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1901-09-27

House of Representatives.

Mr. Speaker took the the chair at 1 1 a.m., and read prayers.

QUESTIONS

STATE CUSTOMS REVENUES

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Mr F E McLEAN

- I desire to ask the Treasurer whether his attention has been directed to the telegraphed report of the Budget speech delivered by the Colonial Treasurer of New South Wales, in which he estimated a return of £2,200,000 of Customs revenue. What I desire to know is whether any official information has been given to the State Treasurers or Governments that would enable them to frame Estimates as to what they are likely to receive in the form of Customs revenue during the current financial year. Of course, I know it would have been impossible to supply details of the Tariff, but I wish to know whether any round figures have been supplied upon which it would have been possible for the State Treasurers to frame Estimates as to the probable receipts from Customs revenue.

Treasurer

Sir GEORGE TURNER

- I have not given any information to any State Treasurer in connexion with the probable Customs revenue. Had I desired to do so, I could not have done it, because up to the present moment I myself have not made a final calculation. Of course, I have made a rough calculation as to the probable receipts from the various States, but I have not made any Estimate for the first year. Honorable members will understand that I have made a calculation as to the normal year, but the first current financial year under the Commonwealth will not be a normal year, and it will be a very difficult matter to estimate the probable receipts. All I did was to send the reply which has been published in the newspapers - that it would be my earnest effort to give back to the States as much revenue as they received last year, leaving out any abnormal receipts from Customs such as have been obtained in some of the States. I also promised that I would, if possible, give them back their share of the new expenditure, but I stated that I doubted whether that could be done. The information was given in reply to a question sent to the Prime Minister by the Premier of Victoria, and that is the only communication I have made on the subject. I have not given a single figure to any Treasurer.

Sir WILLIAM McMILLAN

- I would ask the Treasurer whether he has given any serious consideration to the question as to what he intends to consider the net Customs revenue under the new Tariff ?

Sir GEORGE TURNER

- That has been fully considered, and I will deal with the question when making the financial statement.

POST OFFICE SAVINGS BANKS

Mr Kirwan

asked the Minister representing the Postmaster-General (upon notice) -

. Whether the Postmaster-General has fixed the contributions which the various States whose Savings Banks are connected with the Postal department shall make to the Commonwealth Treasurer?

Whether such contributions will include rent for premises used for savings bank work as well as allowances to postal officers engaged therein ? 3 Whether, referring to paragraph 2 of the answer to question No. 5, of 19th instant, the Postmaster-General intends that postal officers discharging savings bank duties shall be deprived of payment for their services until the regulations under the Commonwealth Public Service Act have come into force ? 4 Whether these regulations have been framed, and, if so, when it is intended to lay them on the table of the House ?

Minister for External Affairs

Mr BARTON

- The replies to the honorable member's questions are as follow: - 1 The Postmaster-General has not yet fixed the contributions to be made by the States to the Commonwealth Treasurer for work performed by the Postal department for the Savings Banks. * . 2 Such contributions will probably be on a percentage basis to cover use of premises and value of services rendered by officers.

It is considered that under present conditions officers of the Post and Telegraph department are not entitled to payment, beyond that made to them by the Commonwealth, for any work performed by them for the State departments including the Savings Bank.

The Postmaster-General cannot give any information respecting regulations under the Commonwealth Public Service Act as it is not a matter within his department.

WESTERN AUSTRALIAN MAIL CONTRACTS

Resolved (on motion by Mr. Mahon) - Mr. Kirwan for

That there be laid before this House a copy of all the correspondence relating to the agreement made in February last by the Western Australian authorities with the Adelaide Steamship Company for the conveyance of mails, or the maintenance of a mail service, to certain northwestern and south-eastern ports of Western Australia.

IMMIGRATION RESTRICTION BILL

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In Committee (consideration resumed from 26th September, vide page 5288):

Clause 4 -

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

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

any person likely in the opinion of the Minister or of an officer to become a charge upon the public or upon any public or charitable institution ;

any idiot or insane person ;

any person suffering from an infectious or contagious disease of a loathsome or dangerous character ;

any person who has within three years been convicted of an offence, not being a more political offence, and has been sentenced to imprisonment for one year or longer therefor, and has not received a pardon ;

any prostitute or person living on the prostitution of others.

But the following are excepted : -

any person possessed of a certificate of exemption in force for the time being in the form in the Second Schedule, signed by the Minister or by any officer appointed under this Act whether within or without the Commonwealth ;

members of the King's 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 : Provided that the master shall upon being so required by any officer, and before being permitted to clear out from or leave the port, muster the crew in the presence of an officer ; and if it is found that any person, who according to the vessel's articles was one of the crew when she arrived at the port, and who would in the opinion of the officer be a prohibited immigrant but for the exception contained in this paragraph, is not present, then such person shall not be excepted by this paragraph, and until the contrary is proved shall be deemed to be a prohibited immigrant and to have entered the Commonwealth contrary to this Act ;

any person duly accredited to the Government of the Commonwealth by the Imperial or any other Government or sent by any Government on any special mission ;

a wife accompanying her husband if he is not a prohibited immigrant, and all children apparently under the age of eighteen years accompanying their father or mother if the father or mother is not a prohibited immigrant; but so that the exceptions in this paragraph shall not apply if suspended by proclamation ; and such suspension may be of general application or limited to any cases or class of cases ;

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

Mr. ISAACS (Indi). - I rise for the purpose of moving the amendment that was proposed by me the other evening, and withdrawn temporarily for the purpose of allowing the honorable member for Bland to move his amendment.

Mr JOSEPH COOK

- The honorable and learned member is a most disloyal man, and his amendment is most disloyal.

Mr ISAACS

- It is not a question of loyalty, but a question of fair play.

Mr Poynton

- Has the honorable and learned member Mr. Chamberlain's permission?

Mr ISAACS

- "What I desire to say is this : that I proposed this amendment originally as a substitute for that of the honorable member for Bland, and, the amendment of that honorable member having been unfortunate enough not to meet with a sufficient amount of support, it seems to me that it now becomes my absolute duty to place my amendment before the committee, in order that we may have what I believe to be required, namely, a Bill which will effectually carry out what we all desire to see accomplished. The amendment of the honorable member for Bland differed from mine in more than one respect. I acknowledged, in the first instance, and I admit now, that my amendment is inferior to his in point of directness ; but mine will prove equal in effect, because it may at any time, when the two Houses of this Parliament desire, be made direct.

Sir William McMillan

- Is the honorable member's amendment intended to be substituted for clause 4?

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Mr ISAACS

- No; I am leaving the question entirely to the discretion of the committee. I am moving the insertion of this amendment, because, as I have endeavoured to explain, I do not gather that the provisions now in the Bill are such, in point of effect, as are desired by the people of Australia. My amendment is also inferior to that of the honorable member for Bland, theoretically at all events, in so far as the resolutions of the Houses will not be in the form of, and will lack the apparent permanency that always attaches or is supposed to attach to, an Act of Parliament. This, however, is more than compensated for by the elasticity of my amendment, and by the fact that we know our own minds, and that it rests entirely on ourselves whether we shall give it a permanent character in effect, or not. I am aware that the Prime Minister has discountenanced my amendment, but it is hard for me to discover why he should do so. I want to treat this matter fairly, and I give the right honorable gentleman every credit - the same credit that I venture to take for my self - for anxiety to do the best in the interests of Australia; but I am bound to treat this matter in the way in which my duty leads me. As I cannot see any fair reason for leaving the Bill in its present shape, and for refraining from putting in something which is in the direct line of the arguments of the right honorable gentleman - not clashing with any principle that I can discover in the reasoning contained in his speech - I think that I should not be discouraged from presenting this amendment to the committee, and asking them to adopt it. Up to yesterday the line of division in this House was fairly clear. We were all agreed up to a certain point, as it seemed to me - but I may have been mistaken. There were some observations that fell last evening which tended to make me uncertain on this point, but up till yesterday, at all events, we appeared to be on common ground in so far as we were all resolved that we would not have inferior races in Australia, that we would not run any risk of their obtaining a foothold, that we would not wait until the damage had actually occurred - greater damage than now exists - that we would not wait until the injury had sunk deeper and gained greater root and become proportionately more difficult to eradicate, and that we would not wait until we had heard the complaints and saw the suffering that we felt must ensue if these inferior races became permanently established in Australia. I thought we were all agreed as to that, but there were some observations that fell last night that might be construed as indicating that we should hesitate to exclude the Japanese. I have not hesitated about that, and I am not going to waver in the opinions I expressed on a former occasion, and the opinions I have expressed unhesitatingly on the platform and elsewhere, and which I shall maintain as long as I have the honour of a seat in this House. Up to yesterday we were not agreed as to the method to be employed, and the point upon which we differed was whether we should, place on the forefront of this Bill something which might be regarded by the Japanese as a stigma upon their country, their nationality, and their race - something which might give them a reason, a cause, for going to the home authorities and saying, "Will you actively or passively participate in stigmatizing us in this fashion as an inferior race?" - something which might allow the Japanese Ambassador to go to the Home Office and say to the Home Secretary, "You have power in the Australian Constitution to refuse to assent to this Bill, or disallow it if passed, and we ask

you, as a friend of Japan and as an ally, in the name of international comity, to exercise that legal power, and refuse to be a participant in dishonouring us before the world." I believe, and I think I have strong reason for believing, that the Home Office would refuse to assent to such a request made by the Japanese representative. I decline to believe that the Imperial authorities, even for the sake of Japan, knowing our desires, and knowing the undoubted and unchallengeable evidences we have given of our attachment to the Empire and our loyalty to its traditions, would consent to set aside what is, perhaps, the foremost plank in our union, and an aspiration which we place very high amongst those which led to our federation. But it would put a strain on the home authorities, and to avoid that strain and to avoid adding another responsibility to their already great responsibilities, I gave my vote as I did last night. I maintain, however, as I maintained before, that we are not to abandon our resolve, and the resolve of the people of Australia who sent us here, that we should by some effectual method exclude the Japanese, Chinese, and Asiatic races. We are not to wait until the damage has become so great that the cry can no longer be disregarded. We are not to wait and carry out this exclusion under compulsion practically, when we may prevent any damage or injury by acting promptly.

Mr Poynton

- So we thought yesterday.

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Mr ISAACS

- I respect the feeling which animated the honorable member, but I thought there was overwhelming reason the other way. As I explained before, I took largely into consideration the fact that there was a via media such as I am now presenting, by which the same result can be obtained without incurring the same difficulties. For that reason I have presented this amendment. I do not want to run the risk that undoubtedly will arise. The speech of the Attorney-General - than whom I venture to say there is no man, in or out of Australia, who has more at heart the welfare of our people, or who is more determined that as far as he can, he will prevent any contamination of our people - is unchallengeable testimony to the necessity of some more effectual means than we find in the Bill. He told us that this Bill is only the first link in a chain of similar measures. That, so far as I can see, recognises at the present moment the fact that this Bill is not going to be effectual. The Attorney-General, no doubt, had strong argument on his side when he said that this is the best way we can get at the present time, though I differ from him on that point. He, in his speech, admitted that there is no danger of the rejection of the measure, and that there would be no danger of rejection even had we carried the amendment last night, though there would be danger of considerable strain on the good-will of, and danger of embarrassment to, the Home Government.

Mr Deakin

- And delay.

Mr ISAACS

- I do not think there ought to be more than 48 hours' delay under any circumstances.

Mr Deakin

- - I hope not.

Mr ISAACS

- I do not think that in these times anything more is necessary than a cable message backwards and forwards.

Mr Glynn

- We ought in fairness to give the ship-owners notice.

Mr ISAACS

- In the case of the shipowners the communications can be by cable, and there ought to be no difficulty, or more than 48 hours' delay under any circumstances, in ascertaining the mind and will of the Imperial Government. There ought to be no hesitation in standing by the power we have, and by our duty to Australia. As to the necessity of acting promptly without fear, and without delicacy as to expressing our mind, so long as we do not unnecessarily put burdens on the Imperial authorities, I do not need to go further than the words of Mr. Chamberlain himself. The words he gave to the world when speaking to the Premiers ought to be learned by heart by every man, woman, and child in Australia. Mr. Chamberlain said - I wish to say that Her Majesty's Government thoroughly appreciate the object and the needs of the

colonies in dealing with this matter. We quite sympathize with the determination of the white inhabitants of these colonies, which are in comparatively close proximity to millions and hundreds of millions of Asiatics, that there shall not be an influx of people alien in civilization, alien in religion, alien in customs, whose influx, moreover, would most seriously interfere with the legitimate rights of the existing labour population. An immigration of that kind must, I quite understand, in the interests of the colonies, be prevented at all hazards -

I stop for a moment, although it is not the end of a sentence, to emphasize the words that this immigration must be prevented "at all hazards." We are not to run risks; we are not to set up, so far as I can see, in carrying out this doctrine any test that, in our opinion, may or may not fail. We are not to say that we are going to draw a line between an educated Australia and an illiterate Australia ; but that we are going to draw a line between a " white Australia " and a " coloured Australia." When we come to ask whether we are right in assuming that an educational test will be effectual, and whether we ought to find words to cloak our real designs, so long as we can avoid unnecessarily burdening the home authorities, I cannot see any reason for it.

Mr Henry Willis

- But the honorable and learned member has not finished the sentence. There is a " but."

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Mr ISAACS

- I mentioned that I had not finished the sentence. Mr. Chamberlain proceeded - - and we shall not offer any opposition to the proposals intended with that object, but we ask you also to bear in mind the traditions of the Empire -

My words and vote have shown that I am conscious of the traditions of the Empire, and am desirous of bearing them in mind. - which makes no distinction in favour of or against race or colour ; and to exclude, by reason of their colour -

I am going to emphasize this, and show where the fallacy lies. - or by reason of their race, all Her Majesty's Indian subjects, or even all Asiatics, would be an act so offensive to those peoples that it would be most painful, I am quite certain, to Her Majesty to have to sanction it.

As the Attorney-General observed, there was. no question of rejection. It was an intimation, as plain as words could make it, that the Bill would not be rejected, but that it would be painful to the late beloved Queen, who has now passed away, to have to assent to it - that Her Majesty would not stand ultimately in the way of Australian aspirations, but it would be painful for her to assent to the measure ; and that it would be painful to any Home Government, who thought, according to Mr. Chamberlain, that we were passing this legislation because of the race and because of the colour of the aliens. But we do not want to exclude human beings because of their race and because of their colour, but because their race and colour are indications of their different characteristics. I cannot adequately express in words, and no man has yet been found to express in words, the combination of qualities and characteristics, industrial, social, political, and racial, which we wish to convey. It is not because these people are black, or because they are Japanese, that we exclude them, but because, being black or Japanese, they are by nature and environment so imbued with certain qualities and characteristics that their presence here would be incongruous with our civilization and detrimental to our development.

