RATES BILL

Bill presented by Senator Drake, and read a. first time.

PACIFIC ISLAND LABOURERS BILL

Senator Lt Col NEILD

- Before a motion is moved for the adoption of the report of the committee on this Bill, I desire to obtain a direction of the Chair. Standing Order 308 says -

On the motion for the adoption of the report, the whole Bill may, on motion, be recommitted.

How can I move a motion on a motion 1 If the word " motion " is to be read as "amendment " the matter is clear, but I wish to have the direction of the Chair.

The PRESIDENT

- If a motion is moved that the Bill be recommitted, it will supersede the motion that the report be adopted.

Motion (by Senator O'Connor) proposed -

That Order of the Day No. 1 be postponed until after the consideration of Order of the Day No. 2.

Senator DOBSON

- Would the Minister in charge of this Bill be good enough to give some reasons for the postponement of the order of the day ? I have come here with my head full of the Pacific Island Labourers Bill. Senator Drake told us last night that he would go on with the Bill to-day. He would not listen last night to any request for an adjournment, and I think he. treated some of us rather discourteously. But now we are

asked to go on with the Immigration Restriction Bill. I hope that the Senate will not consent to this proposal unless Senator Drake can give a good and sufficient reason. I hope that none of us will adopt the practice of "stone- walling" for the purpose of delaying business. Every one, I am sure, desires to facilitate business. I think it. will facilitate business to take the orders of the day as they appear on the noticepaper.

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Postmaster-General

Senator DRAKE

. - It is quite correct that yesterday I expressed a desire to get on with this Bill, and I gave as a reason that I considered it desirable to get it disposed of in order to make way for other business to-day. It was well known to honorable senators that the other business was the Immigration Restriction Bill, which has been hung up a long time. As a rule, the motion for the adoption of the report or the third reading is taken almost without discussion. But we have been told distinctly that some honorable senators desire at this stage to discuss the Pacific Island Labourers Bill, and to move an amendment to the motion for the Adoption of the report. Senator Dobson, for instance, said yesterday that he intended to move an amendment at this stage with a view to discuss some question in connexion with the Bill. Seeing that the motion to adopt the report is to be subject to debate, I think it is a very reasonable thing to go on with the business which was arranged to be proceeded with to-day, that is, the Immigration Restriction Bill.

Senator Sir JOSIAH SYMON

- I think the Senate has very great reason to complain of this sudden change in the arrangement of business. It is a singular thing for the Postmaster-General to say that the reason for the alteration is that Senator Dobson intends to move a certain motion when the proper stage is reached. That might have been a good reason for putting this Bill lower down on the paper. In that case, honorable senators would have come here knowing the order of business. But last night the Postmaster-General strenuously resisted any postponement of clauses, and kept the business in hand till a late hour, because of his extreme desire to pass the Bill through committee. He again and again told us that the Tariff, so far as concerned the sugar duties, was dependent upon this Bill being passed ; and now, when complaints are being made as to delay in getting on with the Tariff, this Bill is to be hung up in the Senate. I appeal to the Postmaster-General to go on with the measure, and to give honorable senators an opportunity of moving whatever amendments they choose, so that it may be disposed of.

Senator Lt Col NEILD

- I certainly understood from the Postmaster-General last night that he was most anxious to get rid of the Pacific Island Labourers Bill, and that he insisted on terminating the committee stage for that purpose. If the Immigration Restriction Bill has been hung up, it is not the fault of the Senate, but of the Government. Apparently the object is to deal with the Immigration Restriction Bill when there is a large attendance of senators, and if possible to deal with the Pacific Island Labourers Bill when we are tired out, as was the case yesterday. Even if it were legitimate to push through such a Bill in the small hours of the morning on one occasion, I venture with great respect to say that it is not legitimate to do it a second time. I hope the motion will be withdrawn.

Senator HIGGS

- I should prefer that the Government went on with the Pacific Island Labourers Bill this afternoon. I am aware that there have been threats to delay the passage of the measure ; but the Government must recognise that the majority of honorable senators are prepared to assist them in every possible way.

Vice-President of the Executive Council

Senator O'CONNOR

. - I moved the motion in the ordinary way because it appeared to me that it would be more convenient in the arrangement of business to take the Immigration Restriction Bill and leave the Pacific Island Labourers Bill until the first named measure had been passed through committee. But although the Postmaster-General made no promise to go on with the latter Bill to-day, I find that there has been some misunderstanding about it. Rather than that there should be any feeling that the Senate has not been fairly treated, I will withdraw the motion. But I venture to express the hope that as there has been a full discussion already honorable senators will not think it necessary to interfere with the carrying out of the programme which the Government have in view, and that is to get the Immigration Restriction Bill finished

- at all events as far as concerns the committee stage -by to-morrow.

Motion, by leave, withdrawn.

Senator Lt.-Col.NEILD (New South Wales). - I now intend to move that the Bill be recommitted. I want to have clause 2 recommitted only so far as it relates to the description of kanakas, and not as to the date.

The PRESIDENT

- I do not think we can do that. The clause must be recommitted entirely, if at all.

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Senator Lt Col NEILD

.- I move-

That the Bill be recommitted for the reconsideration of clauses 2 and 8, and any amendments which may be consequential and necessary on any amendments which may be made by the committee in clauses 2 and 8.

I desire the recommitment of clause 2, in order that it may be specifically set out that the Bill is not to apply to any Pacific Island labourer who is a naturalized British subject. I do not know how many kanakas who have been living in Queensland for 17 or 20 years have become naturalized, but it seems tome that it would be unreasonable to take power to deport them if they are naturalized British subjects. That is the only amendment I desire to make in clause 3. As to clause 8, I wish to draw attention to the utterly un-English and unusual provision contained in it, namely, the right to deport, persons who have been brought into a country under statute. The kanakas have been brought into Queensland by the operation of law. It is proposed under this Bill to permit more of them to be introduced into Queensland under Commonwealth law. Yet clause 8 gives power to arrest these people, bring them before a court, and deport them from this country. It is all very well to say that the Government would not send them to any unsuitable part of the world. But who is to determine the question of suitability? We ought to define exactly what we mean, and not leave things to chance. I shall not be out of order in making a reference to what transpired before the Supreme Court of one of the States only two or three days ago, with reference to the interpretation of the Commonwealth Constitution. The statement was made that the Commonwealth Constitution Act specified what the people of Australia required, and that nothing more was to be read into it. If that be the case with reference to an Act of such magnitude and importance as the Commonwealth Constitution, the same must apply with equal or greater force to the statutes of the Commonwealth Parliament. We shall not be doing our duty unless we specifically set, forth what we desire to accomplish. I recognise that when it was proposed, as it was originally, to make it incumbent to deport kanakas to some specific place, there was reason in the objection that there were places from which the kanakas had been recruited which were no longer suitable for them ; but on the other hand, I think I shall, in the amendment I desire to submit, have the sympathy of the members of the labour party who have supported the Bill very strongly on the ground of humanity towards the kanakas, who have they say been suffering great disabilities in Queensland. It has been put forward with eloquence and force that one reason for passing this measure is that the kanakas should be protected from inhuman treatment. Yet under clause 8 a kanaka may be arrested in Queensland, convicted, practically, of being unlawfully at large, and ordered to be landed somewhere. If there is not something in the clause to govern the place to which they are to be taken, what may not follow ? If it becomes a mere haphazard question of what is to be done with the kanakas so arrested they may be sent to islands -where they may be massacred as soon as they are put ashore.

Senator Sir Frederick Sargood

- That has been done already.

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Senator Lt Col NEILD

- If it has been done by accident in the past it will be done almost by design under this clause as- it stands, because the Senate has deliberately enacted the right of the Government to deliver these men anywhere. I must be appealing to the best feelings of the Senate when I ask for the reconsideration of these clauses. Instead of being an opponent of the Bill, I have voted with the Government on every occasion, save with one exception, and I think I am asking for what is perfectly right and humane. There must be some limitation to the right of the Government to send these kanakas anywhere. The Postmaster-General has stated, as a reason for this clause, that all nations have a right to deport persons

whose presence within their boundaries is objectionable. No one denies that. The Postmaster-General is admirable in assertion, but he reminds me sometimes of the old judge, who said to the young judge - "My son, give your judgment, but do not give your reasons." The reasons given by the honorable and learned senators for deporting from a country persons whose presence there is objectionable. no more applies to this clause than does the the price of bath-bricks, because people who are liable to be deported, under the laws of every civilized country,, have entered those countries of their own free will. In many cases they have gone there surreptitiously, or they may have conducted themselves in a way that has made their presence objectionable, if not dangerous, but they have not been brought there under statute. The kanakas have been imported to Queensland under statutes, the existence of which I regret I well remember this " blackbirding," as it was called It was nothing better than a slave trade. It does not seem to me to be so long ago that the British Government had six schooners built in Sydney for the purpose of putting down this slave trade. Even under Government management, in I the early days the traffic was really nothing better than slavery, and, so far as my knowledge goes, no Government agent in charge of a recruiting vessel ever dreamt of going to the islands without taking with him half-a-dozen or a dozen repeating rifles for his own protection. I have not one word to say in favour of the trade, but I have something to say on behalf of men who have been brought into this country, who have made it their home, who have conducted themselves orderly, and who deserve some better treatment than that which would be possible under this clause. We should not leave the clause to be administered in a haphazard way. We may have the most blind faith in the wisdom of the existing administration, but we may not have the same faith in the wisdom of the next. Therefore, we should provide clearly what we mean. I am not in favour of a hard and fast line being drawn requiring these people to be taken back to the places from which they came. In some cases that could not be done. Some of the islands are depopulated ; volcanic eruptions have occurred on others, and there is no means of sustenance there. I am asking that the re-committal may take place in order that some words may be inserted making it the duty of the Government to return the kanakas, as far as possible, to the localities in which their tribes or kindred people dwell. If clause 2 is recommitted I shall not raise the question of dates. That matter has been settled already, and only these two points remain to be disposed of. It should be made clear that naturalized British subjects are not to be dealt with under the Bill, and that the place to which the kanakas are to be deported shall be the most suitable. My proposal is dictated by no factious feeling. It is dictated by a desire to protect the lives and provide for the fair treatment of men who have been brought here under the law of Queensland, and who are eventually due for return to the islands. It will also be necessary to amend the clause in another direction in order that it may deal effectually with this question. Under it there is power of arrest, there is power to bring a kanaka before a court of summary jurisdiction, and power to deport, but there is no power to detain a kanaka between the date of the order for deportation and the opportunity for deporting him. I wish to draw the special attention of the Vice-President of the Executive Council to this point. I am sure my honorable and learned friend will recognise that vessels do not leave Australia for the islands every week. What is to be done with the kanaka between the date of the making of the order and the opportunity for deporting? I am sure Senator O'Connor will see that if an attempt were made to keep a kanaka in durance, under the clause as it stands, until an opportunity for shipment came, it would be possible for some one to set the , law in motion, and by a writ of habeas corpus have the man taken out of gaol. We do not want to make laws to breed laws. If the clause were recommitted, a few, words could be inserted to get over what I think is a serious omission. It is for these reasons that I ask the Senate to agree to the recommitment of these two clauses. I have done my best to impress upon the Senate what in my views is an urgent need, and a need which I hope honorable senators, will recognise.

Senator Sir JOSIAHSYMON (South Australia). - I think we should have some statement as to whether the proposal to recommit the Bill is to be accepted.

Senator Drake

- I do not propose, to accept it. I have heard no sufficient reason.

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Senator Sir JOSIAH SYMON

- I feel myself in a position of considerable difficulty in relation to this important clause. It is a serious pity that clause 8 in its present form appears in the Bill at all. It certainly was not in the Bill up to a late hour

yesterday, and it is a blot in our legislation on the subject. Until my attention was directed to it I was not aware that the clause had been altered and made so mischievous. The original provision was that any kanakas in Queensland who had been out of employment for a space of one month, prior to 1906, might be brought before a magistrate and ordered- to be returned to the islands from which they came. From the point of view of the policy of the Bill, that was not unreasonable, but it is altogether an unreasonable thing to provide that the court shall simply order a 'kanaka to be deported without specifying where he is to be deported to, or what is to be the ultimate fate of this poor unfortunate victim of this sentence of banishment - a sentence of banishment in respect of the mere fact of his innocent presence, so far as he is concerned, in the country to which he has been brought. Really, a more inhuman provision could not be conceived. It is all very well to say that the Executive Government has control, but what discretion has the magistrate? I should be perfectly agreeable if we gave a discretion to the court, and introduced a limitation as to the places to which these unfortunate people could be sent. It is discretionary with the policeman to bring a man before the court, but the court has no discretion whatever. There might be a thousand reasons why the kanaka should not be deported, but the court could not take them into consideration. The court could exercise no modifying discretion whatever; its sole power is imperatively to make an order that the kanaka shall be deported. It would have been perfectly competent to provide that the islander should be returned to the island from which he came, "if possible," or, if not, to some definite series of islands within certain limited degrees of latitude. We are dealing here with a provision which is to apply to 4,000 kanakas - to speak of them alone - who have been in Queensland for five or six years, and who are, so to speak, acclimatized, who have become accustomed to our civilization and who have £28,000 in the savings bank.

Senator Pearce

- And go to Sunday school.

Senator Sir JOSIAH SYMON

- Yes. My honorable friend, I am sure, does not mean to sneer at that. I am no more mealy-mouthed than he is on subjects of that sort, but I should be the very last to sneer at the efforts of missionaries or Sunday school people who have done their best according to their lights to instruct these people who have emerged from barbarism. I say that we ought to take these things into consideration. This is a crude and immature clause, and can never have been properly considered. The difficulty I am in is that my choice lies between supporting Senator Neild, in endeavouring to have this clause amended in some way, so as to do justice to these people, and the feeling I have that such a clause as this can never be brought into operation. In choosing to follow Senator Neild I am free to confess that if this clause is left as it is, it will be absolutely unworkable. What are we going to do when the court simply makes an order that a kanaka shall be deported who has been for one month out of employment? This is a sentence of banishment - it may be to some unknown country, to wilds to which he and his ancestors may never have been accustomed - upon the man whose money we hold in our savings banks, and on whom we have been bringing to bear the main forces of our boasted civilization. Because he has been out of employment for one month we banish him. My honorable friends of the labour party, in common with the rest of us, feel a just sense of indignation when any of our own colour and race are out of employment. We are justly moved with sympathy for them, and every one possessed of good and kindly feeling is desirous that they shall get employment. But what are we doing with the kanakas whom we have had amongst us for so many years? With them to be in want of employment is to be a crime and is to involve a sentence of banishment to God knows where.

Senator Pearce. - The honorable senator knows that is not the reason.

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Senator Sir JOSIAH SYMON

- I know that is what we are doing. It will be a monstrous thing if this clause remains as it appears in the Bill; it will be a blot, for which we will all be sorry, upon the first volume of the statute - book of this Commonwealth. I hope it will be modified, and that we shall indicate the place to which these people are to be expatriated - because it is not repatriation; they are not to be sent back to their original home; it is expatriation from their adopted home without any other place being indicated to which they are to go. I say we are treating them under this provision worse than brute beasts. It is like sending cattle that have innocently trespassed on our lands out on to the barren roads. We would not treat a dumb animal in such

a manner as this clause proposes to empower the authorities to treat these kanakas. Between starvation and massacre the choice is perhaps not very great, but we in passing this Bill should certainly exercise those feelings of humanity of which we so proudly boast, and should seek to make a provision of which we shall not be ashamed hereafter, when it makes its appearance on our statute-book.

Senator FRASER (Victoria). - I did not join in the suggestion for the recommittal of the Bill, because I thought that nothing good would come of it. I was not aware then of the way in which clause 8 had been altered. I now look upon it as a most dreadful clause. I was quite willing to allow the kanakas to go back under the clause as it stood when I left the chamber last evening, but I am totally against the clause in its present mutilated form. "We might have the most perfect confidence in Government, Judges, and officers, but surely it is our duty to prevent the possibility of a gross injustice being done to our fellow creatures. I know that some of these kanakas have been in Australia for over twenty years. I know one in Melbourne who has been in the employment of a bank manager for over 22 years.

Senator Playford

- That person is not likely to be out of employment for a month.

Senator FRASER

- She is a member of the Church of England, and an estimable citizen. She may be out of employment for a month, and are we going to compel her to take whatever employment offers?

Senator Sir Josiah Symon

- After 1906 they do not need even to be out of work.

Senator FRASER

- No : they would be liable to this outrageous treatment. I could not have conceived that members of the Senate would agree to a proposal of this kind. How the Government came to agree to it I do not understand, but I am beginning to be afraid that they will agree to almost anything. I am beginning to lose confidence, and to think that they are inclined to submit to a temporary power for ulterior purposes. I do not know what may happen. I suppose we cannot alter the Bill. I protest loudly and emphatically at such a clause being placed on the statute-book. I am amazed to find any human being agreeing to the enactment of such a provision. Do honorable senators wish to treat human beings worse than dogs? Surely that is not statesmanship. I could not support a Government capable of doing this thing; Thank God I am independent of all Governments. This clause- was amended in a thin committee.

Senator Pearce

- Every honorable senator was paired, though.

Senator FRASER

- Before I left last evening I consulted Senator Drake. I expressed the hope that nothing unusual would be done, and I was assured that the Bill would go through.

Senator Drake

- I said I would go straight on.

Senator FRASER

- I was anxious that nothing should be altered. I read the clause and concluded that it was fairly right, but in my absence it was mutilated. It is now a disgrace to the Government who father it. I hope that there will be no objection to recommit the Bill. It will redound to the credit of the Senate if the words struck out are restored to clause 8.

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Senator PLAYFORD

- I cannot understand these heroics on the part of honorable senators, because it is misquoting the intention of the Government to say that they are desirous of treating the natives as dogs. It does not give the country a true idea of their intention. It was pointed out last night that if the Government only took power to deport the islanders to the islands from which they came, it might happen in some cases that an islander would be deported to a place where his life would be in danger immediately he landed. The clause was therefore altered, so that in such a case the Governor-General could direct the islander to be deported to a safe place, not for the purpose of treating him like a dog, but for the purpose of treating him humanely. Do honorable senators suppose that in giving effect to the clause the Governor-General will not consider the wishes of the kanaka? If any kanakas desire to be deported to the islands from which they came they have a perfect right to submit that request, and it will be granted. But if they say that they

do not wish to be deported to their own island, but to another place, their request will no doubt be respected. It might be made a little plainer and clearer, but the intention of the Government is undoubtedly on the side of humanity. We know that very frequently a great deal more depends on the administration of an Act than on its exact words. Surely we can trust the administration of this measure to the Ministry, whom we can turn out of office at any moment if they do not act humanely or properly. I contend that the Government acted wisely under the circumstances, though it might have been better to have put a few more words in the clause. Honorable senators seem to forget the exact position of the kanakas. They have come here under the condition that they will be sent back to their own islands. We only ask now that the agreement into which they entered, voluntarily, I suppose, in a great many cases, shall be respected.

I should like to see the clause made a little more explicit in the direction which honorable senators desire. At the same time I feel quite confident that in the administration of the Act the kanaka will be humanely treated, and I have not the slightest fear of any ill result accruing.

Senator Sir FREDERICK SARGOOD

- Until a few minutes ago I was not aware of the important change which has been made in this clause. I consulted the Postmaster-General last night, and he expressed a desire to get on with the Bill. But I certainly had not the least idea that he would agree to this important amendment, which had not even been circulated. In view of the discussion we had on the Bill as a whole, and of the small attendance, I should have expected the Minister to agree to report progress. It was a victory unwisely and unfairly snatched, and it is not unreasonable now to ask that the clause be recommitted, so that a full committee may have an opportunity to reconsider this important and, I think, most unfair amendment. It has been pointed out by Senator Playford that the kanakas came here under an agreement.

Senator Playford

- Does the honorable senator deny it ?

Senator Sir FREDERICK SARGOOD. - I deny that they came here under an agreement in the sense which my honorable friend desires to convey. Of 1,743 kanakas who arrived last year only 400 had been under agreement before, and therefore know what they were doing. Very few of the remaining 1,300 could read the words of the agreement. As a matter of fact the agreements are made with the chiefs, who provide a certain number of men for certain trade, and, therefore, to say that raw recruits come of their own free will, and enter into an agreement, knowing its contents, is not to accurately describe the position. Nor is it true to say that the kanakas come here with the understanding that they will be sent back as a matter of course. The agreement does not say anything of the kind. It says that at the end of three years, if the kanakas wish to go back, they may, and provision is made for a deposit of, I think, £5 with the Government department in order to make sure that the means of taking them back is provided. It is perfectly true that they can go back if they like, but the proof that they need not is given by the fact that there are 4,000 kanakas who have remained in Queensland for six years and over. Personally I am pleased to find that the Senate, as a whole, is realising the iniquity of this deportation. On the motion for the second reading honorable senators spoke of humanity, but I must confess that up to the present I have heard very little expression of the wish to treat the kanakas fairly or with humanity. The cry has been "What is to be done for the planters." I do not under-value that point of view, but we should not ignore the kanakas altogether. Justice should be done to them first, and if any incidental injustice falls on the planters they should be compensated. I again express my firm conviction that the proposal to stop both the importation and deportation would have been the true, statesman-like, and most humane plan to adopt, and I venture to say also that it would have been much better for the planters themselves. Under the Bill there will be a deportation of five or six thousand kanakas, a large proportion of whom will die after they reach their islands. I wash my hands of the matter. I have not voted, and will not vote for any clause which will continue this abominable system of importing flesh and blood into this country.

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Senator Major GOULD

- The Government may realize now the mistake of pressing clauses of this kind through committee at a late hour with a bare quorum present. If we had had an adjournment at the time requested last night, the clauses which we are now asking to have recommitted could have been satisfactorily dealt with in committee. But the Government had behind them a dumb driven majority determined to support them

right or wrong. No notice was given of the amendment made in clause 8. Senator Playford, in his usual style, has stood up manfully in defence of the Government, pointing out the principles by which they were actuated. But last night the honorable senator was placidly reclining in his bed at the time this matter was under discussion. Senator Playford has a great faith in administration. When the Customs Bill was being dealt with he suggested that we should leave many things to administration. But after all, no matter how honest the administrator may be, he is bound by certain rules in an Act of Parliament ; and it is well that we should deal with the matter in an intelligent way so that the Minister may know what are the intentions of Parliament. There were no obstructive tactics last night. Honest and straightforward reasons were given for amending the Bill. There was no attempt to delay business unnecessarily. We all recognise that the matter has been fought out, and that the opponents of the Bill have been unsuccessful. Our object was to make the measure as perfect as possible. Senator Playford himself admits that it would be better to make the clause a little clearer in order that it may appear upon the statute-book not only as a humane clause, but one that can be properly administered. As the clause stands, when a kanaka is to be deported no one will know to where he may be deported. I hope that the subject will be dealt with properly by Act of Parliament, and not left to administration. The intentions of the Government may be admirable, but we know perfectly well that a certain place is said to be " paved with good intentions." Apparently the Government, metaphorically speaking, want to send these deported kanakas to that place. I hope that the Vice-president of the Executive Council will regard the motion as a fair and reasonable one, and will consent to the recommittal of the Bill.

Senator KEATING

- As a member of what Senator Gould has been pleased to term the " dumb driven majority " behind the Government, I should like to state, for the information of the Senate, exactly what took place last night. I do so particularly for the information of Senator Gould himself, as well as those honorable senators whose inclinations took them elsewhere during the discussion of the clauses of the Bill in committee. I drew attention to the wording of clause 8, and pointed out that if it were carried as it stood there would devolve upon the tribunal before whom any kanakas came to be dealt with under the measure* the necessity of deporting a particular islander to the very place from which he originally came. I suggested that it might possibly happen that an order of that character might involve the deportation of a kanaka to an island which, since his departure from it, had become depopulated, or which might otherwise be an unfit place upon which to put him ; and that it would be better so to amend the clause as to make it more elastic, in order that the principles of humanity might be observed in the administration of the Bill. The Postmaster-General recognised that there was something in the suggestion, and he himself moved the particular amendment, which was discussed at some length. I think that Senator Neild insinuated, stated rather, that the Postmaster-General was practically in - sane in moving such an amendment. He characterized the law that we were about to enact as being on a par with that with which he appeared to be familiar - " jackass law " - and after a comparatively lengthy discussion the amendment was accepted. It is all very well for honorable senators who occupy a good deal of the time of the Senate in discussing various matters throughout the day, and when progress has been made to the extent of passing one clause, generously give themselves a full night's rest, to ask other honorable senators who are prepared to go on with the business of the country to simply occupy the particular hours which they consider should be taken for the discharge of our responsibilities. More than a quorum were prepared to sit last night. Other honorable senators who did not feel disposed to do so took the precaution of pairing before their departure. If some honorable senators choose to go away before the Senate adjourns, is it reasonable for them to dictate to those of us who come from the more distant States - and who, unlike them, cannot return to our homes and our businesses every week - the actual hours during which we shall sit? Is it reasonable for them to say to us - "We regard you as a dumb-driven majority. We are quite content to be members of a loquacious, noisy, and active minority, and we propose to dictate the time during which the Senate shall sit?" Those who went away last night knew what were the provisions of clause 8.

Senator Sir Josiah Symon

- We did not know that the whole policy of clause 8 was going to be altered. Would it not have been fairer to have notified us of the intention to make the alteration ?

Senator KEATING

- Surely the honorable senator has had sufficient parliamentary experience to know that it does not

necessarily follow that a clause will be passed in the form submitted by the Government ?

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Senator Sir Josiah Symon

- My parliamentary experience has not taught me that a Government would act so unfairly as to change the policy of a clause in this way.

Senator KEATING

-So far as the policy of the clause has been changed, if at all, it is in the direction Senator Symon desires. If the honorable and learned senator had been here last night he would have recognised that that was the motive of the suggestion and the motive of the amendment. If that policy is carried into effect, the very principles which he has enunciated so eloquently this afternoon will be given effect to far better than they would have been if the clause had remained in its original inelastic form.

Senator Sir WILLIAM ZEAL

- I would suggest to the Postmaster-General that he should agree to this request. In the State Parliament, with which I was connected so long, the practice was not to bring forward amendments after the usual hour of sitting passed. This is not the first occasion upon which the Government have snatched a majority by what I consider are not fair means. I have supported the Government, and I intend to do so ; but I certainly cannot countenance the action of the Government in taking advantage of even a minority. All proposed amendments to be moved ought to be printed, and honorable senators would then be able to see the drift of the Government proposals. To say that they left the Senate before the adjournment is not exactly an answer to the complaint made by honorable senators on the other side. They went away because they believed that the provisions of the Bill, as printed, would be adhered to. That was my own opinion, and although I am not prepared to say that I would not have accepted the amendment - probably I would - I think the committee should have had an opportunity of discussing it. I would urge the Postmaster-General to allow these two clauses to be recommitted on that ground. A strong Government should not attempt to snatch a majority in a way that any section of the Senate might characterize as unfair.

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Senator STEWART

- I feel a certain amount of sympathy with honorable senators of the Opposition in the difficulty in which they find themselves. They deliberately set a trap for the Government last night and fell into it themselves. ! When eleven o'clock arrived, one after another of those honorable senators who have been characterized by Senator Keating as "loquacious members of the Opposition" paired, and went home to their beds. They believed that having left Senator Neild, who has a magnificent record in the matter of "stone-walling," Senator Gould, Senator Dobson, and one or two others in charge, 'they might go home with, perfect confidence that no further progress would be made with the Bill. The Postmaster-General signified last evening his wish to make some progress, and I think that was a very legitimate desire. We had spent eight or nine hours in discussing a single clause, and it could easily be seen when eleven o'clock arrived that honorable senators of the Opposition did not want any more business to be done. Senator Gould says, there has been no obstruction in the Senate. An attempt at obstruction was certainly made last night. I do not know whether those who took part in the attempt at "stone-walling" abandoned the position in disgust, but it suddenly collapsed. As to the complaint that the Bill has been altered in the absence of a number of honorable senators, I would ask why honorable senators, who take so much interest in the Bill, do not remain here? If some honorable senators neglect their business, it is not the fault of those who do not do so. Are we to be kept here for twelve months because some honorable senators pair and go home every night ? Senator Neild, who now complains of the 'haste of the Government, has been away for two or three weeks, and Senator Symon has also been absent. We do not complain of their absence. We remain here to do the business of the country, and we expect, if business is done in the absence of any honorable senators, that they will not complain. I do not think there is much ground for complaint in regard to the amendment made in the clause. Surely the Opposition do not imagine that the Government which will administer this Bill, if it is passed into law, will be the inhuman men that Senator Eraser suggests? Do they believe that the Government would seize the kanakas, put them on board ship, and be utterly indifferent as to their landing place ? They would not do any such thing. Senator _ Keating gave remarkably good reasons why a certain amount of freedom

should be given to the Government in its administration. I for one would be willing, if the Opposition were in power, to give them credit, at least, for the very best intentions with regard to the administration of any Act ; but, apparently they have a very poor opinion of the Government. In ordinary circumstances, I should not oppose very strongly the recommitment of a Bill, because I believe that in legislative matters we should have the fullest possible discussion. We have been here for a long time, however, and we have been taking tilings very easily. If we are to dawdle along in this fashion, goodness knows when those of us who come from the more distant States will be able to return to our homes. Therefore, some dispatch at this late stage of the session is absolutely necessary.

Senator DRAKE(Queensland - Postmaster-General). - Having listened to the speeches delivered, which have certainly been interesting, although they contained nothing new, I think it must be apparent to the Senate that there is no necessity for again going into committee on this Bill. The attention of the Senate has already been directed to the point which those who ask that the Bill be recommitted desire to bring under notice. The time taken up this afternoon in this direction has not been wasted altogether, because we have had an opportunity of hearing the views of some honorable senators who were not present during portion of the discussion on the Bill in committee last evening. The Senate can now consider whether it desires to reverse anything that was done yesterday. I should like to say with regard to the appeal made by Senator Zeal that though, as he says, the amendment in clause 8 was made at an unusual hour, in the sense that it was later than we had sat before, still it was not abnormal or unexpected, because when we agreed to adjourn at four o'clock last Friday I distinctly stated that it was on condition that on Wednesday we should apply ourselves strictly to the work. As to the length to which we went with the Bill, I do not think honorable senators could have been taken by surprise in any way. I told one or two senators that I was prepared to sit all night. I told another senator that I would sit until midnight.

Senator Sir William Zeal

- How many did the honorable and learned senator inform of his decision?

Senator DRAKE

- I used the expression that I was prepared to sit all night to two honorable senators. To one I said that I would sit until midnight.

Senator Walker

- Hear, hear.

Senator DRAKE

- I am glad the honorable senator corroborates my statement. When I said that, I thought that by midnight we should have completed the consideration of the Bill in committee. I would have preferred that honorable senators should have been here to discuss clause 8, but the misfortune that some of them were not here has, I think, been repaired by the speeches made this afternoon. . There are only two points to which attention has been directed. Senator Neild's suggestion with reference to an amendment of clause 2 has not received any support. There are very few kanakas who are naturalized British subjects, and it would not be desirable to make the amendment the honorable senator proposes, because if being a naturalized British subject would enable a kanaka to remain in Australia, there might be a rush to obtain naturalization in time to escape the operation of the Bill. . It would be offering a premium to kanakas to seek naturalization, and that would not be desirable. The position taken up by the Government is that it is not desirable that these people should remain in Australia and perpetuate their species here. The opponents of this particular clause are, in nearly all cases, those who for some motive which I do not question, and which I do not say is not of the highest, think it desirable that these islanders should remain in Australia. I think that is correct.

Senator Fraser

- I do not want them to remain here.

Senator DRAKE

- Honorable senators who do not desire them to remain here should agree in supporting the clause for their deportation at the end of this period. The suggestion is made that the amendment made last night in clause 8 has made the clause inhumane, but I distinctly say that its effect is in exactly the opposite direction, because it removed from the clause a restriction which might have been most injurious to the kanakas in its operation.

Senator Sir Josiah Symon

- Where will the Government deport them to now ?

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Senator DRAKE

- I thank the honorable and learned senator for the interjection, because he inadvertently said that the amendment made would prevent us from deporting them to their own islands.

Senator Sir Josiah Symon

- No ; I said it did not define where they were to be deported to.

Senator DRAKE

- The clause as amended leaves it open to the Governor-General in Council to send each one of these kanakas back to the place whence he came, if it be ascertained, but it removed the restriction which previously existed. Let honorable senators consider how injuriously that restriction might have operated. In many cases we are told that the islands have been . depopulated. Are we to be bound to deport a kanaka to a place from which his people and tribe have disappeared? Or are we to be bound to take him to a place occupied by his own or some other tribe that may be hostile to him ? Is it not much better that we should have an opportunity of consulting the views and wishes of the kanaka himself ?

Senator Lt Col Neild

- What knowledge can he have of the conditions existing in a place which Vie has been away from for seventeen years ?

Senator DRAKE

- If he has none he is in just the same position as before the amendment was made, because if he asks to be sent back to the place from which he came, that can be done under the clause as amended. The clause, as amended, gives the Governor-General in Council a discretion as to the disposition of these people. I am sorry that Senator Symon was not present last night, because the honorable and learned senator spoke this afternoon as though he thought there was some considerable difficulty in the way of carrying out this deportation. If the honorable senator had been present last evening, he would know that I referred to the deportation of about 1,200 kanakas by the Queensland Government in 1885, and I read the Order in Council for their deportation to the islands. Those kanakas had been brought by six ships in eight voyages, and a Royal commission having reported that they had no knowledge of the contract under which they had been introduced, the Governor in Council made an order for their deportation.

Senator Sir Josiah Symon

- But they had never served at all.

Senator DRAKE

- Of course, and there was in that case less difficulty in returning , them to the islands from which they had been taken. But does not the honorable and learned senator see that the longer the time a particular " boy" has been serving in Queensland the more difficult it will be to find out the place from which he came, and the more uncertain will be the reception he is likely to receive if he is taken back there?

Senator Sir Josiah Symon

- I admit that, and I do not think the clause is workable.

Senator DRAKE

- How can the amendment suggested make it more workable? It will only be a restriction under which he must be sent to the place from which he came. It is far better to leave it open to the Governor-General in Council, when if a kanaka desire to be returned to the place from which he came he "can be returned there, and if he desires to be sent to some other island or to some other part of the same island, the Governor-General in Council can direct his deportation accordingly. The amendment made last night is entirely in favour of the kanaka as making his deportation a process calculated to be more advantageous to him than it would be under the clause as it stood before.

Senator Sir Josiah Symon

- Does the honorable and learned senator think that the Governor-General in Council has any power to name the place of his banishment ?

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Senator DRAKE

- I do not call it "banishment." Honorable senators can call it by any term they like, but it brings us back to

this : That we must have the power to send the kanakas away from Australia, or they must remain here. Honorable senators must make up their minds to accept one position or the other. If there is to be no power of deportation the kanakas will have the right to remain in Australia for all time, and I think that would be a most deplorable thing. There have been great mistakes in connexion with this matter, and it is generally regretted that the kanakas ever came here. There is a general feeling in Australia that at whatever cost these mistakes of the past must be repaired. The only way in which they can be repaired is by passing some provision of this kind for the deportation of the kanaka. If honorable senators agree with me on these points, what can be the advantage of going into committee. The Senate can decide now whether the amendment made last night is of such a character that we should reverse it. I think the amendment is an improvement on the Bill as it stood, and there would be no advantage whatever in going into committee to reconsider it. I am bound to oppose the amendment.