Mr Glynn

- That is what Mr. Chamberlain meant - that there was no objection to colour in itself.

Mr ISAACS

- But how are we to express what we wish to convey 1 Do those words mean that we are not to exclude aliens under any circumstances 1 No ; because in a later communication, Mr. Chamberlain tells us that if we adopt an education test, we can make that test as stringent as we like. It is not because of want of education that we are going to exclude these people ; and the Bill itself is an answer to that argument. We do not provide an education test, because it is want of education to which we object, but because the want of education in particular ways is an indication of the presence or the absence of other qualities that are material. While I cannot find any collocation of words other than " race or colour," which contain in themselves a definition sufficient to indicate exactly what we want, it is difficult for us to sit idly by and say that we will not endeavour to do something. My amendment does not try to find words, but leaves the matter open for the consideration of this and the other Chamber, whenever it may be deemed desirable to

act and endeavour to find them. The amendment is intended to give power to act whenever Parliament feels so disposed.

Mr Wilks

- Is it not always desirable 1

Mr ISAACS

- It is always desirable to have this power, but my amendment, if introduced, will have the beneficial effect - and I wish to impress this on the committee - of sweeping away, once and for all, the question and contention that has been dividing us for the last week or more.

Mr JOSEPH COOK

- Will the amendment be any less likely to embarrass the British Government, when put into operation, than the amendment which was rejected last night 1

Mr ISAACS

- Much less likely, because it seems to me to cover the whole ground.

Mr SYDNEY SMITH

- Why did not the honorable and learned member vote for the amendment last night '(

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Mr ISAACS

- I have endeavoured to explain that. To put upon the face of this Bill a provision relating to the question of black, yellow, tan, or any other colour throws a responsibility upon the Home Government of assenting to or disallowing it. My amendment does not put such a responsibility upon the Home Government, and it leaves us open and free to take the whole responsibility as well as the whole duty of dealing with our own affairs. Surely we are not going to admit that if we desire to say who shall inhabit this continent along with us we shall be prevented from so doing 1 Are we to be told, because we can find no words adequately to express what we desire in reference to the exclusion of coloured races, except those which have reference to their colour or their race* that we are not to keep them out 1 I protest against that doctrine. We have not entered into this magnificent Commonwealth, received this unexampled Constitution, and gone to all the expense, trouble, and labour of erecting this splendid establishment in order to allow inferior races to come in, and not only share our prosperity against our will, but ultimately perhaps destroy it. We must be prepared to act in our own defence. I can not express our feelings upon this matter better than they were expressed by the Attorney-General, who said that the first instinct of every people, is the instinct of self preservation. So long as we do what we did last night, and loyally - decline to put a single additional burden upon the shoulders of the home authorities when we can prevent it, I say that we must, so far as the circumstances of the case demand it, and so far as we are forced to do so, exclude these aliens from our shores. That is the clear position which I take up.

Mr Glynn

- The honorable and learned member is asking the Imperial Government to give up the power of dissent from specific exclusion.

Mr ISAACS

- It may be that; but I am not asking them to do more than they have already admitted their willingness to do. Mr. Chamberlain has said that if we want more stringent legislation we shall have it. I am sure that the honorable and learned member for South Australia, Mr. Glynn, does not mean to tell me that the Home Government will ever disallow such a Bill if we passed it.

Mr Glynn

- I do not think they would, but the honorable and learned member ought not to take away their technical power to do so.

Mr ISAACS

- Are we to be asked not to take away their technical power to do so, and to put something on the face of the Bill which will compel them to exercise that power ? Putting such a provision on the face of the Bill is placing a strain upon the Imperial authorities to which they ought not to be subjected. If they are willing to assent to the Bill in the form I suggest why should we not take it ?

Mr Thomson

- It would impose a still greater strain upon them.

Mr ISAACS

- I do not think so. At all events, if they declined to assent to the Bill we could know within 48 hours.

Mr JOSEPH COOK

- So we could in connexion with the other amendment.

Mr ISAACS

- Yes ; we might have done so, but I did not record my vote for it upon the ground of the possible rejection of the Bill, if it contained such an amendment. I voted in the way I did, because if the Bill had embodied that amendment it would have put too big a strain upon the Imperial Government to have assented to it. I have endeavoured as best I can to harmonize the various opinions of the Ministry upon this question. Perhaps I did not apprehend their views aright, but, as it seemed to me, there was some discordance between the statements presented by various members of the Ministry. Take, for example, the speech of the Minister for Defence. The right honorable gentleman made a gallant, fine, and manly speech, but it was hardly a consistent one, because he told us that the State Immigration Acts were working so well that there was no great body of aliens coming into Australia and settling here. Immediately afterwards he urged us to pass this Bill and bring it into operation in every port throughout the Commonwealth within a few hours, because, he said, the danger is imminent. There is no danger more imminent to-day than there was a week ago.

Sir Malcolm McEacharn

- There is no real danger at all.

Mr ISAACS

- I take it that there is a danger, but the danger is not so imminent that a few hours or days or a few weeks will make any substantial difference. Nevertheless, it is a real danger, and one which must be provided for clearly and substantially. It is a danger in connexion with which we ought not to run any risks. We have been told by the Prime Minister in his speech, to which I listened with very great pleasure, and in which he certainly endeavoured to deal with this matter from a very high stand-point, that these Acts were working substantially well, and that they were sufficient to keep out the element which we wish to exclude. I say again, that that statement hardly squares with the view presented by the Attorney-General, who told us that this Bill would be the first link in a chain of repressive measures. I would point out that the figures given by the Prime Minister are lacking in one very important particular. They informed honorable members as to how many aliens had come into Australia, and in some cases as to how many had departed; but they did not tell us whether any, and if so, how many had been rejected. They did not tell us how the State Acts are operating. We do not know whether or not every Chinaman or Japanese who comes to Australia is admitted.

Sir Malcolm McEacharn

- We do know that, because there are restrictions against bringing them in.

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Mr ISAACS

- I want to know how those restrictions are operating. What means have we of judging whether they are effectual? The Minister for Defence told us that in one case nineteen aliens were rejected and twenty admitted. How does that statement square with his declaration that no shipper will bring in undesirable immigrants % In that one case only did we have any information in regard to their rejection. We know that within our borders there are about 90,000 or 100,000 Asiatics. We have instances both in the history of other countries and in our own, which ought to make us alert to guard effectually against any possible overwhelming of our race by the Japanese. We know what trouble the blacks are in America. That trouble was not originally thought to be great. It was one of the compromises of the Constitution that the planters should have the right, not only to retain the slaves which they had, but to import others for some years. We know the trouble which has resulted from that provision. We are aware that about 10,000,000 of blacks form a constant ulcer in the American republic. We know that it has been gravely debated whether millions of money should not be spent in deporting them. We know what a festering sore the kanakas are in Queensland. We have made up our minds to cure that evil to a large extent, if not altogether. If we look back a few years, we shall find that these evils did not then attain to their present proportions. If we defer action for a few years longer, the trouble will have become so great and irksome as to compel us to act, and the difficulty will have assumed much larger dimensions. Vested interests will have been created, and feeling will be more acute. We cannot tell what establishments may be erected. It will be much more

difficult in future years to tell the Japanese - " It is true that we want to exclude you." If we postpone action, they will probably turn round and say - " You had your opportunity at the beginning and you did not exclude us then. You allowed us to settle here." The trouble will be deeper seated then than it is now.

Mr SYDNEY SMITH

- The honorable and learned member should have voted with us last night.

Mr ISAACS

- There is one argument which the honorable member for Macquarie omits.

Mr SYDNEY SMITH

- That the Government were in danger.

Mr ISAACS

- There are arguments that can be levelled against my proposal, and indeed I should like to see any proposal against which arguments could not be brought. I would point out that the Government proposal, is admittedly not a direct one, it admittedly avoids the very point at which we wish to aim, it admittedly seeks to do nominally what we do not wish to do, and avoids mentioning what we desire to do. If it is going to be administered fully and impartially, and if we allow the words "English language" to remain in this clause, or substitute in lieu thereof " any European language" what will be the result ? Are we going to apply that test to every European immigrant? We do not dare to do so. There is that difficulty ; and, more than that, if we insert the words "any European language" do we avoid giving offence to the Japanese? Certainly not.

Mr Thomson

- Does the honorable and learned member's amendment propose to exclude the words which are now in the clause 1

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Mr ISAACS

- My amendment does not seek to put in any words of exclusion whatever, but merely aims at giving power to the two Houses to frame provisions of exclusion when and how they may think necessary. There is no provision in this clause which confers the power which my amendment seeks to provide. What are the objections that can be raised to the amendment? One objection was raised by the leader of the Opposition who, said, in substance, that it lacked the permanency of an Act of Parliament. Whether that is so or not depends entirely upon ourselves. An Act of Parliament may be repealed or modified just as the two Houses desire, and a resolution may be repealed or modified in precisely the same way. The fact that we have three readings of a Bill is merely a matter of form. If we determined to pass a resolution we could pass it three times and call the three stages the three readings of a Bill. It depends entirely upon ourselves. We eliminate at once and for ever the disturbing element in regard to the embarrassment of the Home Government, and at the same time we take to ourselves, at once and for ever, the power to deal effectually and permanently with this great and growing evil. I am afraid that I have occupied more time than I intended, but this- is a matter of very grave importance. I put this as a test to myself. We all supported the patriotic utterances for a white Australia which were made by the Prime Minister when he went to the country. We all applauded that sentiment, and the country stood by it. I do say however that if I had taken on the platform this Bill as it now stands and said to my constituents - " This is the way to have a white Australia," it would have been considered by them to be a measure singularly short of effecting the object we desire. I do not think they would have considered it sufficient. They would have turned to me and said - " Do you consider that this will achieve our object," and I should have answered - "No." I do not gather that the right honorable the Prime Minister has any strong feeling against my amendment. I believe he recognises that it is in line with his own ideas and with his own arguments ; but I think he fears that there may be some delay in this matter. I do not see any necessity for delay. It is not like the amendment upon which we voted last night, and which the Prime Minister said would cause some embarrassment to him in regard to the advice to be given to His Excellency the Governor-General. May I be permitted to say one word not cognate to this matter, but relating to the observations made by the Prime Minister as to advising the Governor-General. I do not believe that it is the duty of an Australian Ministry to advise the Governor-General one way or the other as to whether he should reserve a Bill for the Royal assent. I do not believe that under any circumstances, short of a cataclysm or some extraordinary or unforeseen occurrence arising after the passage of a Bill, an Australian Ministry should

say in regard to that measure, passed by the two Houses - " I advise Your Excellency to reserve the Royal assent."

Mr McDonald

- It all depends upon the pressure behind.

Mr ISAACS

- I shall not admit any such consideration. I feel it my duty to say this, because His Excellency the Governor-General must look to his instructions from the Home Government as to reserving Bills. It is the duty of an Australian Ministry, responsible to an Australian Parliament, when a measure is passed by that Parliament, to say to His Excellency - " We present this Bill to Your Excellency for your assent."

Mr Reid

- Responsible government would be responsible upon any other conditions.

Mr ISAACS

- I do not know that anything contrary to that was said by the Prime Minister, but some misconception, I think, has arisen. It is an important matter. It is one upon which we should have an understanding, and I feel that in this connexion when we find no mention in the Royal instructions of an intended reservation of a Bill of this nature, we should not anticipate that it will be reserved. It is a matter for His Excellency the Governor-General to determine as he thinks right, and according to any instructions he may have received. As far as we are concerned, when we have our Constitution giving us power to pass this Bill, we have no right to anticipate that there will be any delay in obtaining the Royal assent. I have said all that I wish to put before the committee. I feel that no length of time can be too great to do justice to this subject, but there must be a limit to all tilings. I hope that we shall insert in the Bill this power to which no British Government can fairly object. If we are to have any reality in our Constitution, if this grant of self government is not to be a sham, if we are capable of carrying on our duty here as representatives of the people, if we are to divest ourselves of any possible immediate reproach on the part of our constituents and those who follow us, we shall not hesitate to carry out our desire in this way without putting on the face of the Bill an insult to any nation, which it is the prerogative and technical right of the Home Government to veto or to annul. So long as we observe these conditions, we ought not to hesitate to go to the fullest extent that we think our duty to the people of Australia demands, and to do all that is necessary to maintain the purity and welfare of our race. I move -

That after the word "namely," line 5, the following words be inserted : - " (a) Any person, and any class or description of persons, declared by joint resolution of the two Houses of Parliament to be a prohibited immigrant or immigrants."

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Mr BARTON

- If my honorable and learned friend has derived the impression from what I said yesterday that the Government regard it as its province to advise the Governor-General whether he should reserve a Bill or not, or that we consider we should take it upon ourselves to advise him to reserve a Bill - that is the inference I think he drew - I must assure him that that is not what I intended to convey. I hope there is nothing in the words I used to give rise to such a misapprehension. I may make the matter clear now by saying that the Governor-General will never be advised by me to reserve a Bill. That is a matter between him and the Imperial authorities, either under his instructions as laid upon the table of the House, or under any casual instructions which he may receive from time to time on application. He is entitled to ask the Secretary of State - who in his turn may take the opinion of the Crown Law authorities in England - whether a Bill is of a class or character which should be reserved. He can ask for that opinion by cable, as did Lord Carrington when Governor of New South Wales in regard to the Chinese Restriction Bill. His Excellency can obtain specific instructions on a particular Bill at any time. If he decides to reserve a Bill it is upon those instructions that he acts, and not upon any advice his Ministers may give.

Mr Glynn

- He is entitled to ask for the opinion of the Attorney-General here.

Mr BARTON

- In the separate States it has been the practice for the Governor to ask the Attorney-General whether, in his opinion, a Bill passed by both Houses of Parliament comes, first of all, within the Constitution, and next, whether it comes within the category of subjects upon which he is instructed to reserve all Bills.