Senator Lt.-Col. NEILD (New South Wales). - There is very little to reply to, because while specific reasons have been advanced by those who support the motion for recommittal not one valid reason has been advanced by the other side. With one of those assertions for which Senator Drake has become somewhat phenomenal, he told us that the clause as amended is more humane than it was previously. I draw the attention of the honorable senators who have been most lusty in their assertions of humanitarian views to the fact that there are in Queensland a number of kanakas who have married white women. I say nothing in defence of such a union, but I would point out that a constable may arrest the coloured husband of a white woman for no offence except that it is deemed by a majority of Parliament to be undesirable that he should remain in Australia. He may be taken before a court composed I suppose of two magistrates - we know there are very queer people in the position of magistrates in out of the way towns - and the court must order him to be deported. There is no provision as to what is to be done with the man from the time when he is ordered to be deported until a vessel is ready to effect his deportation. It will be absolutely within the law in that case to send a man to New Zealand or even to the South Pole. It may be found convenient to bundle him off anywhere rather than wait for six months for a vessel going to the islands by which he may be returned. I have pointed out, and I insist on this proposition, that if there is no limitation as to where a man shall be sent, it will be strictly in accord with statute law to send these unfortunate creatures to the nearest cannibal islands to have them eaten off the face of the earth. Is it reasonable for a number of honorable senators, for the sake of saving a few minutes, to make a verbal alteration in the clause - only half-a-dozen words - to deliberately enact nonsense; if not nonsense inhumanity? We are doing this in defiance of all argument as to its illegality, and yet we know that certain proposals made by the Government, and which were as strongly opposed here as the proposal now under discussion is being opposed, have met with failure and serious opposition elsewhere. I refer to clause 45 of the Property for Public Purposes Acquisition Bill, the recommittal of which was resisted, has had to be dropped. It was found to be of such a character that the Government dare not go on with it. Another clause which was fought by the same unfortunate old tory party, as we are called, had reference to ships' stores, and we already find the Government involved in expensive litigation in testing its legality. Senator Major Gould

- Which, as a matter of fact, was unfair and unjust on the face of it.

The PRESIDENT

- The honorable senator is not in order in characterizing a provision in an Act of Parliament as unfair and unjust.

Senator Lt Col NEILD

.- I think I am justified in referring to these two remarkable instances of chickens coming home to roost with very great celerity. There will be just as much trouble over this clause. If the Minister refuses to correct the blunder which was made very hastily, and at a late hour, the clause will not find its way on to the statute-book. The time which has been occupied this afternoon with this discussion will have been wasted, because the matter will be dealt with elsewhere.

Senator Drake

- I shall take my chance.

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Senator Lt Col NEILD

.- The Postmaster-General should remember that mere stubbornness does not represent strength, nor

sulkiness determination. In resisting this reasonable demand, he is taking up an attitude that will not help him in the future. His influence here is the influence that comes of courtesy and a friendly dealing with public business. In a Chamber whose numerical strength is small he would consult the speedy transaction of business by meeting considerate applications with willingness, and not by taking up an attitude of dogged persistency, obstinacy, and refusal to comply with demands that have been reduced to the smallest possible point. I tried to word this amendment so as to exclude even the possibility of dealing with the dates in the Bill. I might just as well have asked the Senate to recommit the whole Bill. I could have moved for recommitment of the whole Bill, and discussed every line of it. If I had desired to occupy the time of the Senate I could have spoken on the Bill for hours.

That I have adopted the absolutely opposite course, and that until midnight yesterday I had not addressed the Senate for five minutes in connexion with the Bill, is the clearest possible evidence that my actions have been as bond fide in the interests of the Government as in the interests of the unfortunate people on whom this calamity of transportation is to come. It is called deportation, but it is plainly transportation, and the more euphonious term does not make the Bill in this respect any more palatable to me as an engine for dealing with helpless beings. If these were Japanese, or subjects of the Indian Empire, whom it was proposed to deal with in this manner, would the Postmaster-General dare to introduce such a clause ? Does he not know that the Imperial Government would absolutely veto such a proposition as applied to British subjects ? These unfortunate creatures, because they have no national actuality that gives them any power in the world, can be safely jumped on ; they are defenceless, and that is the tyranny of strength against weakness. If the Senate does not agree to a recommitment, that is, in my view, a misfortune in the interest of its good repute, and in the interest of those who, having no mouth-piece here or in high places, are simple savages. I have done my duty by endeavouring to secure for them that reasonable and humane treatment. Before the week is ended every honorable senator will own to his own mind, if he does not own by his vote to-day, that the proposition is a reasonable and humane one. I intend to call for a division.

Question put. The Senate divided. Ayes 12

0

AYES

13

NOES

Majority

AYES

NOES

Question so resolved in the negative.

Motion (by Senator Drake) proposed -

That the report be adopted.

Senator DOBSON(Tasmania). - I move -

That all the words after ' 1 the " be omitted with the view to insert in lieu thereof the words :-

"consideration of the report be an order of the day for this day nine weeks."

I move this amendment in the hope that, if it be carried, it may enable the Government to do an act of bare justice to the planters of Queensland. In other words I move it to enable an inquiry to be made in accordance with the request of the Premier of Queensland, into the conditions under which the sugar industry can be carried on. When the report has been prepared, and evidence has been obtained, many important points will be settled, and the Queensland people will be satisfied that justice has been done to their case. I do not think that a better case for an inquiry could be made out than has been made out for an investigation into the condition of the sugar industry of Queensland. I have been trying to get at the facts ever since the debate commenced, but for every single statement . of importance I find that there is an absolutely contradictory assertion on the other side. I spoke to Senator Glassey in reference to some information he gave in the course of his four hours speech, and he pointed out to me some evidence which I thought was important. He told me that he had returns from the whole of the labour bureaus of Queensland, from which he found that in the Cairns and the northern tropical districts of Queensland, where some of us believed that the white man could not properly work in trashing and cutting cane, there were unemployed men to be obtained for £1 7s. 6d. a week and rations. I took that statement as being

correct, and told Senator Glassey that it was very important, and that I was glad to have it. But upon taking up the Age newspaper this morning I find that that statement is absolutely incorrect and misleading.

Senator Glassey

- It is nothing of the sort.

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Senator DOBSON

- I believe that Senator Glassey gave quite accurately the figures which he had obtained from an official report, but the figures to which I now allude have been secured in obedience to an order made by the the Senate. They are statistics with reference to the unemployed in different parts of Queensland. This return has come to hand since Senator Glassey made his speech. Apparently, however, it has no effect upon him. He is prepared to say that it is quite incorrect. But in doing so he is merely laying the basis upon which I claim that my motion should be carried, because he is proving that there is a case for inquiry, and that the evidence is conflicting. The paragraph in the Age is as follows : -

In the Federal Senate a short time ago a resolution was passed calling for returns showing the number of unemployed in each of the States of the Commonwealth. In Queensland telegrams were sent to the . 153 officers of the labour bureaus, and the answer has been "nil" for all but four stations. These places are : Brisbane, 243 ; Townsville, 24 ; Rockhampton, 195 ; Bundaberg, 30. This give a total of 492 for the whole of Queensland.

So that Senator Glassey will see that these figures, which are the latest returns, show that there is a want of accuracy about the statement which he gave to the Senate. I related a fable last night, and I will relate another one now. Two knights met before a statue. Upon it there was a shield. The knight upon one side of it declared that the shield was of gold, whilst the other knight declared that it was of silver. The contradiction drove the knights into a violent passion, and they began to fight about the question.

Presently, in the course of the fight, the knight who was on the one side of the shield got thrown off his horse, so that he could see the other side ; whilst the other knight, by reversing his position, could see the side of the shield which had previously been visible to his opponent. They then discovered that the shield was silver on one side and gold on the other. There are two sides to this question, notwithstanding my honorable friend Senator Glassey. I would again direct attention to the letter from the Bishop of Carpentaria, in which he says that he has been waiting for sixteen years, and has never seen white men working on the sugar plantations of Northern Queensland. Indeed, he says that it would be absolutely cruel and unchristian to deport the kanakas to their islands. When I read the Bishop's letter I went to the fountain head of knowledge, Senator Glassey, and also to Senator Stewart, whom I often meet in the clubroom. I pointed out how this letter affected my mind, and asked them what they thought would be the effect of sending back the kanakas. Both Senator Stewart and Senator Glassey informed me that they could see no harm in it, and that they did not believe that the fears of the Bishop would be realized.

Shortly after that, two missionaries told honorable senators in the club-room that it would be dangerous and cruel to send many of the kanakas back to their islands, because in some cases they would be ruthlessly killed. Notwithstanding this conflict of evidence from men who are in a position to know, my honorable friends who support this Bill are going to vote solidly for sending back the kanakas by the order of a Judge, without giving any discretion whatever. Even the kanakas who are married to white wives will have to be sent back. Men who have been in Queensland for 25 years, and who have been reputable citizens, are to be sent back. Even kanakas who have taken out their naturalization papers will have to be sent back, according to the Government ; though I do not believe that they can be deported. I doubt whether we have any right to transport men who have become naturalized British subjects. Are not all these properly matters for consideration and inquiry? The Queensland sugar question involves £6,000,000 of money which has been invested in it by private persons, and £500,000 which has been spent by the Queensland Government. It affects 40,000 people, and 2,610 men who have farms and plantations. Surely, in the face of these facts, we are not going to rush through legislation concerning which we have no information but what is directly contradicted by other information on the opposite side. Queensland, speaking through the voice of its Premier, who represents its Parliament, has asked for an inquiry. Mr. Philp says that the people of his State will at least be satisfied that we have made an attempt to do them justice if an inquiry is made. Let honorable senators think of the number of pettifogging

matters concerning which select committees have been appointed in the State Parliaments. Senator Pearce has expressed himself as absolutely horrified at one late sitting of the Senate involving hard work upon the attendants, and I can imagine him asking for the appointment of a select committee to inquire into the position of the door keepers, and as to whether they should not receive extra pay for their late nights. I could give references to most trivial subjects which have been inquired into by parliamentary committees. Yet here we have one of the greatest subjects, affecting one of the principal industries of a great State, and honorable senators are prepared to refuse an inquiry into it. Let them refuse it if they dare ! They can only do so by absolutely jumping upon their own principles of fair play and justice. We are all agreed that the kanaka must go, but as to the terms on which he shall go, and the time for which he shall remain, there is a difference of opinion. I would suggest that there should be an examination into the subject by a Supreme Court Judge, and let there be sitting with him two men accustomed to tropical agriculture. That is the reason why I have moved that the report of the committee stand over for nine weeks. During those weeks the commission could sit and take evidence. We should then have definite information to go upon, and not merely a mass of incorrect evidence. In the face of this evidence, we should be able to do what is right and just, and pass legislation which would redound to our credit instead of to our discredit.

Senator Pearce

- Is the honorable and learned senator referring to the figures of Dr. Maxwell?

Senator DOBSON

- I am referring to the many misstatements which have been made on both sides. No doubt they have been made with the best intentions ; but can any one assert for one moment that the evidence is not conflicting ? Those of us who have no interest in the industry desire only to get at the facts. Every honorable senator has, I hope, the sense of justice that I claim for myself, but if any honorable senator votes against my motion, I shall doubt whether he has an evenly-balanced mind or a sense of proportion. I intend to conclude by reading a few lines from the petition presented to the Senate by the Premier of Queensland. This gentleman is speaking on behalf of his State. The people of the State are dumb before him, and no one dares to move a vote of want of confidence in him. It is idle for us to say that the four or five honorable senators from that State who occupy seats in the labour corner represent the views of the people there upon this question.

Senator O'Keefe

- That is' a direct insult to the representatives of Queensland in the Senate.

Senator DOBSON

- My honorable friend will not induce me to withdraw my words. If he takes exception to them in that way, I deeply regret it, because I do not intend to insult honorable senators from Queensland. All that I say is that the people of that State changed their minds when they saw that this Bill was going to injure them. If the Bill provided that the kanakas were to leave the country to-morrow would it be said that I was insulting honorable senators from Queensland if I declared that the people . of that State were aghast at the proposal ? Certainly not, and I deny the right of my honorable friend to say that I am insulting honorable senators from that State. Mr. Philp said in his statement to the Senate -

The people of this State, whatever might be the result of the investigation, would be unanimous in their recognition that the Federal Legislature are desirous to deal justly with the individual States, even when interfering with their special industrial methods. I trust that the members of the Senate will perceive that it is a matter of vital importance to the stability of the Commonwealth that federal legislation be so conducted as to produce this impression upon the people of the individual States, and that no more serious error in statesmanship could be committed than such summary and arbitrary interference with a special industry as must necessarily sow dissension in the Commonwealth in the very first year of its existence.

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Senator GLASSEY

- I wonder how many times I shall be obliged to correct Senator Dobson1 He persists in asserting that the information upon this question with which I have supplied the Senate is altogether contrary to the facts. He declares that the information was correct at the time to which it relates, but that it is not such as should guide the Senate. I thank Senator Dobson for his generosity, but I would point out that while the

information given by me was taken from a most authentic source, that .which he has set before the Senate comes from a little scrap of a newspaper containing a telegram applying to the officers in charge of the labour bureau departments of the State of Queensland. My honorable friend says that, according to this telegram, there are no unemployed in Queensland. He assumes to know a great deal about Queensland, and yet his own statements show that he knows comparatively little. If he did know anything of that State, he would be aware of the fact that the telegram to which he refers was sent at the busiest season of the year in

Queensland, both in regard to shearing and sugar-crushing, and farming generally.

Senator Dobson

- Does the honorable senator mean to say that the shearers can trash cane?

Senator GLASSEY

- Certainly I do. It is really presumption on the part of certain honorable senators to say that they are more conversant with the facts relating to Queensland than those who have been sent here to speak on behalf of that State.

Senator Dobson

- No one has said so.

Senator GLASSEY

- Senator Dobson has said so again and again. The facts which I have given already to the Senate---

Senator Sir Josiah Symon

- Unfortunately they are not convincing facts"

Senator GLASSEY

- Then I do not know what sort of facts would be convincing. My information was taken from the report of the officer in charge of the Queensland Labour Bureau and Relief department for 1900. Let us see what the officer in charge of that department in the Cardwell district has to say in this report. At page 5 the following passage will be found -

Labour market fully supplied during past twelve months. No application made at this office for work.

Supply generally greater than demand for labour. The ruling rate of wages is £.1 1 0s. per week.

This is what the officer in charge of the Eton district, which forms portion of the Mackay district, has to say

-

During the early months of the year, only light rain was experienced, and the crops looked light, but turned out better than was expected. Men began to arrive from the west -

There are shearing districts in the west - during June for the crushing, which started in July and early in August, and lasted about four months. Homebush mill employing about .170 men,' and North Eton about 75 men. A good many large farmers' sons, and other local men and lads, work at these mills during the crushing. About (10 men were left over after the mills were supplied ; these men went west in search of work.

Surely that shows a surplus of labour in that northern district? Now, at page 7 I find the report of the officer for the Geraldton district. Geraldton forms a portion of the district of Cairns, where it is alleged sugar cannot be grown by white labour. He says -

No applications for labour from employers, or from those seeking work, have been received at this office during the past twelve months. The supply of labour for the sugar plantations here is always equal to the demand, perhaps a little in excess of the demand.

At page 9 of the report we find the following statement in the report of the officer in charge of the Mackay district : -

During the first four months of the year only three labourers were applied for, and during the same period the supply was seven -

That was before the crushing commenced -

In "May, June, and July the usual influx for the harvesting took place, but owing to the mills making a late start on account of bad crop, very many of the men became hard up, and represented themselves as destitute to the authorities. Some of these men were arrant frauds ; others were really decent men and were destitute. Any of the men who wanted it were found short jobs at small wages in some instances, and in others they gave two days' work for nine days' food. About 120 men passed through the bureau in this manner. The following is a summary of the year's operations : - Applications from employers, 98 ;

applications from labourers, .187. Excess of labourers, 89. These 89 were all found short jobs, or " tucker" to enable them to get farther along.

Here it is plainly seen that a considerable number of men were idle in that district. Referring to Port Douglas, in the Cairns district, I find this at page 10 -

There are employed by the Douglas Tramway Company and Mossman Mill Company about 80 ; artisans, 25 ; mechanics, 55. Their rate of wages is from 10s. to 12s.. per day, and the ruling rate for general labourers at the mill is from £1 7s. Cd. per week to £2 per week and found.

Surely there is no difference there from the statements I made previously. The telegram from Queensland, to which Senator Dobson attaches great importance, refers to the best part of the year. The honorable and learned senator says he does not wish to insult any honorable senator, and I do not think it is his nature to do so. But surely we ought not to have these repeated contradictions of facts. "We have heard the most rubbishy, the most unfounded, and the most nonsensical statements ever made to prop up a rotten cause, and they have been given to us largely by Senators Eraser and Dobson. I hope the Senate will dispose of this question once and for all, and that so long as I am a member of the the Senate we shall never hear any more about it. But I warn honorable senators that so surely as they attempt to mislead the Senate, and the country through the Senate, so surely will I follow them and put the true facts again and again before the people.

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Senator WALKER

- I certainly had no intention of speaking this afternoon, but as Senator Dobson has considered it to be his duty to submit this motion, I deem it my duty to inform the

Senate that I hold in my hand a letter

I received this afternoon from the secretary of the South Sea Island Boys' Association at Bundaberg, informing me that they are sending forward a petition to Parliament. In case the petition is not in time, I am asked to mention the fact to the Senate, which I now propose to do by reading the letter - 30th November, 1901.

Bundaberg.

To Senator Walker,

Respected Sir, -

I see by your amendment in the Senate on the 29th November, that you would be in favour of kanakas over five years' residence in the colony remaining. I may be out of order in writing to you on the great question of the day. I would ask you to accept the cause as my apology. The South Sea Island "Boys" have now formed themselves into an association, and about 1,000 of them have given their names to a petition which is not yet formulated in its entirety. The work of obtaining names, &c, is proceeding. One of their claims is that they may be allowed to remain in the State, and not be forced back to their islands where their friends are dead, and perhaps the whole of their tribe slaughtered, and they, too, would meet with the same fate. The "boys" do not wish to be considered slaves, but are quite satisfied with their conditions, and claim that they are the first coloured race that came to Queensland, and that they were brought here under British rule, and also when they were engaged by the Government agent, they were given to understand that they would be free after their first term of engagement was up. This is proved by the large number of " boys " in the State, now ranging from 34 years to 3. Hundreds of " boys" are here more than twenty years, also a few natives, one 28, another 15, and soon. The "boys" also state in the order of things, they being the first to come should be last to go of the coloured races. There is not a featherweight of truth in the statement that white women cannot walk the streets for them. It is a cruel libel on the innocent who cannot defend themselves.

I have the honour to be,

Your obedient servant,

Fanny Nicol.

Secretary of the S. S. Island Boys' Association.

S. - A great number of those " boys " are Christians, in the ordinary way that Christianity is accepted, and can speak English well. My aim in writing to you is, can I trust you? Can the Bill be delayed until the petition is completed ? It may be yet found out that they are British subjects, owing to their long residential term of years, freedom being the first word of the English Constitution.

N.,

Secretary of the Association.

We have been told a great deal about the mortality of kanakas in Queensland. In 1884, 794 certificates of exemption were granted to South Sea Islanders, and 704 of these men are still alive. It is possible that of the other 90 some may have gone back to their islands. But assuming that they all died, the mortality amongst those islanders who hold certificates is barely seven per thousand per year. I have much pleasure in supporting Senator Dobson.

Senator PEARCE

- I would not have risen to continue the debate, but for a number of significant statements in the letter which Senator Walker has read, to which I desire to direct attention. I should have considered such a letter private, and should not have used it in a debate of this kind. It is signed by a lady who is the secretary of a South Sea Island Boys' Association, and is supposed to represent the views of South Sea Islanders upon this subject. It should give the Senate an indication as to the movements now on foot in Queensland to defeat the object of this Bill. Let me draw attention to the statement that "about 1,000 of them have given their names to a petition which is not yet formulated." That is a significant statement. Then we are told that the object of the association in , approaching Senator Walker is to delay the passage of the Bill. That also is significant in view of the obstructive tactics which have been adopted in the Senate to delay the Bill.

Senator Dobson

- In personal explanation, I wish to say that, until I heard the letter read, I did not know that there was any such letter in existence.

Senator PEARCE

- I accept the honorable and learned senator's explanation ; but I do say that, in view of the organized attempts to defeat this legislation, it is somewhat significant to find a letter of this kind addressed to an honorable senator who has taken a prominent part in obstructing the Bill.

Senator Walker

- If the honorable senator refers to me, I must say that I have never done anything to obstruct business

The PRESIDENT

- If Senator Walker thinks the statement objectionable, it ought not to be made.

Senator Walker

- I certainly object to it.

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Senator PEARCE

- If it is objectionable, I withdraw the statement. But the letter shows that a petition is being improperly signed, and is to be presented for the purpose of influencing the Senate. I think every elector has a right to approach the Senate by petition in a proper manner. But what weight are we to attach to a petition which is signed before it is formulated ? What weight can we attach to the statements of honorable senators that they are in favour of stopping this traffic, when all their efforts are directed to delay the Bill, in order that it may be defeated ?

Senator Major GOULD

- It is very strange that in this Senate any objection should be taken to people petitioning Parliament. Senator Pearce admits that an elector has the right of petition, but surely every man or woman, whether an elector or not, has that right ? Senator Walker would have failed in his duty as a representative of the people if he had not read the letter, leaving it to Parliament to decide how much weight it should receive. I shall vote for the motion to secure further inquiry, and so will most men who have open minds and are willing to learn all the facts. Honorable senators say that the inquiry is desired for the purpose of defeating the Bill. I dare say that the petitioners do hope to defeat the Bill, but if reasons are given which convince us that this is mistaken legislation, ought not we as honest men to reconsider the position ? However strong our views may be on a question, we are liable to make mistakes and arrive at wrong conclusions. If there is a reasonable prospect of more light being thrown on this subject, surely it is only fair to grant an inquiry. Senator. Dobson, holding the strong views he does, is quite within his rights in submitting this motion. The majority object to any member of the minority moving a motion which would cause delay, and argue that it is done merely to obstruct. Surely the minority have a right to make known their views. I hope

that this proposal will receive fair and full consideration. At any rate, it will be a source of satisfaction to the people of the Commonwealth to know that the Senate was directly asked to grant what the Government of Queensland rightly or wrongly have sought to secure. Let the Senate, if it sees fit, accept the responsibility of saying - " We will grant no opportunity for a further inquiry ; we require no more light to be thrown on the subject ; we are quite satisfied with our pre-conceived notions and ideas, and we will not listen to anything else." If the Senate likes to put itself in that position by all , means let it do so. If any body of people chooses to put themselves into what others may regard as an improper or contemptible position they have a right to do so. But the Senate is expected not to give way to popular clamour, but to deal calmly with every question on its honest merits. Honorable senators who may have shown a little irritation, I do not doubt, have been honest in advocating what they think is right and proper, but every man is entitled to get the fullest opportunity to state his opinions.

Senator FRASER

- I have travelled the length and breadth of Queensland frequently during the last 38 years. I have interests in the north, the centre, and the south - I wish I never had - and I cannot conceive how honorable senators can reasonably object to grant an inquiry which will not occupy more than six weeks. I am quite willing to pledge myself, should the evidence be against me, to accept the Bill. Why should honorable senators be so dogmatic, and imagine that they know everything ? It cannot be contradicted that the Premier of Queensland speaks for the people of that State who are interested in the sugar industry. Supposing that all my statements are not correct - I believe they are correct - is it not right that honorable senators who think otherwise should convince me that I am wrong, and should not force such a Bill down the throats of the people of Queensland against their reasonable protest through their proper representatives - their Premier and others. It will not delay the abolition of the kanaka traffic to hold an inquiry. I deny that the facts are as Senator Glassey says, and I am just as emphatic in my denial as he is in his statement. The squatters of Queensland have had very great difficulty in getting shearers this year. I have a big shed at McKinley, on the Flinders, three huge sheds on the Warrego, and a shed on Aramac Creek. We find great difficulty in getting shearers, and we do not travel sheep because men cannot be got. Even if the large employers in the centre, north, and south of Queensland have no difficulty in finding employes, does it follow that the sugar-growers could get them ? Certainly not. There are tens of thousands of white men seeking employment from the squatters and other employers, as well as on the mines, who would not dream of going to the sugar plantations. A white man ought not to be allowed to go to Cairns to do this class of work. It is forcing him to act against nature.

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Senator DAWSON

- Does that apply to a white man farming his own land ?

Senator FRASER

- It applies to the white men in the Cairns cane-fields.

Senator McGregor

- Does it apply to those who do not employ kanakas ?

Senator FRASER

- There are none in the Cairns cane-fields who do not use kanakas. That statement cannot honestly be contradicted, because it is taken from an official source. It only shows the necessity for an inquiry. Are honorable senators afraid of an inquiry ? If not, why do they object to this motion ? An inquiry is asked for by the Premier and people of Queensland, by municipal councils, and various institutions. If an inquiry is refused the State of Queensland will have good reason to take umbrage at the action of this Parliament, especially as the measure has been forced on with such undue haste. There was no necessity to legislate during this session. To launch the Bill in the first few weeks of the life of the first Parliament was a gross injustice. A man has no heart to speak when he knows that anything he may say or do will be of no avail. The numbers are up, and nothing that may be said will convince honorable senators. There can be nothing wrong if the truth is as stated by senators opposite, in granting an inquiry. If they are satisfied that their statements are true, the inquiry will justify them, whilst at the same .time the Queensland people will be pleased. Is the Senate going to decline to listen to the prayers of the petitions that have been presented? Surely the petition of 1,000 kanakas is entitled to some consideration.

Senator Pearce

- If they knew what they were signing.

Senator FRASER

- They did not know what they were signing perhaps, but they know that they are going to be drastically dealt with, and we ought to hear what they have to say. We cannot complain because their petition has been written out for them by some one else. It is not everybody who can properly formulate a petition to Parliament. I hope that the Senate will not refuse the reasonable request which is made. I heartily support the amendment, and if an inquiry is held, and the evidence is in favour of a Bill of this description, I promise to vote for it.

Senator CHARLESTON

- What can be gained by delaying the passing of this Bill ? Since it was first introduced, every one of us has been deluged with information upon the question. We have had the report of a Royal commission before us, we have had circulars, resolutions passed by various local bodies and chambers of commerce ; we have had a letter from Mr. Philp, and we have had the advantage of consulting Dr. Maxwell and Mr. Paget. If we had a Royal commission appointed we should obtain no further information. Consequently, nothing is to be gained by delay. Let us get rid of the question as soon as possible and proceed to other business.

Senator FERGUSON

- I shall support the amendment. I had intended to move in a similar direction myself, but I did not get the support which I had anticipated upon the amendment which I moved in committee. I was especially disappointed at the lack of support from my colleagues in the representation of Queensland. The position they have taken up reminds me of a very old and true saying, which was as true two thousand years ago as it is to-day -

A man's foes shall be they of his own household.

The greatest enemies of Queensland are her own representatives. The proof of that is that I had four representatives of New South Wales supporting my amendment, against two on the other side ; I had a majority of four to two amongst the senators from Tasmania, ready to do justice to Queensland ; I had two representatives of Victoria and two from South Australia, who were willing to do justice to the State I represent. But not one of my fellow representatives of Queensland lifted a finger to save their own State from financial disaster, and one of its chief industries from ruination. They have the audacity to say that they have the public of Queensland at their backs in this case. I dare them to say now, that they have public opinion behind them.

Senator DAWSON

- I say we have.

Senator FERGUSON

- Let this Bill be delayed, and I will undertake to resign my seat to-morrow, if one of my colleagues from Queensland will do the same. If I do not come back with a majority of 5,000, I will resign altogether. I am astonished that the representatives of Queensland do not recognise the justice of making the reasonable concession which is asked for.

<page>8300</page>

Senator DE LARGIE

- It is a rare thing to hear anything new in the course of this debate, and when a fresh point is advanced, it deserves more than a passing word. This afternoon

Senator Walker really has unearthed some new evidence. He has read a letter to which sufficient attention has not been given. In order that the Senate may know something of the writer of that letter, it is only fair that I should read a passage from a Queensland paper called the Patriot. It is headed - " A Man, a Woman, and a Pole Cat." The paragraph is as follows : -

Distinguished visitors to Childers - Mistress Fanny and Master Jimmy Nicole - made things (black) hum here last Saturday and Sunday. Fanny is a funny old frau; at various dates in her career - and I sometimes think at one and the same time - she has been Theosophist, Calathumpian, Spiritualist, Lemurian, Christian scientist, Plymouth rook, Ante-deluvian, Sadducee, Pharisee, and a - well, always a dreary traveller and general nuisance. The whirligig of time has wrought many queer changes in the career of Fanny and Jimmy : from a Lord knows what to hashhouse keeper, swankey seller, horse doctor, and now kanaka agitator.

When a Queensland paper refers in this style to the writer of the letter quoted by Senator Walker, we are in a position to judge as to the amount of attention we should attach to such a communication.

Senator MACFARLANE(Tasmania)I received information only to-day that the Mackay labourers are also signing a petition for delay in connexion with this matter.

Senator Higgs

- It has not yet been drawn up.

Senator MACFARLANE

- It is being signed at the present moment. I have known people to be asked to sign their names to petitions in the streets of Melbourne, although the petitions were not placed before them, there being nothing on the table but blank sheets of paper. These coloured people ask only that inquiry shall be made, and I join heartily with Senator Dobson in his desire that further information should be obtained. The whole of the facts put forward in support of this measure have been disputed. It matters little who is getting up this petition ; whether it is being prepared by ladies or gentlemen is immaterial. We ought to listen to the appeal of these poor people when they ask for further inquiry.

Senator PULSFORD

- For my own part I wish to distinctly deny the charge which has been made that certain honorable senators seek to obstruct the course of legislation in this matter. I have not conferred with any honorable senator on the subject. When I left the chamber last night I did not know what was going to be done, nor did I learn what had happened until I read the newspapers this morning. I have always held the opinion that this is a matter of very great importance, requiring to be dealt with in the most earnest manner. I think it would be a fair and proper thing to ask the Postmaster-General to reply to the statement made in Brisbane that he has broken faith with the Philp Government.

Senator Drake

- I have never broken faith with them.

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Senator PULSFORD

- It is distinctly asserted that, when Senator Drake joined the Federal Government, he was in some way pledged to support the views held on this question by the Philp Government. With regard to the letter read by Senator Walker from the secretary of some association in Bundaberg, I could not help thinking, the moment that I saw it, that probably a number of gentlemen who have shown a suspicious and extraordinary eagerness to close this matter fear now that further petitions are likely to be forthcoming, that some light is likely to be, thrown upon this matter, and that it is desirable, from their point of view, that the Bill should be dealt with at the earliest possible moment. I have not tried to unduly delay the measure, nor to expedite its passage. I have sought simply to throw some light upon the question, and see that justice is done. Honorable senators must be aware that, the longer we are in dealing with this matter, the more evidence is produced before the Senate showing that there is a very great difference of opinion, and ample room for a complete and authoritative inquiry into the whole matter. These being my views, I shall vote for Senator Dobson's amendment.

Question - That the words proposed to be omitted stand part of the motion - put. The Senate divided -

Ayes 17

Noes 12

Majority 5

Question so resolved in the affirmative.

Amendment negatived.

Report adopted.

IMMIGRATION RESTRICTION BILL

In Committee- (Consideration resumed from 15th November, vide page 7362.)

Clause4 -

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 at dictation and sign in the presence of the officer a passage of 50 words in length in an European language directed by the officer.

Senator PULSFORD

- I cannot vote for paragraph (a) in the clause as it stands. In my judgment it is not an honest one. It does not set forth in a straightforward and honorable way the wishes of the Government. It will be seen that the officer who is to conduct the test has complete control of the position. He can select the immigrant ; he can allow him to pass, or he can order him to stand aside. Having done so, he has power to dictate a certain passage to him and to require him to write it down in any European language which the officer may think fit. The clause cannot commend itself to those who love fair play or who are anxious for the maintenance of those great principles of justice with which the name of the British Empire is associated throughout the world. Under these circumstances I shall vote against paragraph (a).

Senator MACFARLANE

- I move - .

That the following words be added to paragraph (a), "such language to be one known to the immigrant." I move this amendment because of the statement made by the "Vice-President of the Executive Council when moving the second reading of this Bill. In a paper which has been circulated amongst honorable senators this afternoon, setting forth the correspondence which has passed between the British and Japanese Governments upon this question, it is shown that Mr. Chamberlain lays stress on the fact that the test is to be in a European language, and that this will suit the Japanese. In a letter signed by Mr. H. Bertram Cox and written from the Colonial-office to the Under-Secretary of State, on the 18th of October, the following paragraph appears : -

With regard to the question of the educational test, I am to say that Mr. Chamberlain has not yet received the full text of the Immigration Bill, and is therefore unable to state, with certainty, what is the precise form of the test proposed. If, however, the press reports are correct, it would appear that, on the main point of requiring some knowledge of an European language, the test now embodied in the Bill is similar to that embodied in the Natal Immigration Restriction 1897.

I ask the Vice-President of the Executive Council if it is a fact that this Bill is in accordance with the Natal Act and will be so administered?

Senator O'Connor

- Undoubtedly. It is precisely on the same principle.

Senator MACFARLANE

-Is there going to be an education test? If any language may be used to keep an immigrant out it is not an education test. Any one of us might be held to be a prohibited immigrant. Senator O'Connor distinctly said that the test would be prohibitive, and if that is so it will not be an education test in the ordinary sense of the word, and Mr. Chamberlain is being deluded. It is not an education test to require any alleged undesirable immigrant to write out a sentence in Turkish or Hungarian, and I venture to think that if the Imperial Government were enlightened on the subject they would not sanction it. I will do the Government the justice of saying that originally they intended that the test should be in the language of the immigrant, or in the English language, but when the right is given to select a language which is unknown to the immigrant the test is prohibitive.

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Senator O'CONNOR

- I thought that when I spoke in reply to the debate on the second reading I made it perfectly clear how it was intended that this Bill should be administered. Let me repeat what I said as to the way in which those Acts have always been understood ever since this question became a practical one. When the representatives of the various States of Australia met in London on the occasion of the interview with Mr. Chamberlain in 1896, they had all passed Bills prohibiting the introduction of these coloured aliens. Those Bills set out in plain language that the persons therein described, and they included all coloured aliens, were to be prohibited from entering Australia, and they were all reserved. Mr. Chamberlain's desire was to get something in substitution. As is quite evident from the extracts which I read on the second reading, it was understood and intended by Mr. Chamberlain and by the Premiers representing the different States at that conference that the education test was to be so used and applied as to amount to prohibition if those administering the law thought it necessary. In a despatch to the Governor of South Australia, of 20th October, 1897, Mr. Chamberlain uses these words -

Kato was willing to admit that, from a material point of view, there was no very great grievance of which Japan could complain. The actual immigration was very small, and the class of Japanese who chiefly

desired to enter the Australasian colonies were exempted by special provision from the prohibitions of the colonial Bills. But the point which had caused a painful- feeling in Japan was not that the operation of the prohibition would be such as to exclude a certain number of Japanese from immigrating into Australasia, but that Japan should be spoken of in formal documents, such as the colonial Acts, as if the Japanese were on the same level of morality and civilization as Chinese, or other less advanced populations of Asia. . . M. Kato maintained that the provision in the Act passed by the colony of Natal that immigrants should write out a certificate in some European language would practically effect the object of the colonies, as only educated Japanese would be able to pass the test, and of these very few would wish to emigrate. This result, he added, would even more certainly be obtained with regard to other Asiatic countries where general education is less advanced than in Japan, and frauds could be prevented by more or less frequent changes in the certificate.