There is this difference in our case, however, that there is no such category in the Royal instructions. Therefore, the Governor-General, subject to any instructions from the Imperial authorities - whether applied for or not - is simply left to the discretion laid upon him by the Constitution to decide whether he should withhold the Royal assent or reserve a Bill for the pleasure of the Crown.

Mr Higgins

- Are there any private instructions to the Governor-General, apart from those we have seen?

Mr BARTON

- I know of no other instructions. It is competent, however, for the Governor-General, in reference to a Bill of this kind, to apply by cable for instructions as to whether he can, on his own account, give the Royal assent to it. He is entitled to confidential information on that point. He refers not to his Ministers, but to the authorities at home, under whom he acts so far as the link with the Crown is concerned. I hope I have cleared away any difficulty on that point. As to my attitude on this amendment, I said yesterday that while I did not consider it vital to the Bill in the sense that the amendment by the honorable member for Bland was vital to it - while I did not consider that it was so objectionable - I was afraid I should have to oppose it. It gives me no pleasure to oppose my honorable and learned friend's amendment, because I know how sincere he is upon this question, and that he does not move with any desire to cause embarrassment in any quarter whatever. I take it that the Bill, as it will stand with the English altered to the European test, and with the amendment suggested by the honorable member for Bland in regard to contract labour, will effect the whole of the purposes we have in view in passing it. My belief is that the great majority--

Mr A McLEAN

- Would the contract labour clause exclude the importation of experts, required, for instance, to set up a new industry ?

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Mr BARTON

- No ; I understand the object of the honorable member for Bland is to apply that provision to labourers and artisans. The honorable member has not yet given it to us in its final form, but that, I understand, is his object. I take it that the general danger at which we are all aiming, is that caused by the influx which has been described by Mr. Chamberlain as one that -

Would most seriously interfere with the legitimate rights of the existing labour population.

It is that influx which we wish to prohibit. We do not want our social conditions disturbed by different standards of living that are bound to create, beyond racial differences, other differences to the extent of hatred between class and class in our community. That is one of the chief things we wish to avoid. The best way in which to do that is to prohibit virtually the influx of that class of alien labour which, if not prohibited, would lead to such results. I think it is better for us to try and keep before our eyes the real object of the Bill. I take it that the real object of the Bill, or of any such legislation, is that which I have described. It has been said that this education test will fail to keep out persons of high education coming from other countries, such as Japan or China. In the first place, however, we do not find these people coming here, as a rule. It is seldom that they come unless on a mission or with a wish to open up trade with us. As long as they seek to open up trade with us on lines that we lay down by our Tariff or in other ways, we do not and cannot resent it. If a highly educated merchant from Japan or China comes, not to settle here, but to make business arrangements which will enable him to conduct his trade with Australia - perhaps to import our wool to his country - we should be fools if we endeavoured to keep him out, or to prevent his mission. And so, if a scientist comes here from other countries it is not his mission or his scientific inquiry that we wish to prohibit. It is that difference between class and class and race and race growing up in our midst, the occurrence of which among us gives rise to hatred, chiefly because it lowers the standard living for our own people - a standard of living which we do not wish to see lowered in any respect - that we wish to avoid. Such persons as I have described come here very rarely, and when they do come they leave again very soon, because the purpose of their visit makes it a temporary one. We cannot conceive of this education test failing to succeed, except in respect of persons such as these. If we have the test in the way in which it is proposed to make it, namely -

Any person who when asked to do so by an officer fails to write out and sign in the presence of the officer a passage of 50 words in length in any European language dictated by the officer shall be prohibited, we shall be left free to change as often as we please the passage or passages to be dictated. Where we

have had other Acts imposing tests of this kind, and leaving them open to change at the will of the Governor in Council or by regulation, we have had all the delay to which such a process is subject. We have the two great countries of China and Japan distant but two or three weeks' sail from us, and, therefore, it is important that we should have in our hands the power to change the test passages from week to week if we desire, to prevent the man who has, parrot-like, learned a particular passage, or learned to write it in some European language, from tricking the Commonwealth. If we have the power to change these passages easily and quickly, an undesirable immigrant who has learned a passage in some European language before setting out to Australia will not be able to gain admission by repeating it parrotlike when the test is submitted to him here. He will have to take his chance of having a general knowledge of the language in which the test is put to him. I ask whether that is not a great deal more restrictive than the way in which the test is usually applied ? I ask honorable members whether there is any reasonable probability of any one escaping this test, more especially a Chinaman, who would have subsequently to run the gantlet of the Chinese Restriction Act? Are we under any liability to danger whatever, provided we have the power to change these tests from time to time, so that if a man starts at the beginning of a voyage to learn a particular passage, he may be defeated when he is confronted on arrival with the necessity of writing a new passage with which he has not been able to make himself familiar. Is not that a fair way to apply such a test ; because the test is intended to be a test of knowledge. If we do that and provide also for the prohibition of the importation of labour under contract, I think we shall succeed in accomplishing our object. For myself, I believe that the educational test alone will accomplish it most effectively. I can quite understand that defects in administration may lead to lapses, but defects in administration are matters for which the Government is responsible, and upon which it may at any moment be challenged. If a Government sleeps on its responsibility, it may be turned out. As Government after Government comes in, these Federal Houses will be found always vigilant with regard to the administration of these Acts. I am prepared to find such vigilance on the part of Parliament, and to discharge the responsibilities connected with the administration of this law in such away that there will be no cause for complaint. I- do not think that we ought to add to the provisions in the Bill the further condition that the honorable and learned member seeks to impose, because, in the first place, the objection has already been taken to it that while it is a matter that lies in the discretion of Parliament at any time, it has in effect all the dangers of panic legislation attached to it. There is the further objection to it - as far I am able to follow the amendment - by way of construction, that if we take power to prohibit classes or descriptions of persons we may very probably find a court of justice construing that power as not entitling us to prohibit races or nations. I am challenged by the honorable and learned member for Indi on my own argument that this is the best Bill we can get at the present tune. I said it was the best we were sure to get, and I do not think this amendment, although it is so much less objectionable than the other amendment, is free from difficulty. If it is not really a power only to prohibit classes or descriptions of persons, but extends to nations, it is, after all, only an evasion of the real point - not, of course, an evasion in any sense of insincerity or dishonesty, but I mean a practical evasion - because it amounts to this. It is in effect a power given to get rid of the consideration of certain questions on behalf of the Empire which I think the vote of yesterday demonstrated to be a necessary condition of our legislation.

Mr Isaacs

- Is this to be the final Act in any case t

Mr BARTON

- No ; I do not think it need be the final Act, but a power of this kind means a power, so to speak, to get round the question of the assent of the Crown to legislation affecting Imperial interests, and in that respect it may be considered very objectionable and may so cause delay- I do not say that if this matter were pressed the Royal assent would be refused, but I do say that it would be accounted a dangerous provision and one which would put considerable strain upon us in the future. In order to understand an amendment of this kind we should view it as if it were Already in operation. Supposing the Bill to be passed with the amendment in it, if my honorable and learned friend wanted to exclude Afghans he would bring forward a resolution and arrange with a friend in the Senate to bring forward a similar resolution there declaring that Afghans were a class or description of persons prohibited from entering the Commonwealth, and he might do the same with Japanese or Hindoos. In every one of these cases there would be on the face of the records of our Parliament a prohibition by name, race, and colour, and that

being so, the difficulties to which we said last night we did not wish to expose the Empire might arise out of the application of this clause. I do not say that the difficulty would be so great as in the case of the amendment which was rejected last night.

Mr ISAACS

-It is not the same difficulty, at all. The honorable gentleman drew a distinction last night when he said that we are not considering the- susceptibilities of the Japanese, but the embarrassment of the Home Government.

Mr BARTON

- If my honorable friend thought I meant anything else I did not make myself clear. In putting a provision of this kind in, operation- if we can imagine it .to be in operation - we might expose ourselves to all those difficulties and embarrassments that might arise out of a direct prohibition. I admit that the difficulty is not so great, but I do believe that we might find that kind of difficulty for the Empire arising out of it, and if we can come to the conclusion, as I have done, that the Bill as it stands with a wide power of repeated change of the passages to be used under the educational test, will be sufficient, we ought to hesitate to go any further, or to incur any risks such as I have indicated. I notice that the right honorable the leader of the Opposition, in bringing forward his own Bill on the lines of the Natal Act, very properly pointed out that he was taking power that did not exist in the Natal Act to proclaim a different passage for the educational test - to proclaim a change in the passage which the immigrant was expected to know. We go beyond that, because we say that the immigrant shall write any passage that may be directed by the Customs officer, so that it may be changed from time to time when there is any danger of parrot-learning enabling immigrants to pass through. I think that the educational test will work effectively, but if I find that it does not work sufficiently well, I am, as I have said, prepared to go further. If we can arrive at what we consider to be a reasonably effective measure without incurring the opposition of the Imperial Government - and I believe this Bill will be not only reasonably effective but drastically effective - then I think that we ought to adopt that measure. If we look at the figures that have been presented to us with regard to the influx of aliens into these States we shall see that there has been a dangerous influx, only in those States where there is no such Act in force as the measure which is now before the committee. It is in Victoria, and Queensland particularly, that the principal danger is being experienced, and those States have no Immigration Restriction Act of this kind.

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Mr Isaacs

- We have a Chinese Restriction Act in Victoria.

Mr BARTON

- So far as Victoria is concerned there is no general Immigration Restriction Act, but only a Chinese Restriction Act, whilst in New South Wales we have a Chinese Restriction Act of a very drastic character, and an Act very like the Bill now before us. There are three States - New South Wales, Tasmania, and Western Australia - in which Acts similar to this Bill are in force, and we have three other States, of which I have particularly mentioned Victoria and Queensland with no such Act, and it is into the two States named that practically the whole of the alien influx has taken place. Therefore, what is the inference - that if an Act of similar stringency to that in force in the three States I have named were made uniform, covering the whole Commonwealth, the effects that are observable in those States, where coloured alien immigration is reduced to an absolute minimum, would follow throughout the whole continent. The fact that there is a considerable influx of aliens into States where no general restriction Acts exist cannot be used to show that this Bill will be ineffective. I think, therefore, that under the circumstances what we are doing will effect our purpose. There is a certain degree of danger - not so great as in the other case, and a certain degree of difficulty, not to us but to the Empire as a whole - which may arise from the passage from time to time of resolutions of the kind provided for in the amendment of the 'honorable and learned member for Indi, and considering that the Bill in its present form is the best that we are sure of getting, I think it is our duty to pass it in that form, in order to secure the speediest legislation and the most effect from it. Therefore, it is only reasonable that I should tell my honorable friend that I cannot support his amendment.

Mr McCAY

- I wish to say a few words on the question of the amendment proposed by the honorable and learned

member for Indi, because I do not think we can consider it apart either from what has taken place during the past week in connexion with this Bill, or apart from what is its very obvious object. In the first place, I must confess I was surprised to find the honorable and learned member stating definitely, and emphatically that the educational test would not be successful.

Mr Isaacs

- No one can say definitely that the test will not be successful, but I can say definitely that I do not believe it will.

Mr McCAY

- The honorable and learned member, at any rate, expresses a definite opinion that the educational test will not be successful. He himself drew attention to the fact that it was not the colour of these possible immigrants that we objected to, but the combination of characteristics and qualifications which that colour usually covered, and I might venture to point out that one of the commonest characteristics - I do not say the universal characteristic - of these coloured aliens is their inability to write in the English language. Therefore it is only reasonable to suppose that a very large majority of those of whose immigration we are apprehensive will be excluded by the educational test. I have felt all along that, though the educational test may not be absolutely exclusive, it will exclude the great majority of these coloured aliens ; and if our expectations in that respect are not reasonably realized, it will be our duty to pass such legislation as will produce the desired effect. The committee, after long deliberation and long debate, came to the conclusion that it would not insert the amendment of the honorable member for Bland - not, . so far as I was concerned, because I believed that the Royal assent would be refused, and not because we have not the constitutional power to pass such an amendment. Technically, the Royal assent may be given or refused, but in effect the Royal assent would be given, whether reluctantly or willingly, to any measure within our competence. However, having these powers, we have deliberately - because no one can>accuse us of undue haste - decided to forego certain powers in view of the Imperial relations. In view of the representations, which are undoubtedly correct, that the Imperial Government might be embarrassed, we have decided that we will not exercise those powers ; but now the honorable and learned member for Indi proposes an amendment which, if it is to have any effect at all, says that, having decided yesterday not to act thus, we will now put in an amendment for the purpose of enabling us to do it to-morrow.

Mr Isaacs

- No, no ; that is not fair.

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Mr McCAY

- What is the object of the honorable and learned member's amendment if it be not to pass by resolution, which will not come before the Governor-General for his assent, the very proposal which was negatived last night by the committee ?

Mr Reid

- That is not quite correct.

Mr McCAY

- If that be not what it means then to my mind the amendment is practically meaningless. If it is not proposed to enable the two Houses by resolution to pass more drastic legislation than that which is proposed in the present Bill, the amendment itself has practically no effect. Surely it means that, if we find the educational test insufficient, we shall proceed by resolution to declare that certain races shall be excluded. Unless that be the object, the amendment will not carry us any further than the Bill.

Mr Reid

- That is the position of the Government, except that they do it by bill and not by resolution.

Mr McCAY

- Exactly. In other words, the amendment proposes to do exactly" the same thing that a Bill, which any Government which may be in power may find themselves forced to introduce later on, would do, if the present measure be found ineffective.

Mr Reid

- With this difference, that foreign nations would know we have taken the power to do this at any moment.

Mr McCAY

- That is the very gist of the objection to the amendment. The very embarrassment that would be created

by taking the power now, would be created nearly, if not quite, to the same extent, by anticipation of the exercise of the power ; in other words, the embarrassment and trouble which the passing of the Bill in the form proposed by the honorable member for Bland would occasion, would be caused to practically the same extent by the amendment of the honorable and learned member for Indi.

Sir Malcolm McEacharn

- And the latter amendment would mean many re discussions of the whole question.