The whole object of this conference was to get rid of that difficulty. It was not a difficulty of passing legislation which would practically have the effect of prohibition, because Mr. Chamberlain was willing to admit that that was a proper object for Australia to aim at, and, as he pointed out in a later document, he was willing, if it was found that the education test was not sufficiently stringent, that it should be made more stringent so as to secure that object. The difficulty was to carry out what Australia had at heart, and what was the practical prohibition of the immigration of these people, in such a manner as not - to be offensive in the light of ordinary views of national comity. That end was attained by Bills which were put in hand by the Premiers immediately they arrived in Australia, and I think that four of the States passed them. The intention was made clearer later on by a cablegram from the Colonial Office to the Governor of South Australia in reference to a Bill which had been reserved. On the 20th November, 1897, Mr. Chamberlain sent this cablegram -

Coloured Aliens' Immigration Reserved Bill transmitted with your despatch No. 55, of 29th December (see my despatch of 8th September). Inform Ministers that Her Majesty's Government will not be able to advise Her Majesty to assent to reserved Bill, but if legislation on line of Natal Act is passed you may assent at once without referring home.

The next occasion on which the question arose in a practical form was when the Queensland Sugar Works Guarantee Acts Amendment Bill was reserved, and that, as we all know, provided a direct prohibition on the ground of colour line. In a despatch refusing the Royal assent to that Bill occurs this passage -

Any attempt to impose disqualifications on the base of such distinctions, besides being offensive to a friendly power, is contrary to the general conceptions of equality which have been the guiding principle of British rule throughout the Empire. Disqualification by educational tests, such as are embodied in the immigration laws of various colonies, is not a measure to which the Government of Japan or any other Government can take exception in behalf of its subjects ; and if the particular tests in these laws are not regarded as sufficiently stringent there is no reason why more stringent and effective ones of a similar character should not be adopted.

What is the plain meaning of that? It is that if you did not give sufficient power to administer the law in such a way as to amount practically to prohibition, you might extend the law on the same lines as the education test. These despatches really disclose the condition of matters when this Bill was introduced. In another place an amendment was moved, but not carried, which raised the very question of difference between the race and colour line and the educational test as a means of prohibition. Since then there has been a new development which is worthy of the careful consideration of every honorable senator who wishes to achieve, at the earliest possible moment, and in the most practical way, this ideal of a white Australia. There are various ways of carrying out that view. If we had only ourselves to consider it would not matter very much which method we adopted, but if we find that by adopting one method we can secure everything we want immediately, and that by adopting another method we shall postpone that achievement for a considerable period, there ought to be no hesitation as to the one to be adopted. If we do not find it effective we can follow it with other legislation.

Senator Charleston

- But this Bill is offensive to a friendly power - Japan.

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Senator O'CONNOR

- It is true that Japan has objected, but, in answer to that objection, the British Government say to Japan - "You have no right to object to this educational test. In 1897 we agreed with our colonies that a certain form of legislation, which was not then deemed to be offensive to you, and which you were willing to accept, could be adopted. We practically entered into an arrangement with our colonies that that should be the form of legislation for carrying out this object. Whatever you may think, we shall stand by that arrangement, and if they send home a measure on those lines we will assent to it." Baron Hayashi, the representative of Japan in London, wrote as follows to the Marquis of Lansdowne, of the Foreign Office : - Referring to my note of the 4th July last and your note dated 7th September last, I have the honour to again ask the good offices of your lordship in respect of the Immigration Bill now pending in the Parliament of the Commonwealth of Australia. The Japanese Consul at Sydney has just reported to my Government that in the Lower House of the Parliament an amendment to the Bill was passed making the knowledge of any European language as the educational test of persons to be permitted to Australia. After a short reference to the Postal Bill he says -

Your lordship will find no difficulty to see therefrom that these Bills are, under the device of the educational test, aimed to discriminate against the Japanese and others of different colour. There is no doubt in their mind about the meaning of this legislation, or the way in which it is to be carried out, and there has never been any doubt expressed in either House by the Government as to how this test is to be applied. It has never been denied that it is put forward as giving, wherever it is thought necessary to be exercised, the right of absolute exclusion, and the Japanese Government no doubt realize that that is so. The note continues -

While the Japanese Government do not object in principle to an adequate test which the Federal Government may adopt to regulate the entry of aliens, they cannot acquiesce in a measure which makes the educational test as a means to discriminate against Japanese subjects in favour of other nationalities. That puts the position as strongly and as plainly as it can be put on behalf of the Japanese Government. Mr. Chamberlain meets that in a despatch directed by him to be written by Mr. Bertram Cox, who sent on this communication to the Foreign Office for transmission to the Japanese Minister -

With regard to the question of the educational test, I am to say that Mr. Chamberlain has not yet received the full text of the Immigration Bill, and is therefore unable to state, with certainty, what is the precise form of the test proposed. If, however, the press reports are correct, it would appear that, on the main point of requiring some knowledge of an European language, the test now embodied in the Bill is similar to that embodied in the Natal Immigration Restriction Act 1897.

Lord Lansdowne will be aware, from the correspondence noted in the margin, that in 1897 the Japanese Government specially asked that an effort should be made, to induce the Australasian Colonies to adopt the same course as the Government of Natal, and that in deference to these representations Mr. Chamberlain once more brought the question before the colonies. The test proposed in the Australian Immigration Bill, if correctly reported, would therefore appear to meet what hitherto have always been understood by both His Majesty's Government and by the Colonial Governments to be the wishes of the Japanese Government in this matter. For this, among other reasons, Mr. Chamberlain does not think either that His Majesty's Government is in a position to suggest a modification of the Australian immigration test, or that there is any prospect that the Commonwealth Government would be able to entertain such a suggestion. He will, however, transmit a copy of the correspondence to the Governor-General for the consideration of his Ministers.

We cannot, in considering this matter, omit to give the greatest weight to the new development which has arisen. Not only can we say that Great Britain would be likely to adhere to what was intimated to us in 1897, but that in answer to the Japanese Ambassador the British Government have stated that it is their intention to adhere in spite of any objections to the arrangements which was made between Great Britain and her colonies in that year. If we are to decide what is practically the way to secure what we want, how can we have our course marked out better or with greater certainty than by the history of this question as between ourselves and Great Britain and Japan, as it appears upon the despatches which I have read ? It is absolutely clear that in taking the course we now propose, the Bill will be assented to without any trouble. Of course I have no right in any way to speak as to what His Excellency the Governor-General will do in any particular matter. But we can say that upon the lines of the Natal Act there is no reason whatever why the Bill should be reserved any more than any other Bill on any other subject. On the other

hand, if our measure is ' not on the lines of the Natal Act, if it departs from the lines laid down, it is equally certain that, acting upon all precedents and upon those principles which we know must guide the conduct of the representative of His Majesty in the Commonwealth, we can have no doubt that the Bill must be reserved in such a way as, at all events, to lead to very great delay in dealing with the subject in an effective manner. That being so, [ask every honorable senator, whether he has expressed an opinion before or not, to consider the alteration in the position which has been brought about by the despatches which we have before us. If the object is to secure practically and at once what we desire, no honorable senator would be doing wrong to his position with respect to the electors of Australia, or his logical attitude, if he said this - " The mandate of Australia is that we shall secure the exclusion of coloured aliens at the earliest possible moment, and that we shall pass some measure which will bring about this result. It is left to us to deal with the matter in the most practical way we can. Under the circumstances which are now brought before us, and in face of the opportunity of passing this measure into law at once, are we justified, for the sake of carrying something which on the face of it will be a proclamation to the world that coloured aliens are no longer to be admitted into Australia, in rejecting, a plan which will effect that object at once, in favour of a plan which will effect it no more practically than would the Bill before us V I maintain that it will be the duty of any senator who wishes to see legislation carried out in a practical and effective manner, whilst at the same time preserving the position of Australia and of the Empire, to disregard any amendment that will have the effect of altering the principle upon which the test of exclusion is applied. I should like to say a word or two as to the position taken up by my honorable friend, Senator Macfarlane. He has objected to clause 4 on the ground that it does not follow the Natal Act. I think he said that if it followed the Natal Act he would be perfectly willing to accept it. I take it that his object is to bring the Bill into harmony with the desire of the British Government. We have already obtained a statement of their desire in the despatches I have quoted. Although they had not before them the very text of this Bill, they had evidently informed themselves from press reports to such an extent with regard to the contents of .the measure as to be able to write a despatch to the Japanese Government definitely expressing their views. Correspondence between the British Government and foreign Governments is not conducted upon a vague and flimsy basis. If the British Government had not before them sufficient information of the nature of this Bill, it is not at all likely that they would have written a despatch of that sort, taking up a definite position in regard to the measure. It is almost inconceivable, considering the time this Bill has been before the public, that the British Government have not actually in their possession at this time the very text of the measure as it was introduced. If Senator Macfarlane's only desire is to see that we keep in line with what the British Government desires, he ought to have no hesitation about accepting this Bill. It is the general principle of the Natal Act which we have to follow. In the despatch upon the .Sugar Works Guarantee Act, the British Government have told us that they are prepared to accept any extension of that Act so long as the principle of the educational test is preserved, and in whatever way that educational test can be applied it will be allowed to be applied so long as upon the face of the Bill it is not offensive to any foreign Power. I listened with great respect, as I always do to Senator Pulsford, and I was astonished to hear that he does not intend to vote for this provision. Why 3 Because, as far as I can gather, he thinks that it is not straight and fair, and that it ought to state that it means direct exclusion. Considering what a sound Imperialist the honorable senator has always shown himself to be by his writings and speeches, and considering the nature of the amendment which he moved on the motion for the second reading of this Bill, I cannot understand his attitude. The amendment he then moved was as follows : -

While the Senate is of opinion that it is desirable that immigration to Australia should be restricted to members of the white races, the provisions of the Immigration Restriction Bill do not commend themselves to the Senate as the best method for securing this object, while they are calculated to cause needless offence and embarrassment to those who are either our fellow subjects or the subjects of friendly nations, and to produce complications with the Imperial Government who, 63' treaties or other arrangements, are best able to secure the object desired without disturbing friendly relations with other countries.

The British Government have said in these despatches that they are satisfied, and that so far as concerns friendly foreign nations, Great Britain thinks that we have gone far enough.

Senator Pulsford

- They have never said they are quite satisfied.

Senator O'CONNOR

- I do not think there is any other inference to be drawn from the despatches. ' If the honorable senator is so careful of the honour of the British Government that he wishes to go further than they do, I can understand his position, but I cannot understand how any man who realises that there must be some legislation restricting the immigration of Asiatics, can refuse to accept the educational test, knowing perfectly well that the only alternative to that is the test of the colour line, which has been hinted at already, and which was unsuccessfully proposed in another Chamber. I refer to this because I am afraid that those who are really anxious to see this measure carried into practical affect, for the securing of a white Australia, have not fully realised the position.

The CHAIRMAN

- I have been somewhat embarrassed in connexion with the speech of the Vice-President of the Executive Council, which, certainly to a large extent, has been a second-reading speech. While it is quite true that a considerable amount of latitude must be permitted to the leader of the Senate, yet I feel that it will be very difficult to prevent other honorable senators from dealing with the various matters to which he has referred, if he goes into them fully. I would therefore urge him to confine his remarks to the amendment.

Senator O'CONNOR

- I may, perhaps, inadvertency have been led beyond the terms of the amendment, but I take it that I am entitled to speak upon the whole clause. Certainly the clause itself involves the whole question of exclusion, and of whether it should be in one form or another. However, I do not intend to go further with the observations I was making. With regard to the amendment, if Senator Macfarlane's only desire is to pass a measure which will be in accord with the views of the British Government, he will be quite safe in leaving this measure as it stands. If he 'passes the amendment which he suggests, he will be inserting a provision of a totally different kind, and really taking away one of the safeguards which it is intended to leave in the hands of the administrators of the measure to prevent it from being abused. Therefore I hope that when the matter is discussed, this new ' feature - to call attention to which is the principal object of my speech - will be given every consideration, and that in coming to a conclusion on this amendment of the clause, the only object in view will be to secure in the most direct way what it is evident Australia desires.

Senator Lt Col NEILD

.- I wish to move an amendment to the paragraph which must come before that proposed by Senator Macfarlane. My object is to provide that the test shall be in the English language instead of in a European language.

Senator Higgs

- There is an amendment already before the committee.

The CHAIRMAN

- By leave, Senator Macfarlane may withdraw his amendment in order to enable Senator Neild to move that which he has indicated.

Senator Macfarlane

- I am agreeable to do that. ,

Senator Glassey

- I object.

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Senator Lt Col NEILD

.- It is exceedingly unusual for such a course to be taken. I shall know how to meet the objection at the proper time, and I shall take care to show that if some honorable senators want to play a game of this kind others can do the same. mL "I

Senator WALKER(New South Wales).'- I had hoped that some more prominent member of the Senate would have spoken upon Senator Macfarlane's amendment, for which I shall vote. The Vice-President of the Executive Council will, no doubt, excuse me when I say that his arguments are more like those that we might expect to hear from a nisiprius lawyer instead of from the honorable and learned gentleman.

The honorable and learned gentleman has quoted an extract from a letter written by the Marquis of

Lansdowne to the Japanese Ambassador at the Court of St. James', with a view of showing that the Japanese Government do not object to the principle of this proposal. The Natal Act, however, distinctly allows the immigrant's education to be tested. Apparently the intention in this clause is, by a legal subterfuge, to prevent any person of colour from entering Australia. I am not one of those who wish to see Australia overrun by black people. I believe we are perfectly justified, on the principle of self-preservation, in regulating immigration, but that is a very different thing from absolutely prohibiting immigration on the ground of colour. If the Government will say that they are willing to accept Senator Macfarlane's amendment, I shall certainly vote with them against the amendment of which notice has been given by Senator McGregor. My intention is to look upon this question as a non-party one. I have a great respect for the individual members of the Government, but I think that Senator O'Connor has indulged in special pleading in endeavouring to show that this Bill is on all fours with the principle of the Natal Act. I recognise also that there is a loophole here, even for those who look at the matter as I view it. The present Government is a Government of all the talents, but they will not be always in power, and when they are succeeded by those who are willing to administer this law on true British principles, I believe we shall see fair play.

Senator MCGREGOR

- The position in which some honorable senators place themselves is very amusing. I wonder whether Senator Macfarlane or his bosom friend, Senator Walker, know the real meaning of the amendment which the former has proposed.

Senator Walker

- Do we not !

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Senator MCGREGOR

- If they do, then they have a very deep design in putting it forward, I am much obliged to Senator Walker for saying that, if the Government accept this amendment, he will not vote for that of which I have given notice. Let me point out what would be the effect of Senator Macfarlane's amendment, which requires that the test shall be in a European language known to the immigrant. If the language were known to an immigrant, he would be able to come in, because he would be able to pass the test. If it were not known to him, he would still be able to come in, because we should not be able to test him. I am sure Senator Symon will bear me out in that statement. If Senators Macfarlane and Walker really understand the true meaning of the amendment, they have been playing a little game of " heads I win, and tails you lose." I hope the Government will not accept the amendment.

Senator PULSFORD(New South Wales). - I wish to enlighten the committee as to what is meant by the power proposed to be given to any Custom-house officer to examine an immigrant in any European language. I have here a book in which the Lord's Prayer is printed in 300 different languages, and I propose to show the committee how many of these are European. In the first place we have the English language, then follow the Bohemian, Breton, Bulgarian, Croatian, Danish, Danish-Roman, Dorpat Esthonian, the Dutch, the Faroese, the Finnish, and the Flemish languages. The Faroese language is described as a language of central Europe ; the Finnish as the language of Finland, northern Europe. Then we have the Flemish and the French languages ; the French Basque, which is spoken in the Pyrenees and Navarre'; the Frisian, which is spoken in the Frisian Islands, in the North Sea ; the Gaelic, spoken in the Highlands of Scotland ; and the German language. GraecoTurkish, Greek Ancient, Greek Modern, Hebrew, Hungarian or Magyar, Hungarian-Wendish , Icelandic, Icelandic-Roman, Irish, Irish-Roman, Italian, J udteo-German, Judaeo-Polish, Judaeo-Spanish, Krim-Tatar, Laplandish - Swedish, Laplandish-Norwegian, Latin, Lettish, Lithuanian, Livonian, Lower-Romanseh, Lower- Wendish, Manx, Moldavian, Mordvinian, Norwegian, Norwegian-Roman, Osmanlic-Turkish, Piedmontese, Polish, Polish-Roman, Provencal, Rabbinical, Reval - Eikonian, Romano-Moldavian, Roumanian, Russian, RussianLaplandish, Ruthinian, Ruthinian- Roman, Samogician, Sardinian, Sicilian, Slavonic, Slovak, Slovenian, Spanish-Basque, Swedish, Swedish - Roman, Swedish - Lapp, Swiss, Syrenian or Zirian, Turkish, Upper-Romansch, Upper - Wendish, Vaudois, Walloon ian, and Welsh. Whereas, under the Natal Act the immigrant can write the test in any language he chooses, under this Bill a Customs-house officer is empowered to select any one of no less than 78 languages which I have enumerated, and which are recognised as European languages. I submit,

therefore, that the scope of the Bill as proposed by the Government is entirely different to the scope of the Act passed in Natal.

Senator Lt.-Col. NEILD (New South Wales). - This is a very extraordinary proposition. We have to read the interpretation clause of this Bill in the light of the interpretation clause in the Customs Act, and under the Customs Act a Customs officer may be anyone in the employment of the department - the Comptroller of Customs or a boatman. Under this Bill, therefore, "any Customs officer is empowered to put any persons desiring to land in the Commonwealth through his educational facings. And taking this Bill and the Customs Act -together, we have this absurdly ridiculous proposition submitted ; that a boatman or an errand boy in the Customs department can pull, up the first archbishop or other dignitary who desires to land here, and require him to write fifty words in some European language. We have looked upon the Chinese nation as a singular people, because many centuries ago they built a great wall round China to keep out the barbarians, and surely if we could have a legislative wall to keep out the barbarians from Australia, this measure will serve that purpose. I doubt very much whether under this Bill even His Majesty the King could land in Australia without an exemption certificate, or being put through his facings by some Customs official.

Senator O'Connor

- He would come under the heading " Members of the King's Land or Sea Forces." He is the commanding officer of the army.

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Senator Lt Col NEILD

- I recognise the existence of those words, but if Mr. Chamberlain desired to visit Australia in an unofficial position he would have to Produce a certificate of exemption under this Bill, or be bailed up by a Customs officer and put through his facings in any one of these 78 cheerful languages, which Senator Pulsford has given us particulars of. I should like to know how the British Empire could have extended if other nations had adopted such a policy, and prevented the landing of any '

Britisher until he had been put through his facings as to his knowledge of some language he had never heard of. Senator Pulsford has referred in his list to the Italian language, and there are 27 dialects in Italian, so broadly apart that I venture to say it is possible to find a popular song in certain modern Italian works, not one word of which could be found in a dictionary in the Roman . dialect of Italy. This exemplifies the increasing difficulty of appointing suitable Customs officers. A Customs officer will need to be a linguist. Unless a man is a linguist how can he dictate 50 words in a language he does not know, or even if he accomplishes that much, who is to determine whether the words are correctly written ? This provision is not capable of being worked out as proposed. It has been clearly shown that it is at variance with the provision in the Natal Act. We have no guarantee that because the Natal Act was assented to by the Imperial authorities they will assent to this Bill. If Senator O'Connor will submit a proposal on the lines of the provision in that Act I shall vote for it, but I shall not vote for a proposal to enact an absurdity.

Senator MACFARLANE(Tasmania). - Senator O'Connor has not answered my objection, that the clause is not in accord with the provision in the Natal Act. In the letter of 18th October from the Colonial Office to the Foreign Office, it is laid down distinctly that Mr. Chamberlain believes -

The test now embodied in the Bill is similar to that embodied in the Natal Immigration Restriction Act 1897.

That the test is not the same is shown by a paper circulated by the Government and called " Comparative table of Immigration Restriction Acts." It shows that the immigrant has to write out and sign in the characters of any language of Europe an application to the Colonial Secretary in the form set out in the schedule. Whim the immigrant selects the language it makes all the difference. On the 14th of May, 1901, Mr. Chamberlain wrote to the Governor of Queensland that ho could not assent to the Sugar Works Guarantee Bill because -

In the first place it embodies a disqualification based on place of origin - practically a distinction of race and colour.

Senator O'Connor quoted from this despatch, but he left out the part which I have just read -

Any attempt to impose disqualifications on the base of such distinctions, besides being offensive to a friendly power, is contrary to the general conceptions of equality which have been the guiding principle of British rule throughout the Empire.

Because a distinction of race and colour is to be made in the administration of the Act I moved the amendment. Senator O'Connor distinctly stated that it would be made prohibitive, and if it is made prohibitive it creates a distinction between race and colour. The British Government ought to be informed how the Act is to be administered, otherwise it is open to the charge of fraud.

Senator STEWART

- The amendment is much more objectionable from my point of view than is the proposition of the Government. The intention of Senator Macfarlane evidently is to make it as easy as possible for coloured Asiatics to come here, but my wish is to place as many obstacles as possible in their way. To show the position in which he would like to place us, I shall read an extract from the Gladstone Advocate of 20th November -

There are people who say that the education clause in the Immigration Restriction Bill will prevent the influx of Indian coolies. That is rubbish. There are millions of Hindoos with high-class European education ; in fact, the average Hindoo is more highly educated than the average Australian. The other day one of the coolie crew of the B.I. S.N. Company¹ s s. s. Ismailia called at the Advocate office, and we put him through the education test. We found that, in addition to his native dialect (Bengali), he could also write, read, and speak Hindustani, Persian, and Arabic, whilst his capacity for writing, speaking, and reading pure English was such that no person of culture could find fault with. His autography was good. He wrote a splendid commercial hand. The spelling of the words, which were of a difficult character - the writer having adopted the florid style of literary expression customary to the East - was faultless, whilst the grammar was perfect. The person in question, upon whom a merciful Providence has inflicted the euphonious cognomen, Abdul Mahin Khan, was not of high caste. He was as black as the ace of spades ; a follower of Mahomets ; a common, ordinary, every-day kind of coolie, and was not an isolated instance of an educated Hindoo. There are millions of similar persons in India, who can go through the same test. These are the people who will ultimately come to work our plantations, and also engage in our every-day occupations, and there is nothing to stop them.

In my opinion, the better educated these people are the more undesirable citizens of Australia they most undoubtedly will be. It is in the interests of the capitalistic class that these people should be permitted to enter, but against the interests of the 2-1 j3 working classes. As the large majority of the people of Australia are workers, they would be foolish if they permitted Asiatic subjects of the King of England, or of the Mikado of Japan, or of the Emperor or Empress of China to enter.

Senator Sir William Zeal

- AVE can only keep them out by the help of the British Government.

Senator STEWART

- I believe that the people of Australia are quite able to keep out coloured races. With a million able bodied men, each armed with a rifle, no people, whether Indians, Japanese, or Chinamen, would dare to set foot on this continent. If any dependence is to be placed on that extract from the Gladstone Advocate, the educational test would break down every day of the week. If we are in earnest in our desire to have complete exclusion, we should require either to go in for direct exclusion, or to hire a number of expert linguists, and have books in the 75 languages referred to by Senator Pulsford. In my opinion, the proper course to pursue is to go straight for direct exclusion, because it would be the most effective and honest.

Senator KEATING

- I can understand the motives which have prompted Senator Macfarlane to submit this amendment to the committee. They are similar to those which actuate Senator Walker and others who desire to place as little restriction as possible on the introduction of coloured aliens. But I cannot quite appreciate the motives of Senator Neild in according the measure of support he has promised to the amendment. He has addressed himself to the possibilities that might arise from the administration of the measure as submitted to this committee by the Government. He has told us that an archbishop or some high dignitary, upon endeavouring to enter the Commonwealth of Australia, might be confronted with a Customs official, and asked to write out 50 words in a European language with which he was utterly unacquainted, and that, therefore, the dignitary in question might be refused admission to Australia. But I would draw attention to the fact that there is an Act upon the statute-book of the State represented by Senator Neild, which measure received his advocacy and support as a member of the New South Wales Parliament.

Section 3 of that Act, which was passed in the year 1898, contains the following provision : -
Any person who when called upon to do so by an officer shall fail to write out in his own handwriting in some European language, and sign an application from the Colonial Secretary in the form set out in schedule.

In that case the passage must be written out " in some European language." There is no option given to the individual about to be tested to select the language in which he is to be tested. If the test were to be restricted to the English language the consequences might be very disastrous to the applicant for admission, as will be seen if I quote a passage from an examination paper which was recently set in Sydney. I venture to say that even a high dignitary of the church, such as mentioned by Senator Neild, might be unable to pass the test.

Senator Lt Col Neild

- At what part of the year 1898 was the New South Wales Act passed?

Senator KEATING

- I cannot say. The quotation I have made is from the comparative table of Immigration Restriction Acts circulated in connexion with this Bill. The Act in question is quoted as "New South Wales Act No. 3, 1898." The exact date of the passing of the Act is not mentioned. Now, judged by their representatives in this Senate we may, I think, fairly assume that the people of New South Wales more than any in Australia are devoted to letters. One honorable senator from that State has just entertained and instructed us by mentioning the number and names of various European languages. Senator Neild has followed in the same strain. Let the honorable senator listen to this passage in the English language. Quite recently an examination was held of candidate-cadets for what is known as the Sydney Water and Sewerage Board. According to the paper from which I quote, no one succeeded in passing that examination. This is a specimen of a little more than 50 words of English which was set to the candidates, and when I have finished reading it, honorable senators will not be surprised to learn that nobody passed -

The academician versed in chronological data and geological antiquities, expert in synthesis, and the construction of exegesis, to whom the differential calculus was arithmetical simplicity personified, who could startle philosophy with subtle theses on occult and abstruse sciences, or involve a tortured labyrinth in philological polemics, illustrated by simile and metaphor, and phrased with vocabulistic plenitude and grandiloquent exuberance.

This is not a quotation from a speech by Senator Neild, but is really from a Sydney examination paper - In short, a veritable peripatetic lexicon, one whose mathematical disquisitions on hydrostatic forces and the laws of pneumatics were quoted throughout Christendom as irrefragable and indefeasible. Such a man, I say, with this stupendous learning, may be unable to earn his living in the industrial centres like Sydney, where common sense is the main factor 'guiding the hazardous ventures of commercial pursuits and manufactures to efficient financial issues.

Senator Lt Col Neild

- That is a joke.

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Senator KEATING

- Honorable senators laugh, but it is no joke. Certainly it was no joke for the candidates. The chairman of the board in question is, I read, Mr. Jacob Garrard. When a responsible public body in the city of Sydney can set to candidates such a sample of English - or un-English - as that for dictation, honorable senators can see that if in adopting this educational test we are going to restrict the examination to the English language, or even following the suggestion of Senator Macfarlane, give to the individual himself the choice of the language in which he is to be examined, it is clear that the test may be made practically impossible for him to pass. How many honorable senators - indeed how many of the best English scholars - could, at a moment's notice, if a paper like that I have quoted were dictated to them, pass such an examination? So I say that all the arguments used as to the tremendous test that would be imposed on intending immigrants by making them pass an examination in " any European language " might apply equally to making them pass an examination in the English language. The severity of the test is all a matter of degree. If the Government administering the Act chose to do so, they could make the test in the English language just as severe and exclusive as though it were in any other language. Indeed, Senator Neild himself has pointed out that in Italy there are a number of dialects, and he says that probably

many of the words in common currency in modern Italian literature - whether in story or song, and perhaps also in the newspapers - could not be found in some of the Italian dictionaries in our parliamentary library. If that be so, and if an individual should avail himself of the proposition which Senator Macfarlane asks us to embody in this measure, and say - " I wish to be examined in the Italian language," he could be given 50 words of Italian with which he would be utterly unacquainted, and could thereby be kept out of the country. I have no doubt that the same remark would apply to Spanish and Italian.

Senator Glassey

- It applies to the British islands, where there is a different dialect in nearly every county.

Senator KEATING

- That is so. Therefore the proposal of Senator Macfarlane is one that might not attain the object at which he is aiming.

Senator Macfarlane

- It is the same as the Natal Act.

Senator KEATING

- If Senator Macfarlane proposed to give the individual the opportunity of selecting his own language, it might be a fair and reasonable test from his point of view. If Senator Macfarlane wishes to be absolutely fair, and wishes the test to be straight and above board, he should not confine himself to limiting the scope of his amendment to the English language, but should also insist upon the Government giving the candidate for admission an opportunity of being examined, not merely in the language, but in the particular dialect which he has been accustomed to speak.

Senator McGregor

- And in the very words he knows.

Senator KEATING

- Exactly so ; if Senator Macfarlane wishes to be perfectly consistent in his leniency, he should allow the individual to select the very words that he knows. If we are to have an educational test, and it is to be imposed upon the lines of this amendment, the object of the Bill will be defeated. Therefore I think that the method proposed by the Government is preferable to that proposed by Senator Macfarlane.

Senator Lt.-Col.NEILD (New South Wales). - As Senator Keating has referred to the New South Wales Act, which is said to have been passed in 1898, when I was a member of the Parliament of that State, I wish to say that I have not the faintest recollection of the passing of the measure in question, and seriously doubt whether I took any part in connexion with it. In 1898 I suffered an illness that was well nigh fatal, and, though I was re-elected to Parliament while in a condition hovering between life and death, I was not able during the session of 1898 to pay any regular attention to my parliamentary duties. My constituents recognised that. My attention to legislative work was of the most fragmentary kind, and I give Senator Keating my assurance that, while I do not deny that I may have voted, I have no recollection whatever of the passing of the Act ; and I am not a man who suffers from a bad memory. Senator Keating has treated the committee to an extract from the red page of the Bulletin. Every one knows that the Bulletin is a paper which is devoted to humour, and that the red page of it is a sort of " wild-cat " page, which is devoted to humour of the more extravagant kind. Any one reading between the lines, and having the knowledge of certain circumstances connected with the Water and Sewerage Board, will readily understand that that is a skit aimed at a certain individual or at individuals. While it is really very clever, it is nothing but a bit of journalistic fun, and not a fact.

Senator McGregor

- It was no fun for the candidates !

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Senator Lt Col NEILD

- Certainly, if any candidate had to pass an examination in such buffoonery as that, it would be no joke to him. But I cannot see the point of Senator Keating's argument that Senator Macfarlane's amendment would make the test more difficult. I think it is quite the reverse. It makes it more simple. Here let me say that when I spoke a few minutes ago, I had not in my mind the question of this matter- affecting coloured immigrants. I had overlooked that phase of the question. I was thinking only of the white people of Europe. The accusation that I am anxious to assist the introduction of Asiatics into the Commonwealth is

not only inaccurate, but grossly unfair ; because nothing I have ever said or done would warrant that implication. I have said more than once in this committee that I am pledged to a white Australia, and I have never advocated anything like coloured immigration. I hope this is the last time that I shall have to repudiate an accusation of the kind. I do not believe in making the Commonwealth a sink for the scum of any population, and I do not desire that the means of admitting objectionable immigrants to Australia shall be enlarged. Australia sells millions of pounds worth of wool to Europe every year. Our wool is purchased by foreigners who come to Australia once a year for the purpose, spend money amongst our tradespeople, go away, and return again a few months later on the same mission. It seems to me to be rather hard that we should be treating these people in a way that is something analogous to the old-fashioned passport system, which has been abolished in Europe as an objectionable remnant of antiquity. I cannot understand that it is not possible to devise some more rational and modern method of keeping out objectionable people. A highly-educated Frenchman for example might come here who would be able to pass the test, but who nevertheless might be a consummate scoundrel. Another Frenchman might come here who was not so well educated, but was yet a very worthy man who would become a good Australian citizen. Education does not necessarily make a man any better. It may assist him to make his way honorably in the world or to accomplish more villainy. There is no moral advantage in education. A moral man would make good use of his education, an immoral man would make bad use of it. Therefore, I do not attach so much value to the educational test as some honorable senators do. On the other hand, I take it that this is a proposal for putting an obstacle in the way. of objectionable character's landing here. Are there not in New Caledonia to-day numbers of Frenchmen and other people, who have been transported there, who could pass this test?

Senator Sir Josiah Symon

- Many of the negroes in the United States are as well educated as the English.

Senator Lt Col NEILD

- It would be very much more difficult for them to pass in the English language as ordinarily spoken than to write it. Their peculiarity of expression might betray them, where the pen would not.

Senator Sir Josiah Symon. - The educational test would not keep them out.

Senator Lt Col NEILD

- As one honorable senator pointed out, it would not keep out the educated Hindoo unless the law were applied in a way that would be repugnant to our sense of justice. Knowing a man to be a Frenchman, would it be British fair play to ask that man to pass an examination in the Russian language ? If that were the intention of the proposal, I should vote against it. I cannot conceive that a Ministry would be so base as to propose such a thing, but unfortunately the Bill can be read in that way. Therefore, I can see a merit in Senator Macfarlane's proposal. Senator Keating is wrong in saying that that amendment places a difficulty in the way of educated men coming here. "I consider that the amendment opens the way, and it has the advantage of being a proposal nearest to the provision which has met with Imperial sanction, namely, that of the Natal Act.

Senator Keating

- I do not say that it creates a difficulty ; but that it does not sweep away all the difficulties.

Senator Lt Col NEILD

- I do not suppose we want to sweep away all the difficulties.

Senator Keating

- Senator Macfarlane does.

Senator Lt Col NEILD

- I do not think so. I do not impute motives. It has been said to-night that certain honorable senators have banded together in relation to this measure. I have not been asked by any honorable senator how I am going to vote upon this amendment or upon the Bill generally, and I know of no plotting or scheming in connexion with the matter. I have listened to the debate and formed my own conclusions, and I shall take the course which, in my humble judgement, will be the proper one for me to follow as the representative of those who have sent me here.

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Senator GLASSEY

- I can scarcely follow Senator Neild when he implies that the educational test is intended to exclude

Europeans generally. Surely the honorable senator knows that the intention of the Bill is not to exclude Europeans, but people of different nationalities altogether. I am not going to support the educational test. To my mind it is insufficient, but it may in some instances be useful in excluding exceedingly obnoxious people from the midst of a peaceful community, and in that respect it is very desirable. Senator Neild cannot, in fairness, come to the conclusion from anything that has been said here, or from anything in the Bill itself, that a test is going to be set up with a view of keeping out of the Commonwealth Frenchmen, Germans, Italians, or any other Europeans. I am pleased to have an opportunity of saying here that some of the best colonists we have in Queensland are Germans, French, Swiss, and people of other countries.

Senator Charleston

- Why does the honorable senator advocate a fraud of this sort?