Mr McCAY

- It means further, that, having decided not to put this provision in the Bill itself, we now propose to put it in what is practically a footnote to the Bill, and footnotes are at least as embarrassing, and sometimes even more so, than the text of the book or the Bill, because they are not so well considered. I think the honorable and learned member's proposal is to do exactly the same thing as was proposed last night, only in a less distinct, less definite, and less honorable manner. I do not use the words " less honorable " in any offensive sense, but only as meaning a less sturdy and less manly course. It is a proposal to exclude by resolution, to-morrow it might be, the very people whom we decided last night we would not exclude by name in the Bill. I feel that the Government is bound, and I feel personally bound, having voted against the amendment of the honorable member for Bland, to be consistent and vote against the proposal of the honorable and learned member for Indi. It is perfectly true that the proposal will not appear on the face of the Bill. But if the Bill be passed with the amendment, and is reserved by the Governor-General for the Imperial assent, it will to all intents and purposes, be a Bill which will show on the face of it that we are going to exclude aliens specifically because of their race and colour. I do not mean that the Bill will say so in so many words, but knowing the feeling of Australia, and what is the object of the amendment, that will be the effect. We have power to do that now, but we say that we will not exercise the power because of Imperial embarrassment that may be caused thereby. The honorable and learned member for Indi, himself, delivered a very eloquent address in favour of this very course of action. But now he is, by this amendment, proposing to undo everything that was done yesterday. We have decided to waive what I venture to think is our undoubted right, to the exercise of which no obstacle would be permanently imposed, or would be imposed for even a considerable period ; and having decided that we will not place such a provision in the Bill, we ought to be consistent, and decide that we will not put it in what is really a footnote to the Bill. Having opposed the amendment of the honorable member for Bland, if I supported the amendment of the honorable and learned member for Indi, I should be changing my mind and insisting on a right which I yesterday decided to forego.

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Mr PIESSE

- I can see a considerable difference between the committee adopting the amendment of the honorable member for Bland, and considering, and, I hope, adopting the amendment proposed by the honorable and learned member for Indi. Those who remember what I said in the second-reading debate will know that I am as strong in my desire for the immediate realization of all that we mean by a " white Australia," as is any honorable member. I then said that there was a difficulty in attaining our object in the direct way indicated by the amendment of the honorable member for Bland, and that rather than have the delay which would result from following his suggestion, I would accept the proposal of the Government, reserving the right to go forward in advance of that step at the earliest possible moment. I understand that there will not be the objection or difficulty in adopting this amendment of the honorable and learned member for Indi that there was in regard to the amendment of the honorable member for Bland. I should like to point out to the honorable and learned member for Corinella that there is a great advantage in favour of the amendment now before the committee. We, who voted last night against the amendment of the honorable member for Bland, remembered not only our duty to Australia but our duty to the rest of the Empire, and voted with a desire not to embarrass the Home Government. By the amendment now before the committee, we can attain what we desire while avoiding any difficulty or embarrassment to the Home authorities. After consultation with the British Government, and after negotiations with other powers, resolutions could be brought in, and all that we desire could be obtained without the friction which would certainly have eventuated from the adoption of the amendment of the honorable member for Bland.

Mr McCAY

--If we are going to consult those other powers why not consult them over a Bill as well as over a

resolution ?

Mr PIESSE

- But the opportunity is now given to us to do what I have indicated. We can still retain that attitude of consideration for others which influenced honorable members who voted with the majority yesterday, and by negotiation, following the example of a greater power than we are - the United States - we can attain a determination consonant with our desires without affronting the proper feelings of other people. While we maintain our own rights, we ought to remember that we do not stand alone in the world, and that we have duties to other people. For that reason I see there is a difference between the amendment of the honorable and learned member for Indi, and the amendment which was rejected last night. The former gives us an opportunity, after negotiation, of embodying the agreement arrived at in a formal resolution, and of attaining by proclamation what we desire. We must go a roundabout way sometimes in order to attain what we aim at without hurting the feelings of others. I am, therefore, prepared to support the amendment of the honorable and learned member for Indi, whereas I could not give my support to the proposal of the honorable member for Bland.

Mr O'MALLEY

- This amendment was a splendid counter bait, which played an important part, and had a good and desirable effect while the amendment of the honorable member for Bland was under consideration yesterday ; but, the latter having been defeated, it seems to me that it ought now to be withdrawn. With all due respect to the honorable and learned member for Indi, the amendment does not, in my opinion, get at the matter straight out. If this new Australian nation ever wants to become respected and have its name feared by foreigners of all nations, while possessing the respect and honour of its own citizens, it must come straight to the point and abandon all that hypocritical diplomacy which has played such a nasty part in past ages. The world has been cursed by that form of diplomacy. If we accept the amendment it involves government by resolution and administration dictated by the same means. I regret that we did not succeed in carrying the amendment of the honorable member for Bland yesterday ; but if the Bill, as proposed by the Government, does not carry out what we desire, we will have another " go " and shake them up.

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Mr REID

- I have had the advantage of hearing most of the remarks made by the honorable and learned member for Indi, and also by the Prime Minister. It struck me with a certain degree of surprise that the Prime Minister should say he does not regard this as a vital amendment. I felt almost a feeling of astonishment at such a statement, after the assurance which the Federal Government have given to the Imperial Government that they would do nothing which would conflict with the views of Mr. Chamberlain. There was no stronger note struck in Mr. Chamberlain's despatches than a note of opposition to a proposal such as this which the honorable and learned member for Indi submits. No one can have the slightest acquaintance with the utterances of the Secretary of State on this subject, whether by despatches, in conference, or in public speeches, without knowing that he has the strongest objection to a vague and possibly radical power of this kind. What does such a power mean ? It certainly is intended to mean that this House, under cover of such an Act, may pass a series of resolutions excluding by name various coloured races.

Sir William McMILLAN

- Any nation in the world.

Mr REID

- And various nations. Surely that would be odious to the Imperial Government, and, therefore, ought to be odious to the Federal Government, because they are absolutely hand in hand on this question. The Federal Government have put themselves in the position that they cannot possibly, so long as they are a Government, honorably consent to an amendment of the kind which is now before the committee. -It is of no use for the Attorney-General to speak in the way he did. When one statesman says to another who has fearlessly stated his views - " My principles and my policy are identical with yours," he takes up a position from which, as an honorable statesman, he cannot escape. When a responsible Government conveys, through the Governor-General, a statement that the views, principles, and policy of the Federal Government are identical with those of the Imperial Government, it strikes me that the Prime Minister

ought to have taken an equally firm stand with reference to the amendment proposed by the honorable and learned member for Indi.

Mr Conroy

- Have titles been promised in return?

Mr REID

- I am sure there is nothing of that sort. I know that most of my honorable friends could have had any number titles if they would have accepted them. To those who take the views which I take, there is a great temptation in favour of the amendment ; but I cannot yield to that temptation. The honorable and learned member had his opportunity last night, and those who think with him had an opportunity of saying in a straightforward way what the people of Australia mean.

The honorable and learned member for Corinella very innocently let the cat out of the bag when he said that perhaps, if we passed such an amendment as this, the people of Australia would insist upon doing this and that. I took a note of his words at the time, and this is his expression : " Knowing what are the feelings of the people of Australia," he opposed a dangerous amendment of this kind.

Mr McCay

- I did not say that.

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Mr REID

- I admit that the honorable and learned member did not use all those words. But he did use the words, " Knowing what are the feelings of the people of Australia," and declared that if we put this power into the Bill the people would bring us up to the mark in a way in which we were not prepared to be brought up to it. Those honorable members know that last night they avoided the duty which the people of Australia put upon them, and knowing that, and having taken the leap - and I think some of them will find they have taken a final plunge upon this question - it is perfectly consistent to object to the amendment of the honorable and learned member for Indi. The honorable and learned member for Corinella now says that he does not take up the position which he assumes because delay would be involved by the adoption of any other course. He says that he does so to avoid embarrassment to the Imperial Government. There are two bogies which have been trotted out upon this question ; first, that of embarrassment to the Imperial Government, and, secondly, that of delay. Considering that the Prime Minister's statistics; - if they are right - prove that there are more coloured aliens leaving Australia than are coming, into it, we surely need not mind a little delay. But if those statistics are accurate, why waste our time on the eve of a great Tariff upon a matter of this sort at all ? The urgency of a measure is shown by the place given to it in our deliberations at a time when, many pressing matters are upon us. That the Prime Minister should acknowledge the urgency of this matter in one breath, and then produce official statistics to prove that there is no urgency at all, and that all the coloured aliens may have gone out of Australia in a year or two voluntarily, seems to me to present rather an amusing study. I protest against this subordination of the vital interests of Australia to speculations as to the embarrassment of the Secretary of State for the Colonies. It is striking a miserably mean note in the history of this Commonwealth. I can understand some honorable members taking a course of that sort from feelings of loyalty, which reflect the highest honour upon them. I admit that it is a generous attitude to take. I have no word of censure regarding the attitude of those who wish to study the Imperial Government, and I would be with them on almost every question but this. We all feel prone to loyally study the interests of the Empire, but this is the one question in which we say that the interests of Australia must predominate over the embarrassment of the Secretary of State for the Colonies, and over the feeling that there will be a " wondering sigh in Downing-street." This is a matter in regard to which the interests of Australia must rise higher than the sigh of Mr. Chamberlain. I deeply regret that the honorable and learned member for Indi, who generally takes a perfectly logical view, and who is in the habit of getting straight to the point, should have dropped the substance presented to him in the amendment of the honorable member for Bland for the shadow which he is endeavouring to fasten upon this Bill.

Mr Isaacs

- The right honorable and learned member will have a very substantial thing if we pass this amendment.

Mr REID

- One of the objections to the amendment is that it is impossible to pass it. If the honorable and learned

member had voted with us last night, it would have been possible to pass the amendment of the honorable member for Bland, but, of course, that is a matter entirely for his own consideration. I do not at all question the course which he took. I merely wish to show the unfortunate position of this question of a white Australia, when a man of the clear, logical, and fearless mind of the honorable and learned member is so affected by these expressions about embarrassment and delay as to adopt this devious and most inconvenient method, which may plunge the two Houses into all sorts of heated discussion, and which may excite the sorest possible feelings amongst foreign nations. Let honorable members just consider for a moment a debate taking place in the two Houses about the landing of a number of Russians, Frenchmen, or Germans. Such a discussion would do more to inflame feelings of resentment than cold-blooded legislation. My strong objection to this amendment is the objection which I have to the Bill, namely, that instead of speaking straight and fearlessly to the nations of the world - even to Japan - we are pursuing a course which will not earn for us the respect of the people of any country.

Mr Sawers

- The right honorable and learned member did the same thing in New South Wales.

Mr REID

- If I did, I did a wrong thing. I should like to say to my honorable friend who looks so fierce - although we know that really he is one of the kindest of men - that the situation then was absolutely different. In New South Wales the matter was not a pressing one. We were upon the brink of a united Australia, and I confess that my anticipations of what a united Australia would do in a Federal Parliament were somewhat higher than experience now justifies. I had hoped that we could take a higher stand as a united Australia than we could when this continent was split up into several separate colonies. I had hoped that we could arrive at a straightforward and consistent policy which, when we acted disunitedly, was impossible. I would suggest to my honorable friend that during the last four years the feelings of Australia have had an opportunity of being expressed as those of the whole community. There is not one honorable member - not even the Attorney-General, who sticks at nothing in the way of argument - who has ventured to get up in this House and make the statement that the people of Australia were not behind the amendment submitted by the honorable member for Bland. There is not one who would have the audacity, with a due regard for truth, to say that if the two courses had been put before the people of Australia - the plain clear-cut course submitted by the honorable member for Bland, and the public school method of the Ministry - the people would not have chosen the former. There is no doubt upon that point.

Sir Malcolm McEacharn

- I say that they would not have chosen the course proposed by the honorable member for Bland.

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Mr REID

- I have a great deference for the democratic opinions of the honorable member for Melbourne. I know that he is the mouth-piece of the great mass of the people of Australia. He has always been distinguished for that, and therefore I feel rather shaken in my opinion ; but still, " with bated breath and whispering humbleness," I have the audacity to hold the opinion that my view of the matter is more correct than that of the honorable member.

Sir Malcolm McEacharn

- The right honorable and learned member said that no one would state it. I would have stated it.

Mr REID

- I do not wish to suggest that the honorable member does not possess audacity enough to make any statement which he wishes to make; but I do say that the people of Australia would undoubtedly - if called upon to decide between the course proposed by the honorable member for Bland and that submitted by the Government - have chosen the former.

Sir Malcolm McEacharn

- The right honorable and learned member said that no man would have the audacity to say that the people of Australia would not choose the amendment of the honorable member for Bland in preference to the course proposed by the Government.

Mr REID

- Now I wish to say that the honorable member has had the audacity to do so. I have discovered that. The honorable member having had the audacity to state it, I have the audacity to say that his opinion of the

feelings of the people of Australia is the very last opinion which I should seek in this chamber. That is, perhaps, an audacious statement; but I have had a larger opportunity, in a political sense, of visiting the other States.

Sir Malcolm McEacharn

- Political sense is not always common-sense.

Mr REID

- I admit that the honorable member has much greater facilities for conversing with a particular section of the community than have other men.

Sir Malcolm McEacharn

- The honorable member derives his support from them, at any rate.

Mr REID

- I am not talking of particular sections of opinion, or with reference to any particular strata of society. I am speaking broadly of the people of Australia, and I venture to set my opinion against the opinion of the honorable member. It may be a very ill-mannered thing to do, but still I venture to do it. In spite of the assurance of the honorable member, I beg to say that in my opinion there is no doubt what would be the result. I thought that no honorable member had expressed a contrary opinion. I now learn that one has had the audacity to do so.

Sir Malcolm McEacharn

- What did the honorable and learned member for Parkes say ?

Mr REID

- That merely proves my statement that there is a fly in every pot of ointment, and the honorable member, to use a very trite expression, is the one exception that proves the rule. It has been admitted all through, that if we take the voice of the whole community, we find that they are not fond of these devious methods of making known their desire. They are not prone to beating about the bush and diplomat i sing about preserving Australia from the contamination of undesirable aliens.

Mr Page

- They are not anxious for a piebald Australia.

Mr REID

- Neither are they anxious for a piebald Bill to deal with Australia. Australians do not say, " We are willing to welcome all these coloured races when they have acquired the English language or any European language." That is not the position which they take up. They say, " You may fill all these coloured gentlemen with all the languages of Europe, and we still object to the blending of Australian blood with the blood of the Japanese, even with that of a professor of a Japanese university."

Mr Higgins

- They like to call a " spade " a " spade."