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Senator GLASSEY

- I am not advocating any fraud. I am simply saying that it is very desirable that those who have the administration of our laws should have in their possession a weapon such as the educational test, by which they could exclude any obnoxious person. For instance, we do not want a number of anarchists here - men such as he who destroyed the life of the President of the Great Republic of the West. This would enable us to keep such people out. Senator Macfarlane's amendment, on the other hand, would allow persons of any colour to come in, provided that they could pass the test in any European language they choose to select. When it comes to a question of supporting an amendment which will have the effect of directly excluding immigrants on well-defined lines, so far as nationality and colour are concerned, I shall be found voting for such a proposal. We do not wish to quarrel with another nation. We simply wish to protect ourselves from the encroachment of persons whose presence in our midst is likely to be detrimental to the highest and best interests of the Commonwealth.

Senator Lt.-Col. NEILD (New South Wales). - I am sorry that I have to reply to Senator Glassey, but he has said that one of my statements is absolutely wrong, and that this Bill is aimed only at Asiatics. It includes every one - the highest peer of the British realm, the highest member of the British Cabinet, and the highest member of any religious denomination which flourishes under the benign influence of the Union Jack. I agree with my honorable friend that there are persons of German, French, and Swiss birth, and of other nationalities to be found in all parts of the Empire, and fulfilling all the duties of British citizenship in a manner befitting people of the highest character and the best attainments. I must take the strongest exception to Senator Glassey's statement that this Bill is to apply only to Asiatics. It is to apply to all people, including the British, and even our fellow colonists in New Zealand. If it were not so, how is it that we find the numerous exceptions in the Bill ? We have exceptions in favour of -

Members of the King's regular land or sea forces ;

The master and crew of any public vessel of any Government ;

The master and crew of any other vessel landing during the stay of the vessel in any port in the Commonwealth.

I need not go through the whole list. The very existence of these exceptions proves that every one else comes within the drag net of the present clause. Every other people under heaven come within the drag net of this proposal. Senator O'Connor will remember a well known legal axiom, to the effect that that which is expressly excluded includes all others. I call attention to paragraph (</>) -

Any persons under a contract or agreement to perform manual labour within the Commonwealth .

Surely that applies to all labourers, and the proposition that this is a Bill merely applying to Asiatics is one which I absolutely repudiate. It applies to every one, even to members of the House of Lords and the House of Commons. We have a member of the House of Commons somewhere about the premises at the present time. If this Bill had been law he would have required a certificate of exemption to enable him to come to Australia to pay us a visit. So also His Royal Highness the Duke of York, who came here to open Parliament, would, except that he came in an official capacity, have required an exemption ticket, to come to this place of so vast a charm that we are afraid of honest people contaminating it.

Senator KEATING(Tasmania). - I desire to point out to Senator Neild that this matter was discussed in the Legislative Assembly of New South Wales and Hansard for the 24th of November, 1897, reports the honorable senator to have spoken in this way -

The House has been flooded to-night with a good deal of ad captandum vulgus oratory. I do not know that any good can possibly result from the discussion, because we are put in this position : that the British Government distinctly refuse to accept the Act which was passed during the last session of this Parliament, and the Premier has brought in two Bills with the intention of going so far in the direction of legislation to restrict alien immigration, as what are called the Home authorities, but what for the purpose of this discussion I propose to call the Empire authorities, will countenance. It is the authority which governs the Empire, which is interested rather than the governing power which is specially concerned in Home matters. We are face to face with two positions. Either we must accept the will of the Empire Government in this connexion, or we must perpetrate the ridiculous absurdity of cutting the painter in order that we may go on our own.

I again draw the attention of the honorable senator to the wording of that portion of the enactment which refers to the educational test. It is still " some European language " in the New South Wales statute, and it does not give the individual the option of saying what that language is to be. So that everything the honorable senator has said as to the comprehensiveness of this particular proposal would apply with equal force to the particular provision of the New South Wales statute which the honorable senator referred to in the terms I have quoted. I still say that the amendment moved by Senator Macfarlane will fail to achieve the results he desires. There are many difficulties created in the way of undesirable immigrants by the proposal of the Government, and, if we are going to have an educational test, there is no reason to my mind why any one should hesitate a moment in making a choice as between the test proposed by the Government and that proposed by Senator Macfarlane. The Bill will cover all nationalities - Englishmen, Icelanders, and even members of His Majesty's House of Lords. If a member of that august body tried to enter Australia, and we were of opinion that he was an undesirable immigrant, we should be able, under the Bill, to keep him out of the Commonwealth. We should also be able to keep out black citizens of America, to whom Senator Symon referred, if we considered them undesirable, even though they might readily pass an educational test in English.

Senator Lt.-Col. NEILD (New South Wales). - I cannot allow Senator Keating's implication to go without some word of rejoinder. The honorable and learned senator has quoted a few words from a speech I appear to have made some four years ago ; but I do not see any reason to take back any of those words as applying to my present attitude. Whatever interpretation the honorable and learned senator may seek to place upon the words he has quoted, I cannot see that they are anything else but an attempt to throw ridicule upon the proposal made by the Reid Government, and they refer to the improbability of the measure receiving the indorsement of the Imperial authorities. That is the attitude I take up to-day upon this Bill, that it is a proposal which is not likely to receive the Imperial assent. We do not desire to play with this thing, and why should we not follow the Natal Act? I have offered to vote blindfold and without a word for what the Minister will tell us is an ' actual copy of the Natal Act, but I am not prepared to support a proposal at variance with that Act, and one which is not within the meaning of Mr. Chamberlain's despatch. Mr. Chamberlain shows clearly that he is under the impression that the Natal Act will be followed, and when he gets something different he will not be bound in any shape or way by his despatch. Senator Keating was disingenuous in seeking to draw a comparison where the facts are different. There is a clause in the New South Wales Act which gives the Governor in Council power to issue an entirely new set of conditions -

In a form of similar purport proclaimed from time to time by the Governor in substitution of the form set out in the schedule.

Senator Keating

- Yes, but that does not affect the language.

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Senator Lt Col NEILD

- I suggest to the honorable and learned senator that the committee is not interested about what I said in another place four years ago, though it appears to me that the quotation made shows that my attitude was the same then as it is now in suggesting that we should use phraseology which will be efficacious, and not phraseology which we have reason to believe will not be efficacious to achieve the object honorable senators have before them.

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

3

AYES

22

NOES

Majority 19

AYES

NOES

Question so resolved in the negative .

Senator MCGREGOR(South Australia). - Now that all the preliminary amendments have been disposed of, and the skirmishing has been completed, we might as well get to the more serious part of the work. I ask the committee to omit paragraph (a), with a view to insert in its place the new paragraph which is in print, and which provides that a prohibited immigrant shall be an aboriginal native of Asia, Africa, or the adjacent islands. Everything I could advance in favour of my proposal I advanced in my speech on the second reading of the Bill. It is unnecessary to repeat what I said. I move -

That paragraph (a) be omitted with the view to insert in lieu thereof the following : - (a) "Any person who is an aboriginal native of Asia or Africa, or of the islands thereof."

Senator Sir JOHN DOWNER

- We have disposed of all the preliminaries, and we have the decks fairly cleared for battle on the question of what test we are going to have. The opinions of honorable senators on the opposition benches are entirely against any restriction, and if they cannot carry the absolute destruction of all restriction they will get the nearest to it they can. Quite right from their point of view. The members of the labour party not only want absolute restriction, but want it in their own way and called by their own words, in antagonism to the views of the Imperial Government, rushing on their own fate, as it were, and careless of the fate of their good friends on the Ministerial benches who have been so strongly supporting them. They had given to them - more than they asked for if it could be worked out - powers of exclusion broad enough to cover all Asiatics, and large enough to cover all manner of other undesirable characters whom they desire to exclude. But for some reason or another, which to me is incomprehensible, they stand by their own wording, sacrificing their friends and themselves to the views of men to whom they are antagonistic, and whose general policy entirely differs from their own. What will be the result of this proceeding? 1. Supposing that honorable senators sitting on the cross benches are successful, they will get this paragraph struck out, and will defeat the Government. They will move that their own paragraph be inserted, and put the Government in the position of having to say whether they will support them in this or stand by their own proposal. We shall have the labour party, who support the Government, voting with the Opposition in the first instance and destroying the provision in the Bill. I am not in the confidence of the Government in this matter, but I should think that we should next in all probability have the Government voting with the Opposition and defeating the amendment of the labour party, and in the end the Opposition would emerge triumphant. The labour party, by thus assiduously sticking to its own lines regardless of friends or discretion, would then be able to pride itself on having the very essence of what they seek wiped out, and their views prevented from being carried into effect. I did not mean to speak again on this subject, but seeing the way in which the question has necessarily to be put from the Chair, and seeing what the result must be, I make one last appeal to honorable senators sitting on the cross benches not to play the hand of their opponents, but to accept the proposal of the Government, which will give them not only what they want, but a little more, although the words are not framed quite in the form which they would like.

Question - That paragraph (a) stand as printed - put. The committee divided.

9

AYES

15

NOES

Majority 6

AYES

NOES

Question so resolved in the negative.

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Senator Sir JOSIAH SYMON

- I propose to support the insertion of the new paragraph proposed by Senator McGregor, and I should not have risen to speak were it not for the rather reckless statements which were made by Senator Downer.

Senator Sir John Downer

- I rise to order. Is it competent for an honorable senator, who did not speak on the amendment to omit paragraph (a), to refer to the debate thereon ?

The CHAIRMAN

- The amendment was to omit certain words with a view to insert others which are now before the committee.

Senator Sir John Downer

- It is not the same amendment. The question on which I spoke and on which the committee divided was that paragraph (a) stand as printed. It was decided that those words should be struck out and the amendment now is to insert other words. I do not think it is the same question.

The CHAIRMAN

- I must hear the honorable and learned senator.

Senator Sir JOSIAH SYMON

- This is the most extraordinary piece of topsyturvydom which has ever been heard of in a Legislative Chamber. We are dealing with the amendment of Senator McGregor. The first part of his amendment necessarily was to omit certain words from the clause, and the second part of it is to insert words in place of those omitted. The honorable and learned senator - I do not wonder at his being sensitive about criticism - wishes to prevent the possibility of his being replied to in respect of statements which he made, that were utterly uncalled for and unworthy of him, and were disparaging to honorable senators whom he suspected were going to vote for the amendment. What did my honorable and learned friend tell the committee ? What sort of a statement did he make with a view of appealing to Senator McGregor and those acting with him ? That they were going to be deceived ! He said in effect that if these words are excised, we shall turn round and leave Senator McGregor and his friends in the lurch. A more dishonorable imputation was never made against members of a Parliament. It was unworthy of the honorable and learned senator, and every one of us who intend to vote for the amendment will repudiate the imputation.

Senator Sir John Downer

- I said nothing of the sort, nor anything to the same effect.

Senator Sir JOSIAH SYMON

- The honorable and learned senator distinctly declared - and I took down his words - that the result of moving the amendment would be that when the words were excised we should refuse to insert the other words proposed. Then the Opposition would be triumphant, said the honorable and learned senator, in that dramatic manner of his.

Senator Sir John Downer

- I did not say anything of the sort.

The CHAIRMAN

- If Senator Downer says he did not make use of the expression quoted by Senator Symon, the honorable and learned senator must accept the statement.

Senator Sir JOSIAH SYMON

- Did not Senator Downer say that the Opposition would be triumphant?

Senator Sir John Downer

- Oh, yes.

Senator Sir JOSIAH SYMON

- Of course he did. For what purpose?

Senator Sir John Downer

- They would get their way, that is all.

Senator Sir JOSIAH SYMON

- We are going to get our own way, but the honorable and learned senator makes this imputation, and

then he shrinks from it.

Senator Sir John Downer

- Oh, no.

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Senator Sir JOSIAH SYMON

- I say that he is making imputations against his colleagues and against honorable senators, which are entirely unworthy of him, and which, if permitted, would reduce the whole proceedings to a grotesque farce. I did not support Senator Macfarlane's amendment, because it was utterly inconsistent with the objects of this Bill. The intention of the Bill has been declared over and over again to be prohibition - prohibition to be worked out under a "device," to use the language of the Japanese Ambassador, namely, the "device" of a so-called educational test. I support the amendment of Senator McGregor, because we ought to say what we mean. We ought not to say one thing and mean another. We are told that it is obvious throughout the whole of this business that what we mean is prohibition. We have been told again to-day as plainly and candidly as possible by the Vice-President of the Executive Council that the Bill permits of absolute prohibition. My honorable and learned friend, in his reply upon the motion for the second reading of this Bill, made that point absolutely clear. He said -

I said in my opening speech that that discretion could be used in such a way as to amount to prohibition, and I say it again. We are dealing with a great national matter, and we must not mince our words over it. I entirely agree with that. This is not a subject upon which we must mince our words.

With the utmost frankness I want the Senate to understand the power contained in this Bill. I say that this is a power which can be exercised to absolutely prohibit, if necessary, the immigration of Asiatics. That is what we intend, and if we intended anything less we should be giving up part of one of the most important duties we are charged with, namely, the duty of seeing that this community is kept safe from the intrusion of nationalities which the public opinion of Australia does not wish to become part and parcel of this community.

If that is to be the object of this Bill, why do we not say so upon the face of it? Why do we not honestly declare that it is prohibition which we seek? But we are told that we must dissemble - that we must put one thing on our statute-book, and do another thing by our administration. I reply that we do not want dissimulation on our statute-book. We really mean absolutely to keep out these Asiatics, and we should declare that plainly on the face of our statute. I do not take the view which has been given expression to, that the Imperial authorities will refuse their assent to this Bill. I have no hesitation in believing that they will assent to it with Senator McGregor's amendment in it.

Senator Playford

- No fear!

Senator Sir JOSIAH SYMON

- I have not the slightest doubt about it.

Senator Dobson

- There is no reason for saying so.

Senator Sir JOSIAH SYMON

- I have just as much reason as the honorable and learned senator has for suggesting that when this Bill goes to the Imperial authorities, if it contains this so-called educational test it will be accepted by them as substantially the Natal test, when it is nothing of the kind. The Government are to be congratulated on their frankness in saying that this Bill is intended to impose prohibition by reason of race and colour. Yet, with all these declarations before them, honorable senators are told that we should dissimulate, and that if we do not - the Imperial authorities will refuse their assent to the Bill. Is this dissimulation to be concealed? Not at all! On the one hand we are told that we are going to cloak our intentions, and on the other hand we have the Japanese Government perfectly alive to what, our intentions are. The Japanese Ambassador in his despatch to the Foreign Office, not only complains of the insult which will be conveyed by any racial distinction, but_ says that there is an additional insult, inasmuch as we draw a distinction between the Japanese and the people of any country in Europe. AVe pride ourselves upon the fact that the English are a superior race. The Japanese say "Very well then, let your test be in the English language." But they complain that they are placed upon an inferior platform to the lower European races. They are placed below the Turks and below the Greeks. Greek gipsies may be favoured with admission into Australia

whilst Japanese are excluded. This Bill as it stands does undoubtedly convey an additional insult to the Japanese, by depreciating them in comparison with the lowest nationalities of Europe, and it also conveys the insult of "barring them from admission into Australia by reason of race and nationality. Is that the sort of thing we are going to put upon our statute-book? Is that the kind of reasoning that is going to commend itself to honorable senators? If it is said that this has to be done to please Mr. Chamberlain, I declare in this Chamber that I would rather displease fifty Mr. Chamberlains than have a dishonest piece of legislation put upon our statute-book. The Natal test is an honest educational test, because the policy of the Natal Act is to admit those who pass the test. The policy of that Act is to invite people to go there, and to give them the choice of the language in which they will write the necessary 50 words. But the test proposed by this Bill is a dishonest test, because it is not intended to be availed of by anybody. It is intended to be a mere subterfuge and a cloak to enable the Asiatic people to be excluded at the will of the Ministry of the day, or at the will and discretion, it may be, of a Customs officer, whilst the statute itself seems to provide that there shall be some test which, if passed, will enable any person to enter the Commonwealth.

The CHAIRMAN

- I must ask the honorable and learned senator not to discuss a matter which has been decided. The question before the chair is for the insertion of certain words.

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Senator Sir JOSIAH SYMON

- I really must ask for a little latitude. Some latitude was permitted to the Minister to enter upon what was practically a second-reading speech, and he attacked the speeches of other honorable senators.

The CHAIRMAN

- I draw the attention of the honorable and learned senator to the fact that the educational test has been deleted in the meantime. Consequently he is discussing something which has been omitted from the Bill.

Senator Sir JOSIAH SYMON

-We are attempting to substitute direct exclusion for the educational test. However, I think it is a little one-sided--

The CHAIRMAN

- I am not going to allow the honorable and learned senator to speak in that way.

Senator Sir JOSIAH SYMON

- I was not going to reflect upon you, but simply to say that it is a little one-sided to have a debate conducted on a broad platform by the representative of the Government, and upon a narrow platform by a private senator.

The CHAIRMAN

- For an obvious reason - that an alteration has been made in the meantime.

Senator Sir JOSIAH SYMON

- I am satisfied, so long as the same rule is applied to others who discuss the question.

The CHAIRMAN

- I hope it has not been otherwise.

Senator Sir JOSIAH SYMON

- I say nothing about that. We are now seeking for the direct and absolute exclusion of Asiatics. What is the reason given by the Government why we should not insert the proposed words? The reason given is that -

If we put on our public statutes a statement that persons of a certain race shall not land, and, placed the Japanese in the same category as the lowest negroes of Africa, as the most degraded people in the scale of humanity, then they would have a right to say, ' ' We are practically your allies, we are on friendly terms with you as to trade, intercourse, and social relations, and it is not right or friendly that in your public statutes you should place upon us a brand, which is implied in putting us in the same category as absolute savages."

What do we do? We absolutely declare that our intention is by this sort of euphemism - by these phrases, which are not intended to mean anything - to place the Japanese on the lowest footing, in the same category as absolute savages, and exclude them on that ground; and also so far as the language is concerned to place them on a lower footing than any European race.

What they have a right to object to is not what is said in the Senate, not what is said in the other House, not what is written in the newspapers, but what the High Council of the nation says in its statutes. I entirely agree that they have a right to look at what the High Council of the nation says upon its statutes, but let us say the truth upon our statutes. Do not let us say one thing in our statutes, and then say to these people in our speeches that we mean another thing. Do not let us tell these people in effect- " We have an educational test ; if you come here and pass that test you will be admitted but, the moment they come here, turn round, and say - "Oh ! the whole of that is mere moonshine ; it is in the statute book, but it is not true, and you might as well go back." Is that an honest way to deal with these people ? Again, it was said by Senator O'Connor that -

Anation speaks to other nations by its public documents, and, in regard to friendly nations, each has a right to demand that in public documents courtesy and international friendliness shall be shown, and when it is not shown it has a right of complaint. The complaint of Japan would be, not that there was an exclusion of Japanese, not that there was an Act in the administration of which the Japanese might be excluded, but that we intended to place on our statute-book a measure which Great Britain had the power to veto, putting Japanese on the same footing as the most degraded savages of Africa.

What a situation it is for us to place ourselves in - to make these pretences as to the kind of legislation that we are placing upon our statute-book, and then to tell these people when they seek to exercise the powers which we profess to give them that we are going to undeceive them, that we did not mean anything of the kind. We are to keep a smiling countenance until they come here--

Senator O'Connor

- I rise to a point of order. Surely, Mr. Chairman, the honorable senator is infringing your ruling by continually referring to the educational test?

The CHAIRMAN

- I must ask the honorable and learned senator to confine his remarks to the amendment before the Chair.

Senator Sir JOSIAH SYMON

- I was not referring to the educational test.

Senator O'Connor

- What was the honorable and learned senator referring to ?

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Senator Sir JOSIAH SYMON

- I was discussing the amendment. I never said a word about the educational test. I was referring to what we propose to insert.

The statement is that we ought not to agree to this amendment, but that we should put something in the Bill which would be pleasing to the people, and that by putting in the words proposed by Senator McGregor, we shall be telling them the truth in regard to what we really intend to do. My argument is a reply to the statement that these words ought not to go in, because, although they are the truth, they will be hurtful to the feelings of these people. Surely that is not a position which can be taken up by honorable senators. That is the sort of thing which was adopted by the abandoned wretch who assassinated the President of the United States of America. He went up to him and shook hands with him. Then he drew his pistol and shot him. That is what we are asked to do. Is that the doctrine which is to be followed by the Senate in regard to alien races' ?

Senator O'Connor

- That is the sort of man who would be admitted into the Commonwealth under Senator McGregor's amendment.

Senator Sir JOSIAH SYMON

- My honorable and learned friend desires to see something pleasant in the statute-book, but he wants to shut these people out and to wound them when they come here, under the belief that what appears in the statute book is genuine. Let us put in the Bill a genuine statement of what we believe in and what we are going to do. We are sent here by the voice of Australia for the purpose of providing by legislation for the exclusion of coloured aliens.

Senator Drake

- Including kanakas.

Senator Sir JOSIAH SYMON

- I said before that we were for a white Australia, and that any one who wished an exception to be made, as the- Government wished to make an exception in dealing with the kanakas, should give reasons in favour of it. The policy of this country is the policy of a white Australia. Every one of us is substantially pledged to that policy. If it is to be followed out, it means that we should put upon our statute - book a declaration that the colour which we desire to protect Australia from is the only foundation for the exclusion of aliens. That is what I favour. Then it is said that we must not do it, because, first of all, Mr. Chamberlain would not like it.

Senator Dobson

- Mr. Chamberlain is the Empire in this case.

Senator Sir JOSIAH SYMON

- He is supposed generally to be the Empire at present. I do not think that his political career is altogether without blemish, but I have as great a respect for his resolute struggle in many matters in regard to the Empire as any one can have. But we have to think of ourselves as well as of Mr. Chamberlain.

Senator Dobson

- We have to think of the Empire.

Senator Sir JOSIAH SYMON

- We have also to think of the Empire, and I am as devoted a servant of the Empire as is my honorable and learned friend.

Senator Dobson

- The honorable and learned senator has a funny way of showing it.

Senator Sir JOSIAH SYMON

- My honorable and learned friend thought that his loyalty was bound up in a court at one time. Neither his loyalty nor mine is bound up in the view that has been taken by Mr. Chamberlain on this question. The Empire will subsist quite as effectually, and be held together by bonds as strong, if we declare our honest opinion in our statute-book, as it will be if we put- a piece of gross dissimulation upon it, and declare to the world that we mean something else. As has been pointed out already, the dispatches show that Mr. Chamberlain's criticism is founded upon the belief that this Bill pursues the language of the Natal Act. There cannot be a doubt about that. My belief is that this Bill will be placed in no more danger by the adoption of Senator McGregor's amendment than it would have been if the provision, if I may say so, which has already been deleted, remained in it. Why should we Australians, who have self government, fail to exercise it ? I do not agree that it is a gift of self-government. Senator O'Connor spoke of the free gift of self-government. I say it is our right, and we are entitled to exercise it ? Having received it for a country which has declared that we are to be free from the admixture of these Asiatic races - having obtained it for a people of 4,000,000 who are supposed to be a nation, under the same Crown it is true, but a nation exercising the fullest grants of self-government - are we to be afraid of setting out on our statute-book what we mean on this great question of policy 1

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Senator Dobson

- It is not a question of fear.

Senator Sir JOSIAH SYMON

- It is fear --a miserable fear. I read in the Times the other day an acknowledgment that we are entitled to legislate upon this question as we think fit ; and the Times will have just as much power to influence the consideration of this subject when it comes before the Colonial-office as any other newspaper is likely to possess. That is the position taken up, not only by the Times, but by other newspapers. It must be recognised that we are entitled to legislate upon this subject. The only question is whether we are to legislate in the direct terms proposed by this amendment or in some other way. I prefer the direct way. I prefer that we should say what we mean. I prefer that the Japanese, who are perfectly aware, as the despatches show, of what is meant by this piece of legislation, should be told honestly and outright what we are going to do. The Japanese Ambassador says, in his despatch to the Secretary of State for Foreign Affairs -

Your lordship will find no difficulty to see therefrom that these Bills are, under the device of the educational test, aimed to discriminate against the Japanese and others of different colour.

Do they not know that it is a question of colour, and that colour test is the foundation of this provision ? Why should we not say so? What are we to gain by any other course? The Japanese speak of anything else as being a device. Why should we give the Japanese, who are not supposed to be superior to us in morale and civilization, a chance of taunting us with using a device to keep them out. The Japanese Ambassador continues -

While the Japanese Government do not object in principle to an adequate test which the Federal Government may adopt to regulate the entry of aliens, they cannot acquiesce in a measure which makes the educational test as a means to discriminate against Japanese subjects in favour of other nationalities. I do not dwell upon that, because of your ruling, Mr. Chairman. Then he goes on to point out further difficulties under which they may labour -

Moreover, the clause 4 and the proposed amendment of the Bill under discussion seem to apply to all Japanese who may proceed to Australia -

Undoubtedly that is the intention. They understand that fully - and no Japanese, even if well educated in my country, will, unless they can write in any of the European languages, not be permitted to land there, the result being practically the closing of that continent to Japanese subjects in general.

Yet we are to be deluded into the belief that the Japanese do not understand what we are doing; that we have a cloak thrown over us ; that anything but the direct method of Senator McGregor's amendment is a kind of disguise which these people cannot penetrate. They have penetrated our object. The despatch which has been read by Senator O'Connor shows that as plainly as possible. They know that our objection is one of race and colour, and that we seek to conceal it under a device. I think the Japanese would be a very much better people than we should be if we placed ourselves in a position in which we could be taunted by them in this fashion. Let us be fair and honest. If this Bill goes straight to the Imperial Government as amended in the way proposed by Senator McGregor, my belief is that we shall not have the least trouble about it. None of us can predict for certain what will happen to any Bill. We cannot predict for a certainty what will happen to this Bill, even if the words proposed to be struck out are not excised, the intention being clearly to prohibit aliens, because of race and colour. Mr. Chamberlain's despatch, which was read this afternoon, refers to that very matter as a distinguishing point in regard to the question of the disabilities of race and colour. We are going to have disabilities of race and colour. We are bound to state what is the intention, and that intention is clearly set forth in Senator McGregor's amendment. I intend to vote for it, because I consider that any other course would not merely be lowering and disparaging to the Senate, but it would be a grotesque absurdity in legislating upon this question.

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Senator STYLES

- Senator Neild tells us that this Bill would apply to all colours and all races, while Senator Symon tells us on the contrary that it is aimed at the coloured races only. There is not a single word about colour or race in this Bill from beginning to end, and we are told that our own people would be subject to the same test if we saw fit to enforce it. There is, however, a good deal about race and colour in the amendment moved by Senator McGregor, which makes special reference to the Asiatic and African races, while under it our own countrymen or Europeans generally could enter without the slightest let or hindrance. I cannot understand why Senator Symon can argue that Senator McGregor's amendment will be acceptable to the Japanese, and that the Government proposal will not. It is ridiculous on the face of it. I hardly know how to vote upon this amendment. Those who know me are aware that I am as strongly in favour of a white Australia as any honorable senator in this Chamber, but I am not in favour of this amendment. I should like to see direct exclusion, but I find an amendment moved by the labour party, supported strongly by one of the lieutenants of Mr. Reid, the leader of the Opposition, who proclaimed from the housetop that he is the mouthpiece of the freetrade party of Australia, and that his policy, and the policy of his party, is an open door. He said that at Albury only a few weeks ago when he told the people there that he would have an open door in all Australia as they have in New South Wales. I cannot understand how it is that those who are pledged to a policy of that kind could vote for an amendment to exclude from these States any race of people at all. What I desire to direct attention to is that the reason I am not going to vote for this amendment is that I do not care about voting in the company of those who, I find, are going to support the labour party on this occasion. That is plain language. I like the labour party very well, and I

have worked with them for years. I am in sympathy with every one of the planks of their platform, and I should be only too glad to go with them now if honorable senators, headed by Senator Symon, were not going that way. It is simply a movement to embarrass the Government. I was pledged to a white Australia, and to support the Barton Government, provided they carried out their programme. I consider that the Barton Government are carrying out their programme in this Bill in the spirit and in the letter. Senator Symon has said that we want prohibition. Senator O'Connor points out that the Government Bill gives prohibition. No one need tell ' Senator Symon that, because the honorable and learned senator knows perfectly well that this is a prohibition Bill. We know that the Japanese have said that they do not object to an educational test. What they have i objected to is to be classed with other nations whom they consider inferior to themselves. The amendment now proposed, deliberately differentiates between Asiatic nations and European. The Bill does not do anything of the kind. I wish to make it quite clear that I am going to support the Government, because I believe that it is a better Government than any that would replace it - for the present at till events. Some honorable' senators are supporting the amendment with a view to embarrassing the Government, but that is not one of the objects of the mover of the amendment, and I remind honorable senators that Senator McGregor told them that he did not thank them for their support, because he knew the reason of it.

Senator O'CONNOR

- I should like to reply at once to some of the observations made by Senator Symon in supporting this amendment. It is very easy, indeed, for an honorable senator who does not care very much whether this Bill becomes law or not, to speak about the miserable fear-

Senator Sir Josiah Symon

- I rise to a point of order. I object to the insinuation that an honorable senator - referring to myself - does not care very much whether the Bill passes or not. It is an imputation on my sincerity, and I regard it as offensive. "

Senator O'Connor

- On the question of order, I submit that the rules of Parliament do not provide for extraordinary and morbid sensibilities on the part of honorable senators, and that you, sir, have to judge whether anything which is said is reasonably calculated to be offensive to any honorable senator. I submit that there is nothing in what I said which is calculated in any way to be offensive to any one who takes an ordinarily reasonable view of the language which I used, and I am prepared to prove that the honorable senator, by his conduct, has shown that he does not care whether the measure is passed or not.

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Senator Sir Josiah Symon

- I am not morbidly sensitive in any way, but surely it is a gross imputation upon the sincerity of the conduct of an honorable senator to say that he has adopted a particular course of action because he does not care whether the Bill passes or not. I say it is distinctly offensive. It is an imputation on my sincerity in the course I am pursuing, and I distinctly take exception to it. It is not a matter of what is reasonable, but whether the remark is offensive to me or not. If it is offensive to me, it ought to be withdrawn, and I call upon you to direct that the expression be 'withdrawn.

The CHAIRMAN

- I think that if Senator Symon regards the expression as offensive to him it should be withdrawn.

Senator O'CONNOR

- Of course I bow to your ruling at once, and I withdraw the expression. It is very easy for any person to say that the form of this measure was dictated by some miserable fear. Miserable fear of what 1 Surely it would be easy enough for us to indulge in the cheap sort of courage the honorable senator indulged in, and put anything we like on the face of this Bill. If we were regardless of the consequences of adopting a particular form of legislation, it would be very easy for us to obtain cheap applause for having put a placard in the forefront of this Bill to say that we wish to exclude all coloured aliens from certain parts of the world. If we had chosen to do that, who could have blamed ns ? No one except those who know that we have been placed in the position we occupy for the purpose of carrying out in a practical way the will of the people of Australia that these undesirable aliens should be excluded. The honorable and learned senator says that if we wish to exclude these people, we should be straight and honest, and put it on the face of the Bill. We are asked why we should not put upon the face of this Bill what is included in Senator

McGregor's amendment. I shall tell honorable senators why. In the first place there is no duplicity in putting it in the inoffensive way in which it is put here. For instance, take the different ways in which it may be done. An educational test may be used to the utmost extent of prohibition - it depends entirely on the method of administration - and the right principle of applying the power which we have of preserving this community for those whom we wish to make members of it is to keep always in our hands the power of excluding any persons we may think fit., whatever their colour may be. We ought to have the power, not only to exclude the persons who are mentioned in the amendment, but to exclude other undesirable immigrants whose entry within the limits of the Commonwealth might be a menace to its existence. What is the effect of the amendment ? It shuts out any person who is an aboriginal native of Asia or of Africa, or of the islands thereof. It admits the American negro. It may admit some of the scum of the earth so far as coloured races are concerned. It may admit any of the races of South America, who may be much more dangerous. It may admit any of the inhabitants of the islands of the West Indies. There are members of nationalities of Europe who on every ground it is desirable should be prevented from becoming members of this community. It is very well known that there are parts of Italy in which men are banded together for the purpose of anarchy and murder.

Senator Charleston

- We always have the power of keeping out such men.

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Senator O'CONNOR

- By the exercise of a power - one of the highest powers of State - which can only be used under very special circumstances, and which an ordinary officer at any port would not take it upon himself to exercise. If this amendment is made there will be a power in the Bill to shut out the inhabitants of Asia, Africa, and the adjacent islands, but there will be no power, except by some extraordinary act of State, to shut out all those other persons who certainly will be just as dangerous to the well-being of the Commonwealth, perhaps more so, as the persons who are described here. In other words, by adopting this form you pick out certain specified nationalities on the basis of color- and say that they shall not come in ; but you do not give the power which ought to be given of shutting out the much more dangerous intending immigrants who are always to be expected, and with whom you ought to be ready at any moment to deal if they should attempt to land on your shores. There is another reason why this form has been adopted. It is all very well for Senator Symon, to say that we are here to legislate for Australia, and that we should consider Australia and do exactly what we wish. He is one of those who are never tired of boasting of our connexion with the Empire. If he wishes to have the credit and the glory of the Empire he must also expect to have some of its responsibilities, and he cannot on behalf of Australia accept the responsibilities of the Empire unless he considers whether or not, by any action we take here, he may embarrass the British Government in their dealings with their own people and with friendly nations with whom it may be necessary to be on terms of alliance. It is because we do regard that view of the duty of Australian statesmen that we have refused to adopt this particular form of language. Can there be any doubt as to the result of its adoption? We have had it emphasized on every occasion on which the British Government have had to deal with this question that they cannot assent to a measure which, on the forefront of it, carries an insult to the people of a friendly power. Yet, in face of the last declaration of 1901, and in face of the expressed statement in regard to this Bill in the letter from Mr. Chamberlain for transmission to the Japanese Minister, and in which the very position we are dealing with to-night is put, can any honorable senator who can read documents, who has followed the history of this matter, fail to come to the conclusion that the inevitable result of putting this declaration on the forefront of the Bill is that it must be reserved for the signification of His Majesty's pleasure? It is not for me, or any other honorable senator, to say what the Governor-General will do. But is it not perfectly plain that, with the history of this matter before him, no person representing the King here could take upon himself the responsibility of assenting to a measure containing a provision of this kind? What does it mean? If the measure is reserved - whether it is assented to or not - months and months must elapse before it can become law, and there is a period of two years within which it may be considered. The honorable senator's cheap courage, therefore, amounts to this, that he is in favour of a proposal which he must know perfectly well will result in the Bill being reserved, which it is very doubtful may materially affect its fate ; and all for what? - for the purpose of securing less than was given by the proposal of the

Government.

Senator DOBSON

- I listened with some attention to Senator Symon, whose arguments have very grievously disappointed me. I think, if I may be allowed to use the expression, that he has really played the Australian Jingo.

Senator Sir Josiah Symon

- A very good man.

Senator DOBSON

- He may be a good man, but I utterly differ from my honorable and learned friend. I am ashamed of the arguments he has used. He has not tackled the subject. He has simply tried to skim over the surface. He has given a few surface arguments in favour of an amendment which he must know will embarrass the Imperial Government and which he does know will embarrass the Commonwealth Government.

Senator O'Connor

-If my honorable and learned friend would prefer to make his speech to-morrow, I am willing to adjourn.

Senator DOBSON

- Very well.

Progress reported.

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22:55:00

Senate adjourned at 10.55 p.m.