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Mr REID

- Exactly ; and when the Prime Minister used that very succinct and adequate expression - a " white Australia " - people thought that he meant a " white Australia " in the sense in which the present Minister for Trade and Customs has always used it. He has never disguised his opinion as to what a " white Australia " means, and some other members of the Cabinet are in the same position. I have always admired the absolute straightforwardness with which the matter has been put. Knowing the strength of their views I had great hopes that, with gentlemen like my right honorable friends the Minister for Trade and Customs and the Treasurer in this Ministry, we should have instead of a piebald Bill, a Bill bearing the firm stamp of their fearless, extreme, and properly extreme, views on this subject.

Mr Kingston

- It was at the right honorable and learned member's .request that we introduced this very Bill.

Mr REID

- As a member of the Federal Cabinet ?

Mr Kingston

- As Premier of New South Wales

Mr REID

- The right honorable and learned gentleman has again taken refuge in ancient history. What a

lamentable position it is for a great federal administration, supposed to be up-to-date, and abreast of the requirements of a united Australia, to take up - to keep clinging around, not me, but the man I was four years ago.

Mr Barton

- "My sweetheart when a boy."

Mr REID

-- What a melancholy spectacle it is. It is a great compliment to me individually that even the phase of my personality four years ago sits heavily upon their Ministerial chests to-day. I really feel, however, that both the Ministers and the committee have been so perfectly fair and courteous to me throughout this matter that-

Sir Malcolm McEACHARN

- Why does not the honorable and learned member reciprocate 1

Mr REID

- Perhaps I do feel a spasm of regret that I may seem to have spoken a little warmly; but really, in spite of the jocular way in which [try to take the world, I think this is one of the matters in regard to which a man may be forgiven for fighting pretty hard. There are a number of machinery Bills concerning which we need not fight. This is not a machinery Bill - at least it ought not to be - but it is. It is an educational machinery factory that we propose to establish under this measure. We should not, however, have a machinery Bill to deal with this question, but a Bill which contains a principle; which contains what we mean. If young Australia expresses in plain English in an Act of Parliament what she means, no nation will have the right afterwards to complain. I must oppose this amendment, but with very great regret, because the motive of the honorable and learned member for Indi must commend itself to us. It is perfectly clear that we have the moral assent of the honorable and learned member to the amendment which was brought forward by the honorable member for Bland, but negatived last night; that on the principle he is with us; that he feels just as keenly and strongly as we do on this subject, but that he was not able to screw his courage up to the sticking point. That is the plain English of it, and I regret it; but I feel that the speech which the honorable and learned member has made, will have a distinct effect, both in the House and in the country, because it is a great deal to have from him the recognition he has made of the great importance and urgency of this question. The Prime Minister has practically put it that this Bill will keep out all coloured aliens, with the exception of those of higher education.

Mr Barton

- I said that the persons who might pass the test were those who come only temporarily to the country.

Mr REID

- I mean persons of a higher class, as compared with coloured labourers, and so on.

Mr Barton

- I did not quite say that. I said that it would fail only to keep out those whose purposes in coming here are but temporary.

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Mr REID

- I notice that the Prime Minister used an adjective which he must have borrowed from the Attorney-General. Instead of speaking of people of education, he spoke of people of " high " education. If this standard was sufficient to keep out every one but the person of high education, I would admit at once that the whole thing is not worth fighting over, because we agree that these foreign people of high education principally pass through our country. They come among us as visitors only. Then the Prime Minister says he holds that the Japanese merchant who comes here to establish commercial relations and, perhaps, to import" our wool - he should have confined the matter to the importation of wool, because the cultivating of commercial relations is a two-sided matter, and rather against his political creed. I wish to point out that if the right honorable gentleman was correct, the matter would perhaps be one of very little importance; the educational test would be enough. From what I can understand, however, there are millions of people in Japan now learning English. My objection is, really, that the Ministry have practically taken up a position not in accordance with their minute to the Secretary of State. They have gone away from that already. They say they are prepared to go further, and stop this at any cost. The minute did not state anything of that kind, but spoke of an extension of the educational test.

Mr Barton

- It set out that the intention of the Ministry was not to pass any Bill likely to conflict with the views which the Secretary of State had expressed. That has been carried out ; it does not follow that we cannot go further, if necessary.

Mr REID

- The right honorable and learned gentleman is carrying out his duty to the Secretary of State for the Colonies in the most faithful way. There is no doubt about that, but I regret that he has placed himself in that relationship.

Mr Barton

- That is a very unfair way of putting it.

Mr REID

- It is a rhetorical way of putting it, but I hope it will have this good result : that Ministers, when they are asked by a Secretary of State to intimate their views upon a matter of Australian concern, on which they are about to legislate, will keep themselves free, and not express their principles and policy to the Secretary of State before they have expressed them to the Federal Parliament; This is the proper place to express them. Ministerial views may be moulded a little by Parliament, whereas, if they are given away before the Government approach Parliament, Ministers may find themselves in a tight place. Their recent experience will, I think, cure them for some time to come. In reference to the amendment proposed by the honorable and learned member for Indi, I would say that, although I thoroughly appreciate his intentions, and although I feel tempted to do anything to make this Bill better than it is, the honorable and learned member must honestly admit that his proposed method of dealing with the matter is open to very grave objection ; that it is not adequate ; that it may be irritating ; and that altogether it would be a most inconvenient proposition to establish.

Mr Isaacs

- It certainly would be adequate.

Mr REID

- But by a subterfuge, I am afraid. That I very much regret, because my strong desire was to support the honorable and learned member in any proposal for an improvement of the Bill.

Mr KINGSTON

- I have listened with a good deal of interest to the observations made by the right honorable and learned member for East Sydney. I should have been surprised - if I had not had the pleasure of his acquaintance for a considerable length of time - by a good many of the statements he has made, and by the capacity he has shown for torturing documents so as to represent them as meaning something that they never did mean, and were never intended to mean. I am inclined to think that he has excelled himself in that capacity within the last 24 hours. I was not disposed to take much part in the discussion until the right honorable and learned member was good enough to refer to me. His reference to me was for the purpose of certifying among other things to my fidelity to the cause of a white Australia. Let there be no mistake about it. I do not think there is any one in this committee or in Australia who entertains any doubt about my fidelity to the cause. I have at all times done what I could in the interests of a white Australia, and I do not require a certificate in that respect from the right honorable and learned member. I reject it. Has he not told us in so many words that he has changed his attitude on this important question in a matter of four years ? Yet he taunts me because I was true to him in what I believed to be the cause of Australia. The right honorable and learned member said that he was a different man four years ago.

Mr Chapman

- But we have seen the right honorable and learned member change in four minutes.

Mr KINGSTON

- I do not wish to make any unnecessary references. The Premiers acted together in what they believed to be the common interest and good of Australia, and I venture to consider that the statement made by the right honorable and learned member that he has changed since then, and that he is not the same man now, and particularly when he taunts me with having been true to the cause he advocated four years ago, and boasts that he has deserted or changed his views in regard to this question, does him no credit. He has no reason to be proud of such a state of things ; it is a disgrace to the right honorable and learned gentleman and to the House for him to stand up and boldly justify such conduct.

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Mr Reid

- I never dreamt the right honorable and learned gentleman could be like this.

Mr KINGSTON

- It is not a question of what the light honorable and learned member dreams. Possibly in his dreams he gets nearer the facts than when he speaks of them. What is the position? Having the record which I venture to refer to, and which the committee has amply justified by its approving cheers, I ventured to let it be plainly seen and known at the Premiers' Conference of 1897, that there was no change whatever in my views. The right honorable and learned member suggests that he spoke boldly on the matter, but I do not think he has the right to assume to himself all the credit in that respect.

Mr Barton

- The right honorable and learned leader of the Opposition has had a change of air from Westminster to Spring-

Mr KINGSTON

- What is the position? In South Australia we passed a Bill plainly on the same lines. We did what we could to obtain the Royal assent to it. When the Premiers went to England, however, in 1897, the position was explained to us. We were told that the Bill could not be well assented to without causing great difficulties and inconveniences to the mother country - difficulties which it was our duty to try to avoid. Some honorable members talk about loyalty. In this respect I venture to consider there is no question of loyalty or disloyalty. I venture to think that loyalty to Australia is perfectly consistent with loyalty to the Empire. That is the view I have always taken, and that is the view I intend to take for all time. There are various sorts of loyalty ; some are constitutional and legal. A fig for those. That loyalty which is founded upon the love and attachment which Australia feels towards the mother country, and which the mother country reciprocates towards Australia, is the loyalty that we wish to preserve. To tell us that the interests of Australia cannot be secured consistently with loyalty to the mother country is absurd. We proposed a certain alteration of the Immigration Restriction law, but it was laid down to us in the clearest possible terms - we were admitted to the fullest confidence of the advisers of Her Majesty - that there would be great difficulties in the way of securing what we wished. Mr. Chamberlain asked us whether there was not some other way by which we could get all that we wanted without placing the Home Government in an embarrassing position. It was our duty, then , to look at the matter with an earnest desire to do what we could to meet the difficulty. We did not come to a hasty conclusion. The matter was not settled until some time after we returned to Australia. We returned in 1897, and in South Australia, at all events, we did not proceed until the following session to introduce a Bill on the lines of the Natal Act. We then touched it under these circumstances : The various Premiers interested in the matter met in the Ministers' room, in an ante-room to this Chamber. My right honorable and learned colleague, Sir George Turner, presided, as Premier of Victoria. We were then attending the Melbourne sittings of the Federal Convention, and the conclusion we arrived at at that conference was that we should introduce measures on the lines of the Natal Act. Western Australia did so. I do not know whether New South Wales did or not.

Mr Reid

- We did.

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Mr KINGSTON

- The right honorable and learned member for East Sydney, without consulting his colleagues in the matter, no conclusion having been arrived at by those who had been pledged previously, was so much impressed with the arguments that he proceeded at once to legislate on the lines suggested, and which are embodied in the New South Wales Act. In 1898 a joint course of Australian action was agreed to. Happily the conclusions of those who were then assembled are embodied in a resolution, which is as follows : -

That the colonies which have not already done so pass an Act on the lines of the Natal Act (on the understanding that the same shall be vigilantly enforced), and agree that if, after a trial of that Act, any difficulty shall still arise in any one colony, then the colonies will join in such further legislation as may be necessary.

The right honorable the leader of the Opposition agreed to that then, but he has changed with a charming

disregard of the considerations which naturally attach to any one who effects a change in such circumstances. What was the policy expressed in that resolution ? It was that the Natal Act should be rigidly enforced. Further, that if it were not successful more stringent legislation should be adopted. That was the policy - except that so far as Queensland was concerned she preferred to arrange with the Japanese under a treaty - of "United Australia at that time expressed through its Premiers, representing the various Governments. That is the policy of this Government to-day. The Natal Act is to be stringently enforced, and if it is proved to be inefficient, further legislation will be proposed. What more could be wanted? Some people may have changed, but I have not, and I am proud of the fact, and I am also gratified to know that the various honorable gentlemen with whom it is a pleasure and an honour for me to be associated are working to the same end. Who were there on the occasion to which I refer 1 ' There was the right honorable member for Tasmania, Sir Edward Braddon, who has been true to his faith, and was found voting yesterday accordingly. There were the Treasurer and the Minister for Defence, and Sir Hugh Nelson, who proceeded on different lines, because he differed from us, and all honour to him because he avowed it. Then there was the right honorable the leader of the Opposition, who was found at that time entirely agreeing in every word that we then proposed. What has happened since then?

Mr JOSEPH COOK

- Federation.

Mr Poynton

- The leader of the Opposition has progressed whilst other honorable members have remained standing.

Mr KINGSTON

- " Federation " ! What is meant by that interjection ? Is it meant that we can express the united voice ' of Australia more clearly now ?

Mr Wilks

- And more powerfully.

Mr KINGSTON

- I thank the honorable member for the words. But I would ask - Did not the Premiers then express the views of Australia ?

Mr REID

- No.

Mr KINGSTON

- Then all the more shame to the right honorable gentleman for approving of the course that was then taken. The right honorable gentleman was as active as any one in carrying out the resolution then arrived at.

Mr Reid

- It was never my policy. I say that that was the policy of Australia, dictated by a due regard for Australian interests and by a fair consideration of Imperial interests.

Mr Spence

- Mr. Chamberlain's policy !

Mr KINGSTON

- It is no use making remarks of that sort. What I put to honorable members is this : Are we any better informed now as to the needs of Australia, or has anything occurred since to justify a change in our position ?

Mr F E McLEAN

- The existing Acts have failed to carry out the object that was aimed at.

Mr KINGSTON

- On the contrary, it is shown most conclusively by the figures that have been quoted here that they have not failed.

Mr Watson

- They have failed to exclude.

Mr KINGSTON

- The leader of the Opposition says that we did not then faithfully interpret the wishes of Australia, but I would ask when it was that he discovered that. What are we to say about him, with his natural acuteness, when he failed to discover it at this conference, in which he took a leading part - as he does in most

matters of that sort ? When did he first awaken to the fact that the legislation then agreed upon had failed to accomplish its object? If he discovered it at any time prior to the last six weeks, why did he not warn us ? - why did he not warn his own State that this legislation has been a failure? I say, however, that it has not been a failure. But the position is this : There are some honorable members who feel that we may now speak to the mother country with greater strength than we did before.

Mr Wilks

- Hear, hear.

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Mr KINGSTON

- I am cheered from the opposition benches. Then am I to gather that on the former occasion it was not because of our love and attachment to the mother country that we gave way to the express desire of the Imperial authorities that we should consider the embarrassments in which they would be involved if we carried out our proposals in their original form, but because we felt that we were not in a position to enforce our views? Now, however, that we are in a position of greater strength, we are apparently to attempt to bounce the mother country into doing what we want ; and we are to ignore those wiser counsels which prevailed previously, and which dictated the course which was then adopted and carried out by the various States. Is that what we are to understand from the cheers which come from the Opposition benches? Are we to believe that the statesmen of the mother country were uttering that which was fact when they made the representations they did ? Do we believe that the truth was disregarded when we were told that the Queen's signature to an Act of the character first suggested would be attached with painful feelings? Do we believe what we find in the records, that representations in the most direct fashion were made by the Secretary of State for the Colonies, setting forth, in clear and precise terms, the difficulties with which the old country had to deal? Honorable members have already seen what was then stated. I quoted it in 1898, and I would like to quote it now. In a despatch from Downing-street it is stated -

I have the honour to acquaint you for the information of your Ministers that the Japanese Government has made repeated representations to Her Majesty's Government through their Ministers at this Court on the subject of the legislation passed by certain of the Australasian colonies for the restriction of coloured immigration. M. 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 prohibition of the colonies' Bill. 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. This was a matter of sentiment, and the slur cast upon the Japanese nationality was keenly felt by the Government of Japan. The relief which they desired was not the modification of the laws by which a certain part of the Japanese population was excluded from Australia and New Zealand, but the abandonment of the language which classed them with others to whom they have no similarity, and inflicted upon the nation an insult which was not deserved, 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. These representations deserve the careful consideration of your Government. As I pointed out at the conferences with the Premiers, the provisions of the Natal Act would exclude all undesirable persons, without casting a slur on any race or colour. If the state of feeling in the colonies precludes the possibility of adopting a measure similar to the Natal Act, I would earnestly request your Ministers to consider whether, so far as British Indian subjects and Japanese are concerned, the exclusion desired might not be obtained by a general test, such as provided by that Act. 15 x

Do we believe the representations which have been made to us ? I do not think there is any one here who would dare to question them. They have been communicated to us in a variety of ways, and on the

authority of some of the greatest statesmen that England has ever had. We believed them when they represented these matters to us in 1897, and acting on that representation we agreed to stringently enforce the provisions of the Natal Act. We agreed further that if those provisions did not effect our purpose we would ask Parliament to strengthen our hands by further legislation on the subject. That is what Australia practically agreed to, and that is the position and the policy of the Government to-day - to do what we can fairly to meet the requests made by the Imperial authorities in all sincerity, and with a desire not to embarrass the country from which we have sprung. The mother country sympathizes with our object, but asks us in seeking to achieve it to have some regard to her interests, and frame our legislation in such a way that she shall not be embarrassed. Loyalty - I scorn the word. Affection, attachment - these mean more.. Should we not do this for the sake of the old country ? Should we not strive to meet the wishes of those from whom we sprang ? Our relations with Great Britain have been of a character upon which we have every reason to congratulate ourselves. Many a time we have asked things from her, and she has granted them. Now, she is asking something from us - not demanding it, but simply suggesting that we shall, in effecting our objects, pay due consideration to the interests of the Empire ; and I say all shame on the man who will refuse to stir a hand to meet such a request from the motherland,, which we ought to consider in every possible way.

Mr. REID(East Sydney).- I should like to say a few words, not altogether in explanation but mainly so, with a view to call attention to an expression which the right honorable gentleman who has just sat down used in reference to me. When referring to a supposed change on my part, he said it was a disgrace to the House. I must protest, against such language being addressed to. any honorable member of this House.
Sir Malcolm McEacharn

- The right honorable and learned member has addressed worse words to some honorable members of this House.

Mr HALL

- I simply wish to protest - if the well-conducted members of the House will allow me-

Sir Malcolm McEacharn

- I wish the right honorable and learned member would conduct himself well.

Mr REID

- If I may be allowed to proceed, I would say that I confess to no change of any kind. I shall only say a few words, in order to point out the obvious fallacy of the position taken up by the Minister of Trade and Customs. He misrepresents the Governments of 1897 when he says that the policy of which he has spoken was the policy of the Governments of Australia then. That policy was set out in the distinct resolution agreed to at the conference in 1896, to which the right honorable gentleman was a party, and which declared that the principle of the Chinese Restriction Acts should be applied to all coloured races. That was the policy of Australia. In arriving at that resolution, the Governments of Australia faithfully reflected the opinions of the people of Australia. A Bill was passed in New South Wales embodying the understanding arrived at by the Australian Governments, including the Government represented by the right honorable gentleman. That resolution embodying the policy of the Australian Governments of that day was carried out in a Bill on the exact lines of the amendment of the honorable member for Bland which passed the Parliament of New South Wales.

Mr Harper

- Why did the right honorable and learned member alter it afterwards ?

Mr REID

- What I am saying now is not so much fresh matter as an explanation in reference to statements which have been made. The right honorable gentleman misrepresents Australia when he states that the policy of the Government to-day was the policy of Australia in 1896, when it was expressly laid down that we wished to do what the honorable member for Bland asks us to do in black and white. We deferred to the wishes of the Imperial Government. There was not a change of policy ; there was acquiescence in the appeal to the affections of the Australian people to which the right honorable gentleman referred. Is there no difference between putting one's principles aside in deference to a request, and changing one's principles ? Do honorable members not see the difference between the two 1 The principles remained, but we deferred to the request of the British Government that, in view of the circumstances of that time, we should waive our principles and meet the difficulties of the British Government. There was no change

of policy involved in that, either on the part of Australia or on the part of Australian Ministers. So far from that being the case, I pointed out to the Secretary of State that, whilst we would yield to this request, we would bring our Bill along later with irresistible force if the agreement arrived at failed. There was no change of policy ; there was a yielding in deference to the statement made to us in the year of the Queen's Diamond Jubilee that it would be most painful to Her Majesty to assent to such legislation. Our policy remained the same all through ; but I know who has changed his policy. In 1896 the right honorable gentleman assented to the resolution of the Premiers, that the policy of Australia should be expressed in Bills absolutely excluding all coloured races. In June, 1891, he wrote a dutiful despatch to the Secretary of State.

Mr Kingston

- Not 1891, but 1901.

Mr REID

- I mean 1901. Surely this is a strange quibble for the right honorable gentleman to indulge in.

Mr Kingston

- I merely desired to put the leader of the Opposition right as to the year.

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Mr REID

- I am obliged to the right honorable gentleman. In June, 1901, a Cabinet minute, for which the right honorable gentleman was personally responsible, was sent home to Mr. Chamberlain to this effect : "You have an objection to a Bill including a disqualification on the ground of race or colour." That was the Bill which the Kingston Government of 1896 said ought to be passed. The Cabinet minute went on to say, in effect - " You think it is wrong in principle and wrong in policy, and we, Her Majesty's Ministers in Australia, are quite in accord with your principles and your policy." Where were the principles of the Premier of 1896 when he joined in that despatch? His principles in 1896 were the principles of the amendment of the honorable member for Bland. We did not yield our principles, but we yielded for a time to an appeal, suppressing our principles in the interests of the mother country. But the right honorable gentleman has now in the most formal way made an announcement, and it was worth while "drawing" him to let the people of Australia know that the C. C. Kingston of 1896 is a different man from the C. C. Kingston of 1901. I know that the company he is with now is perfectly novel for him. But I want to make the important point that I never yielded my principles as principles. We, as Premiers, suppressed our views in deference to a personal appeal made by the British Government, whereas my right honorable friend has, in a written minute, stated to the British Government that he is quite in accord with their principles and policy on the " white Australia " question. It is he, therefore, who has changed his policy ; I have not.

Mr. KINGSTON(South Australia Minister for Trade and Customs). - I do not envy the right honorable the leader of the Opposition the power he possesses of distorting facts.

Mr Reid

- That has been said before.

Mr KINGSTON

- Of course, it has been said before, and I should have thought the right honorable gentleman would have had time to repent, after so many warnings, and would have tried to bring his heart to a state of grace, and avoid those criticisms to which he has so often subjected himself. When he complains of remarks which he does not think should have been indulged in at his expense, he ought to try and hear himself, and then he would come to the conclusion that he has not got a fraction of his deserts in the shape of censure which ought to attach to him for his virulent and violent attacks on many inoffensive members. He applied, for instance, the term " quibbling," to a courteous suggestion which I made when he mentioned the year 1891.

Mr Reid

- That suggestion was misunderstood.

Mr KINGSTON

- The right honorable and learned gentleman was in that instance altogether wrong, and yet in response to a courteous effort to put him on the right track, he responds with a retort about " quibbling."

Mr Reid

- Is it worth while taking up time with a thing of this sort ?

Mr KINGSTON

- The right honorable and learned member asks whether it is worth while taking up time with a thing of this sort, and I suppose he must interject in one way or another. As to " quibbling," the whole of his remarks consisted of quibbling of the worst possible character. I pointed out that in 1896 we agreed to a certain resolution in connexion with a " white Australia " ; and I take credit, as much as the right honorable and learned gentleman himself, for that conference, and the conclusions at which it arrived. For many years I had been endeavouring to procure an emphatic declaration of Australian sentiment on the question ; and that declaration was arrived at in 1896. The simple question was then, and now is - what is the best way of effecting our purpose? The policy stands unaltered, and the mode of procedure stands unaltered. In regard to the policy and the mode of procedure, the right honorable gentleman and those with whom he was associated - and I amongst them - were entirely at one. We wanted in the first instance to get the policy in a drastic shape, but the representations which were made to us as to the circumstances then existing induced us to the conclusion that we ought to alter the form, which we did.

Mr Reid

- But not in the matter of principle.

Mr KINGSTON

- Both as regards the policy and the mode of procedure we stand four-square sticking to them, and fighting for them as we ought to. But the right honorable and learned gentleman, where is he ? The policy, he says, is his. Of course, even as regards a policy, if we put it in black and white in an agreement, it can be altered, just as the form can be altered. But we have not altered the policy, though we have altered the form. When did the right honorable and learned member discover, forsooth, that the mode or procedure he advocated in 1896, and which was to be rigidly enforced if we got the Bill, was to be altered? At that time the circumstances were much happier than they are to-day. England and the Empire generally were not troubled as they are now ; and the circumstances in 1897, which spoke eloquently and appealed to our love and affection to meet our mother's wishes, speak trumpet-tongued with tenfold strength today.

Mr Reid

- That should not alter our principles.

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Mr KINGSTON

- We have dropped no principle. Let us get the Bill, and when we have it, let us administer it strictly. If it fails to effect its purpose, let us make representations to the mother country, which has treated us so generously, and no doubt a generous response will again be made. In this connexion something has been said about the despatch. The right honorable and learned member is searching high and low, and descending to all sorts of misrepresentation, of course unintentionally, for the purpose of getting a peg on which to hang a charge against the Government. He has been hammering for the last 24 hours, or more, at the wording of the despatch, as if those sitting around him had not the sense to see through the monstrous interpretation he is attempting to put on a perfectly innocent document. Is there any one amongst us against whom the charge of putting the Government at the feet of the Colonial office can be fairly laid ?

Mr McDonald

- Yes. The Ministers are traitors to the country.

Mr KINGSTON

- The honorable member sometimes uses words which, in his calmer moments, he would not employ. This is the first time an epithet of that sort has been applied to me, and I have a right to rely on the absurdity of such an accusation to disentitle it to a reply. It has been said that we have pledged ourselves to the Imperial Government on a question of policy; but if we had been asked confidentially by any of the Governments of the States what was our attitude, we should have said that our policy was perfectly declared in the Maitland speech, and was embodied in the various proposals of which this Bill is the result.

Mr Watkins

- It was not said in the Maitland speech that the test was to be educational.

Mr KINGSTON

- I forget the precise words, but the people were told all they wanted to know, and I say there is enough from which to draw the conclusion that, so far as Australia has spoken, she has spoken for a "white Australia."

Mr McDonald

- The Government have not.

Mr KINGSTON

- Yes, the Government have spoken for a "white Australia" on the lines of the Natal Act.

Mr Reid

- Oh, oh !

Mr Barton

- At that time no public man in Australia had mentioned the idea of departing from the educational test.

Mr Watkins

- There is not one but who has spoken out for a "white Australia."

Mr Fisher

- Every member of the labour party has so spoken.

Mr KINGSTON

- Honorable members know full well what the policy of the Government is. It is the policy to which they have always adhered, and they have declared the means again and again, which have been declared in the Parliaments of the States also. As regards the special pleading of the right honorable and learned member about this miserable minute-

Mr Reid

- Hear, hear - truly miserable !

Mr KINGSTON

- The right honorable and learned member has referred to that minute as if it were a "backing down." It is nothing of the sort. It is simply a statement of the claim which Australia knew, and the British Government knew, was for a "white Australia," to be effected on the lines to which we adhere now, and which, we contend, will attain our object.

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Sir WILLIAM McMILLAN

- After the hurricane of the last half hour it would be well, perhaps, if a man endowed with a moderate amount of calmness said a few words to the committee upon this question. Owing to the peculiar elocutionary attitude of my right honorable friend opposite, and the very large body that was open to attack, I was very glad that, the table was between the two disputants. During the series of debates which have taken place upon this question one line of action has been taken by responsible Ministers and by other honorable members of the House, which if we do not carefully guard against it in the future may be very detrimental to the Commonwealth legislation ; I refer to the continual hurling of the charge of disloyalty against every member who gives a free outspoken opinion upon a matter of Imperial interest. There were two great ideas which dominated my mind in fighting as I loyally did, for federation for over twelve years - even when I was ready to take any system of union at all, so long as we consummated our Australian union. One idea actuating me was a desire for the enlargement of the self-governing powers of Australia, and the other - as dear to me as Australia - was the strengthening of the union between this and the mother country. And are we to be told by honorable members and by members of the Government that, having passed this instrument of government in which, not merely by a referendum of 4,000,000 of people in Australia, but by the direct sanction of 40,000,000 in Great Britain in Parliament assembled, we have had given over to us the making of laws upon certain vital questions to our future national life, we are in exactly the same position now as we were four or five years ago? I deny it absolutely. In the very despatches which have been read to us, so clearly does Mr. Chamberlain recognise the actual position of the Australian Commonwealth that he says, "If this course which we lay down to you is not sufficient - and we know that you want to prohibit the admission of unsuitable aliens - we will give you more drastic powers, till the end is attained." And, because honorable members stand up in this House and say that inherently in this Bill is absolute failure to bring about the desired result, and instead of putting this tortuous and dishonest measure on the statute book of the Commonwealth, prefer, with our new national life, and with our mandate under that instrument, to say directly to the British

Government what we mean, are we to be told that we are disloyal to the old country? There has not been on the part of responsible Ministers throughout this debate that amount of honesty which we might have expected under the circumstances. There was the shadow throughout the whole speech of the Prime Minister of this mandate from Downingstreet.

Mr Deakin

- That is contemptible, and the honorable member knows it.

Sir WILLIAM McMILLAN

- It was not till the latter part of the debate that the whole hand of the Government was shown. I have scored off in the Prime Minister's address, as reported in *Ilansard*, several paragraphs in which he told us in effect - and I refer honorable members to that speech - that there is no other course open to us, except that which he has laid before the committee. But what I find with is that that was not done in an absolute and direct way. I further say that there ought to be no Bill introduced into this House in regard to which the fullest freedom of discussion is not absolutely preserved to us. The Prime Minister said, and very properly so, that he has nothing to do with the action of the Governor-General, as representing Imperial interests - that he gives him no advice; that it must be a matter for him and those with whom he consults to decide with regard to any Bill which may appear to affect Imperial interests. That is exactly our position. We have nothing to do with what the Governor-General thinks of a Bill. It will be time enough for us to be directed when that Bill is put aside. But are we to interpret this Constitution in the plain manner in which it has been given to us, or are we to interpret it by certain despatches which have been in the hands of the Government only, and not in the hands of this House ?

Mr Deakin

- What despatches are those ?

Mr Reid

- Why, the two which I referred to.

Mr Deakin

- They were published in all the papers.

Mr Reid

- Is that the way to inform the House?

Mr Deakin

- They were not sent to us ; they were sent to Queensland.

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Sir WILLIAM McMILLAN

- - In connexion with this question of disloyalty, which has been so ignorantly raised, it would be better for honorable members of this House to fairly face the problem that they have to meet - the problem of reconciling autonomous government with the Imperial connexion. I hold that the greatest privilege which any man on earth can enjoy is that of being a British citizen. I -would sacrifice all I possess in the world, and would, if necessary, give up my life for the British connexion. I would do everything for that connexion except sacrifice my conscience and my honour. But when I took my oath as a member of this House, I took not merely the oath of allegiance to the King of England but of loyalty to this Constitution which has been passed by the British Parliament. I hold that in the great struggle which is taking place upon this Bill, the object which we have at heart is as much the safeguarding of British interests in the Pacific as the safeguarding of Australian interests. The leader of the Opposition has said that if the American colonies had never been lost to England, she would have stretched out her arms on the one side to America, and on the other side to Australia. We are in a position between the two great English-speaking peoples of the world, and we have a Western origin with an - Eastern destiny. It is absolutely necessary for the freedom of England - for the upholding of the British flag in the Pacific, and for the future power of the English speaking people; - that we shall keep this fortress in the Pacific true to the British race. Is not this country open to the surplus millions of Great Britain and Ireland ? We do not desire to exclude any man of European origin. We are holding this continent for the possession of millions of English people in the future. We are told that we have a trust. We have a trust in connexion with the Empire, but neither the Empire nor our descendants will thank us if, out of any spurious fear of creating complications or of offending this body or that body, we fail to speak with no uncertain tongue as to the policy of Australia with regard to this race taint. I disagree absolutely with the amendment of the honorable and learned

member for Indi. There are many objections to it, but there is one which to my mind is fatal. Section 51 of the Constitution Act provides that the Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to the 39 subjects which are there enumerated. There are 39 subjects in regard to which we are empowered to make definite laws so that every man and every country can know exactly what we mean. I know well enough that under the cover of law we can say that such and such a thing shall be subject to a resolution of the two Houses ; but in this question there is too great and vital and international a purpose to be put aside. By adopting the amendment of the honorable and learned member for Indi, we should simply pass a resolution to evade the passing of a law. I say that, perhaps not technically, but in the broadest possible sense, such a proposal is an inroad upon the intention of the Constitution. If there is anything in regard to which we ought to make our meaning clear it is a thing involving international relations. Furthermore, this amendment, as well as the amendment for the substitution of the word -" European " for " English " is absolutely an insult to the one country which we desire to propitiate. Some honorable members thought that in my speech upon the second reading of the Bill I was rather rash and precipitate, but i was very careful - although I knew that the difficulty was with Japan - not to refer to that country by any word or innuendo. The name of Japan has, however, been introduced into this debate. I should like to know from the honorable and learned member for Indi which is the greater insult to Japan - the direct exclusion of its subjects as proposed by the honorable member for Bland, or the other more direct way of a resolution in both Houses of Parliament, absolutely naming Japan as the tainted place ?

Mr Isaacs

- There is no necessity to do that.

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Sir WILLIAM MCMILLAN

- Then there is no honesty in the amendment. In the first place, if it is intended to accomplish the same purpose as the amendment of the honorable member for Bland, it is unfair to the supporters of that amendment, and unfair to the Government. I always believe in a fight, but if I am beaten I am sufficient of a democrat - although I am sometimes called a Tory - to abide by the vote of the majority. What in the name of heaven is the difference between saying that we will shut out the people of Africa and Asia, and providing a test which we believe, or pretend to believe, will exclude them? There is absolutely no difference. What I have felt throughout the whole of these debates is the false atmosphere which surrounds us, owing to the Bill put before us by the Government. Let us have the whole truth and power of our convictions. Do not let us do again, by means of the amendment proposed by the honorable and learned member for Indi, what the Government themselves propose in the original Bill ? I will be no party to anything but the straightforward course, which tells the English Government, by this first great national piece of legislation, exactly what we mean, so that they may know exactly what to do.

Mr. HIGGINS(Northern Melbourne).There has been a very interesting conflict between Hector and Ajax. I leave it to the committee to determine who is Hector and who is Ajax. Although it is interesting to know that neither of these honorable and learned gentlemen has been inconsistent in his career in his own State in times past, I do not think that this is a very serious fact for the country to know. We want to get the Bill put into a shape as good as possible, in order to effect our purpose. We may well lay mutual recrimination aside, and recognise that the committee, by a majority, has rejected the amendment proposed by the honorable member for Bland. I accept that decision loyally, although I think it was a fundamental mistake, and I shall endeavour to make the Bill as nearly as possible what I think it ought to be. The honorable and learned member for Indi wants a resolution of both Houses without the assent of the Governor in Council to be sufficient to exclude undesirable immigrants. Of course, when that proposal is reduced to its simplest terms there is no doubt it is open to the criticism that it will enable us to make a law without the consent of the King or the Governor in Council. I doubt whether that is constitutional, but I think that my honorable and learned friend has adduced excellent reasons why he should have voted last night for the honorable member for Bland's amendment. I must say that I feel that it is a kind of *arrière pensée* of guilty consciences who feel that they ought to have gone in a certain direction ; and, having found that they have really made a mistake about a very serious matter, they put forward what it is suggested is a cure.

Mr Ewing

- Some honorable members may be quite calloused.

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Mr HIGGINS

- It looks to me a little farcical. I cannot help using that word, and I hope it is not disrespectful. Here we are in open Parliament discussing how we can bamboozle Japan by pretending not to exclude her people from our shores. The people of Japan have constitutional government, and know perfectly well what they are about. If they choose to read our Mansard - I do not think they will - they will learn, or at any rate they will learn through their Consul, what our meaning is. The proposal of the Government is to bamboozle Japan ; the proposal of the honorable and learned member for Indi is to bamboozle Japan and Mr. Chamberlain. But if Mr. Chamberlain does not know what is meant by the proposal no one will know. What he does not know is not knowledge in this case. Either the idea is to pass these resolutions of both Houses in the terms of the honorable member for Indi's amendment directly the Bill has become law, or they are to be postponed until necessary. If we postpone action until it becomes necessary, however, we shall have to deal with the question at the most dangerous time. We want to legislate to exclude aliens before there is a great pressure of aliens upon our shores. On the other hand, if the idea is to pass the resolutions directly after the Bill becomes law, Mr. Chamberlain will want some undertaking from the Government as to whether or not they intend to propose them to Parliament. I think one recommendation which the Government proposal has is that the Bill will become law more rapidly than it would if the committee had adopted the amendment of the honorable member for Bland. That is the only possible ground upon which the attitude taken up yesterday by the Government can be justified. If the amendment now proposed by the honorable member for Indi be accepted, the difficulty will come up again. Let us do our best to get this measure through even upon the educational test. Let us declare to the world through an Act of Parliament that our intention is to allow people with such education as a Custom-house officer may prescribe, to come into Australia provided the Custom-house officer thinks it well to apply the test. Let us have that as the first Federal Act upon these matters. Of course, I regret that the effect of the proposal as it stands is that Australia will not have expressed in any authoritative way or in an authentic phrase her real wishes. I think it would be much more graceful for us, if having expressed our intentions, and having been told that they were inconsistent with the imperial interests, we then yielded and showed as we shall always show, that we do not wish to do any injury to the Imperial connexion. What was done with the South Australian Bill % The Minister for Trade and Customs, who was Premier of South Australia at the time, brought forward a Bill distinctly restraining coloured immigration. That Bill was passed through both Houses. It went home. It was reserved, and then when the Imperial Government said " We cannot assent to it," the right honorable and learned member receded, and brought in an Aliens' Restriction Bill, on the lines of the Natal Act. That was the appropriate time to give way. Surely when the Parliament of federated Australia is speaking for the first time, and is expressing the united opinion of the whole continent, we should express it in a distinct way. I am looking forward to complications. There are complications ahead which may render it very important for us to show that at the earliest possible stage we intimated to the Imperial power that we" wished to exclude Asiatics of all sorts.

Mr Isaacs

- What would be the use o that if we yielded the moment objection was raised ?

Mr HIGGINS

- I think it exceedingly important that we should say what we want. I do not wish it to be said hereafter by the Home Government - "We could not tell that you wished for the exclusion of Asiatics. We are not supposed to read Ilansard, and all that you showed in your Bill was that you had some object in regard to an educated Australia."

Mr Watkins

- We might as well say we cannot have a " white Australia " as do this.

Mr HIGGINS

- I would not go so far as the honorable member in regard to that. I think this Bill will be of use, but not one-tenth as useful as it would have been if the amendment proposed by the honorable member for Bland had been accepted. I wish to ask the Government whether it cannot by means of some representations in regard to this measure endeavour to get the Colonial-office to reconsider the attitude which it takes up in this matter. I have here an article contributed thirteen years ago to the

Nineteenth Century, of which my honorable friend, the member for the Grampians, has reminded me. It is an article by Sir John Pope Hennessy, who was Governor of Hong Kong ; a man of very great diplomatic experience, and with great experience as a working Governor in different British possessions. The writer referred to the efforts of Australia to restrict Chinese immigration, and he said that he had come, from his experience in Hong Kong, to see the great mistake which English sentiment was making with regard to the efforts of Australia. He showed how in the United States they had practically solved the difficulty, and then he proceeded as follows : - -

Why should not our self-governing colonies adopt the radical cure that the statesmen of America are now applying ? The answer is, they are not allowed to do so. Downing-street rightly interprets the sentiment of the House of Commons in objecting to the prohibition of Chinese. Our Foreign office, directly under the same influence, mid moved indirectly by some Indo-Chinese question objects to prohibition. Therefore, we say to our self-governing colonies, "In this matter of such general interest to you and so vital to your future, you are not to be self-governing." There is a two-fold danger in this : There is the direct injury to Australia ; there is the risk of embittering the relations between Australia and England.

I want to take up that text - " The risk of embittering the relations between Australia and England." There is no person who works so much against friendly relations between Australia and England as the man who drags in imperial interests as an obstruction to Australia's aspirations. I think that Australia's aspirations are perfectly consistent with Imperial interests. It is the Foreign Office which pulls the strings of the Colonial Office in this matter. No doubt the Foreign Office feels the pressure of the position.

Mr Winter Cooke

- It is not all Mr. Chamberlain then?

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Mr HIGGINS

- I have never said that it is. The Foreign Office has repeatedly insisted on the black and yellow races receiving the white races. The British people have forced themselves, by the opium war, on China ; they have forced themselves on India, and on other places where there are coloured people. Therefore it seems to be inconsistent for the British Foreign Office not to be able to say " You yellow people are free to come in where the white men are." That is the position of the Foreign Office, and the Colonial Office takes up the same attitude. When Mr. Chamberlain speaks of the traditions of British policy, there are no such traditions in the broad sense, and what he refers to are the traditions of the Foreign Office. When one asks - Where is the tradition of the British policy which makes no difference between the black and the white ? I cannot find an answer. Do we not know that in India natives of the highest rank were not allowed to enter into the presence of the lowest white official without taking off their shoes as a token of respect ? It is all humbug to say that British traditions are in favour of no distinction being made between black and white. Anglo- indians speak of the natives as black niggers, and treat them without the slightest respect ; and I deny that there has been any tradition in connexion with British policy that obliges us to treat black and white as on the same level, or that 'shows that all subjects of His Majesty are to have access to all parts of His Majesty's dominions. The United States Government apply their Chinese restriction law not merely to

Chinese who are aliens, but to Chinese who are subjects of the State in Honolulu and the Philippines ; and just as they do that within the ambit of the United States, so Great Britain has never laid aside her power to say that she will not allow her yellow or black subjects to go into any particular part of her dominions. Sir John Pope Hennessy, at one time Governor of Hong Kong, speaks about the main current of Chinese immigration going from Hong Kong, and says that an effort was made on one occasion while he was Governor there to deport a number of Chinese convicts to Australia, and that he was thanked by the late Sir Henry Parkes for putting a stop to the movement. Sir Henry Parkes was one of the first men to see the greatness of this proposal for a " white Australia," and he did yeoman service to Australia by the stand he took. Sir John Pope Hennessy says -

Complaints loud and persistent were made by British, American, and German ship-owners in Hong Kong. "Even one of my harbor officials wrote to Downing-street complaining that my action threatened injury to a flourishing branch of Hong Kong trade - the Chinese coolie trade to Australia. It is easy to guess the result. A trade from which a few influential ship-owners in Hong Kong make a profit had been kept up, though it has been alike distasteful to the governing classes of China and to the people of Australia.

Sir John Pope Hennessy says that the governing classes in China disapprove of the sending of their people - except convicts - over to Australia. I would ask - Who is likely to be offended by our straight-out statements about the shutting out of Asiatics 1

Mr O'Malley

- The convict shippers.

Mr HIGGINS

- It is said that the Hindoos will be offended, but I contend that the leading Hindoos do not care a jot about what we do.

Mr Deakin

- Hardly any Hindoos come here. The natives of India who come here are nearly all Mohammedans, from the outside districts.

Mr HIGGINS

- Yes. No doubt we have the statement by M. Kato, the Japanese ambassador or consul in London, with regard to the desire of Japan to be classed as a European power, and to be treated differently from the other Asiatic peoples. Sooner or later we shall have to tread upon that corn of Japan, because we cannot make an exception of that nation, and the only question is whether we should express our intention to exclude Japanese in terms which would be applicable to all Asiatics, or in a form that would be applicable to Japan alone, when a shipload of Japanese come here. I think there would be far more offence in the specific exclusion of a specific shipment of Japanese than in a general exclusion on the ground of colour. I know that the heart of the Attorney-General is in the right place with regard to this matter, and I know the eagerness with which he would act in trying to secure the highest civilization for Australia ; and I would ask him whether the Government could not make representations to the proper authorities, pointing out the aspirations of the Australian Commonwealth, and that many honorable members voted against the amendment of the honorable member for Bland simply because they did not desire to imperil the Imperial connexion.

Mr O'Malley

- They were also saving their own Government.

Mr HIGGINS

- Perhaps so. I think, however, that these representations might be made to the Imperial Government. I do not think there are more than half-a-dozen members of this House who are not absolutely in sympathy with the amendment of the honorable member for Bland.

Mr Reid

- Including all the Ministers.

Mr HIGGINS

- Yes, and ex-Ministers, too.

Mr Page

- Especially the Attorney-General.

Mr HIGGINS

- The Attorney-General is all right, and if he had a free hand in the matter, he would do all that is required. I think the Government might very well represent to the Imperial authorities that this tradition of the Foreign Office, communicated to the Colonial Office, is hampering to the friendly relations of Australia with the Empire, and ought to be revised as soon as possible. As soon as the Imperial authorities see their way clear, and have found that this fear of offending Japan is a mere bogey, they should be prepared to assent to a Bill which would put everything right.

Mr Deakin

- There has been a suggestion already considered by the Government which would involve representations being made to the Imperial authorities upon this and some other questions of the same character, quite upon the lines suggested by the honorable member.

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Mr Reid

- What is the use of making representations without legislation ?

Mr HIGGINS

- I think the right honorable gentleman will recognise that we shall not rest at this particular measure, but

that it will be the duty of the Government to proceed with legislation which will cover the whole ground. I must say that it is a very curious commentary upon our position, considering the history of the Empire, that we should have to "kow-tow " to Japan.

Mr Reid

- Hear, hear !

Mr HIGGINS

- The whole question appears to me to rest upon this. England's army is locked up in Africa, and she is not able to assert herself as she would like to do in China. As a result of this she has to look to Japan for help, and as a further result Australia cannot get what she wants.

Honorable Members. - Oh, oh.

Mr HIGGINS

- That is the view I take of the matter. The Minister for Trade and Customs reminded us that the difficulties in the way were very small comparatively in 1897, but that since 1899 they have become tremendous, and these difficulties are owing very largely to the unfortunate position that England occupies in having her army locked up in South Africa.

Mr Ewing

- There are only 150,000 men there, and England could get millions of soldiers if she wanted them.

Mr HIGGINS

- We need not argue about that. No doubt England is seriously hampered in not having enough troops to enable her to assert herself in China. There was a picture recently published in an American illustrated paper representing the British lion with his tail in a trap, and the Russian bear walking off with Manchuria, and I think that very fairly represented the position. I hope, however, that Great Britain will be able to assert herself in the Far East before very long, without having to "kow-tow" to Japan. I rose particularly because I felt to a large extent in sympathy with the honorable and learned member for Indi, and I wholly regret that so many of my honorable friends, who are as earnest in desiring a white Australia as myself, feel constrained by loyalty to the Government and other considerations - because the Government did not put pressure on us--

Mr Reid

- Oh, ask the honorable member for Eden-Monaro about that.

Mr Chapman

- The pressure was on the other side - hydraulic pressure.

Mr HIGGINS

- As one who voted against the Government in this matter, I may say that no effort was made to influence my vote in the slightest, but I was left a completely free field of action. The Government would not say up to the very end that they would resign if the amendment were carried.

Mr Reid

- The honorable and learned member was not wanted.

Mr HIGGINS

- Under all the circumstances, I should like to know if the Government intend, in the event of the amendment proposed by the honorable and learned member for Indi being rejected, to alter the Bill so as to provide for a test in any European language at the will of the Customhouse officer, or for a test in the English language.

Mr Deakin

- Provision will be made in the Bill either for a test in any European language instead of the English language, or else a test in English or some other prescribed language, or, if the committee prefers it, in a language to be prescribed. The object can be accomplished in either case.

Mr HIGGINS

- I am quite sure that the Ministry will recognise that we shall still be in the slough if we insert a provision for a test in any European language, because that will be offensive to the Japanese, and we shall be in no better position than if we adopt the direct method of prohibiting all coloured aliens.

Sir John Forrest

- Why did not Japan complain of the New South Wales Act ?

Mr HIGGINS

- They have complained. I think I am right in saying that the Japanese Consul in Sydney is distinctly of opinion that the European test is a reflection upon Japan, but that the English test is not. If that be so, I cannot see what will be gained by refusing to adopt the *prima facie* simpler course. I am afraid I shall have to vote against the amendment.

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Mr THOMSON

- I have heard the repetition of a good many second-reading speeches .on this question, and I have tried to refrain from speaking again. But I cannot sit under the attacks and vituperation coming first from the Government side Of the chamber, and directed at the Opposition, of which I am one, and then from our own side and directed at the opponents of the amendment of the honorable member for Bland, of which opponents I am also one. The position is that a great majority, if not all, the members of the House are desirous that there shall be effective restriction of undesirable alien immigration. The whole question is - Is the course proposed by the Ministry in their Bill, or the course proposed by the honorable member for Bland, the more desirable 1 I have supported the Government proposal for reasons which I have already stated, and which I shall not repeat. That proposal is preferred by the British Government, who are responsible for the whole of the Empire. It is a proposal that has been effective where it has been properly enforced, and if that be so, we surely can stretch a point, especially when our experience shows that it would be at least as effective as any of the substitutes suggested, to meet the British Government, who have done so much for us. I admit that there may be something in the argument that the means proposed by the Government may not exclude, but I think that fault can be found equally with any proposed substitute. The leader of the Opposition said that the conference of 1896 was in favour of absolute exclusion. That conference was not in favour of absolute exclusion ; it was in favour of the application of the provisions of the Chinese Restriction Acts, which does not mean absolute exclusion.

Mr Reid

- It means practical exclusion.

Mr THOMSON

- Yes ; but such an Act, if applied to other coloured aliens, would have let in as many, excluding kanakas, during the last live years, as are shown by the returns to have entered the States of Australia.

Sir John Forrest

- A great many more.

Mr THOMSON

- I am only going so far as to say that such an Act would have admitted as many.

Mr Reid

- Then what is the use of all this trouble?

Mr THOMSON

- The right honorable and learned member, who has raised all the trouble, now asks what is the use of it.

Mr Reid

- If what the honorable member says is right, what is the use of wasting time and having this bother ?

Mr THOMSON

- What the right honorable and learned member says does not affect the truth of what I have stated, and he cannot get away from the fact that what I say is the truth,

Mr Watson

- We do not admit it.

Mr THOMSON

- If the honorable member for Bland will make the calculation, he will find that it is the truth.

Mr. Watson. - I say that it is not so.

Mr THOMSON

- What I say is that the Chinese Restriction Act does not mean absolute exclusion, though I admit it is practical exclusion ; and the proposal of the honorable member for Bland would not mean absolute exclusion.

Mr Watson

- It would be close up.

Mr THOMSON

- The amendment of the honorable member for Bland would give greater opportunity for evasion than the education test. The proposal is that all aboriginal natives of Africa and Asia shall be excluded. It will be observed that other parts of the earth are omitted.

Mr Watson

- Because we are dealing with some of the people of those other parts in another Bill.

Mr THOMSON

- The amendment of the honorable member for Bland omits, for instance, West Indians. Is he not aware that a good many children of Indian coolies are born in the West Indies ?

Mr Crouch

- Then they are aboriginal natives of Asia.

Mr THOMSON

- Would the honorable and learned member for Corio exclude an Englishman who happened to be born in China ? But I am not going to be unjust to the honorable member for Bland, because I must admit that his amendment means the practical exclusion of undesirable immigrants, though it does not mean absolute exclusion.

Mr Conroy

- How does the honorable member get over the word " aboriginal " ?

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Mr THOMSON

- Are we going back into the dark ages to ascertain whether a man is a native of a given country ? I take it from the Bill that the meaning of the word must be that the people are born in a certain country, and that they are coloured aliens. As to evasion, nobody could tell where these coloured people were born. Coolies would only have to assert that they were born in the West Indies, and, under the circumstances, they would have to be admitted. But that would be an unfair criticism of the amendment of the honorable member for Bland if I did not admit that I believe it would practically exclude undesirable immigrants for the same reason that the education test will exclude them. Steam-ship owners are liable to such tremendous responsibility if they bring aliens here who can be rejected, that to be on the safe side they will refuse to go into the question as to where their coloured passengers were born or as to how many words of English they can write. They will point out that it is of no use trying their intending passengers with 50 words of English because another 50 words might be put to them on arrival in Australia, and as it would be known these people were not wanted here, the steamship owners would refuse to carry them.

Mr Harper

- That is the greatest safeguard.

Mr THOMSON

- That is the greatest safeguard, and, with the amendment of the honorable member for Bland, would result in really effective exclusion.

Mr Watson

- The Ministry thought my amendment much more stringent than theirs, or they would not have opposed it so bitterly.

Mr THOMSON

- I cannot say what the Ministry thought.

Mr Watson

- I will take their interpretation in preference to that of the honorable member in this instance.

Mr THOMSON

- I prefer to take my own interpretation.

Mr Fisher

- The honorable member is explaining his vote.

Mr THOMSON

- I have no need to explain my vote. I have heard a good deal about the opinion of the people of Australia from honorable members who assume to know exactly what that opinion is. They are quite right in assuming to know the opinion of the people of Australia as to the exclusion of undesirable aliens, but each member has to judge of that himself in regard to his own constituents. Honorable members have no right to say that those who voted in the majority last night against the amendment of the honorable

member for Bland are misrepresenting the people of Australia.

Mr Watson

- A lot of honorable members were coerced against their own opinion.

Mr THOMSON

- I was not coerced.

Mr Watson

- I know that.

Mr THOMSON

- If coercion had been exercised upon me, and it was not, it would have been the other way. I am not afraid of my constituents in this or any other matter on which I choose to vote in accordance with the dictates of my opinion. I merely wish to point out that everybody should be given credit for sincerity, no matter what view he may take of this question. I believe we are all loyal. I have not attacked any member's loyalty, because I believe all are animated by a loyal spirit. At the same time, there has been some unfair criticism of the different proposals submitted to us, because it has not been recognised that whilst not one is absolutely exclusive, two of the proposals, at any rate, are practically exclusive, because of circumstances which will cause the rejection of proposed immigrants.

Mr FISHER

- Before we go to a division I should like to say a word or two in reply to the honorable member for North Sydney, inasmuch as he has repeated a statement made by the Premier by way of interjection. When the Prime Minister stated that there is no public man who has declared emphatically on the hustings for a "white Australia" without reservation--

Mr Barton

- I never said that. What I said was that at the time I made my declaration in favour of a "white Australia" the only measures that had ever been introduced for the restriction of coloured immigration, apart from that of the Chinese, and had been assented to, were measures such as this, and I had heard no proposals from public men to achieve that object by any other means.

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Mr FISHER

- That is a fuller explanation of the views held by the Prime Minister. I feel reasonably assured that there are dozens of honorable members who emphatically declared to the electors that the one principle they thought vital to Australian interests was a "white Australia." I should like to know the method by which we can arrive at a "white Australia" without directly excluding Asiatics. If the only possible way of attaining that object is by such provisions as are contained in this Bill, it was the duty of the Prime Minister to say emphatically to the Australian people that this was the kind of legislation the Government believed in. I know that it is not always necessary or wise for a Minister going to the country to state in detail what he proposes to do, but this is a question of such vital importance, which cannot be put on one side or equivocated upon, that it was the duty of the leading men on either side to make the matter clear and definite to the electors. If there is a misunderstanding amongst members who have been elected to this House, how is it possible for the electors of Australia to understand what the Prime Minister then meant? So far as I am concerned I have no doubt at all. I asked for the vote of my constituents, with absolute freedom to exclude by legislation all Asiatics from the Commonwealth.

Mr Watson

- That was the inference from the Prime Minister's speech at Maitland, and that is what he is not doing.

Mr Barton

- I am doing it.

Mr Watson

- No.

Mr Barton

- I say yes.

Mr FISHER

- I leave this point because I do not wish to address myself to side issues. I now come to a point of some importance. I heard the eloquent speech delivered by the Attorney-General, and I think it was slightly marred by an effort upon his part to impress honorable members with the idea that if this Bill were made

more stringent it might not receive the Royal assent. If I thought there was to be a contest between this Parliament and the officers of His Majesty's Government in Great Britain over this question, I should say that the sooner that contest took place the better. It is wrong for a responsible Minister to stand up in our national Parliament and endeavour to create the impression among the Australian people that we are not a self-governing community at all, that we are not competent to carry on Our own legislation unless with the consent of His Majesty's Ministers, sitting in a country which is perfectly safe from undesirable immigration of this kind. I recognise the great and valuable services which have been rendered by individual members of the Government to the cause of a "White Australia." I should like to have supported them upon this measure, because I believe they have the same object in view as myself. But the one disturbing element in my mind regarding their position upon this occasion is the broad hint which they threw out that we were not free to deal with this question. That to me is a vital matter. Coming to the amendment submitted by the honorable and learned member for Indi, I admit the ability of that gentleman, and believe that his desire is to strengthen the Bill. I do not, however, agree with his method of giving effect to his views.

Mr Isaacs

- It is an effort to strengthen our endeavours to keep Australia white.

Mr FISHER

- I admit that the honorable and learned member is making an honest effort to increase our powers, but I am not with him because I wish Australia to take direct action, and because I think that the extent of our powers ought to be clearly ascertained. Another reason why I disagree with him is because it is inadvisable for Parliament to do by resolution what it can as easily do by a short Bill.

Mr Isaacs

- Not as easily.

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Mr FISHER

- I ask the Government and those honorable members who have had long parliamentary experience whether it would be easier to pass a resolution through both Houses than to pass a short Bill ? To my mind the one course is as easy as the other. The only difference is that the result of the method which the honorable and learned member for Indi proposes might not be apparent until the resolution actually became operative. The honorable and learned member's amendment is valueless except that a resolution of the two Houses would not be subject to the Imperial veto. I shall not be a party to telling the Australian people that we cannot do this thing or that, whilst the honorable and learned member himself has clearly stilted that we have a Constitution which empowers us to do it. I agree with the Minister for Trade and Customs, that if the Imperial Parliament asked us to do a certain thing under certain circumstances, which would render them a great service, we should in duty bound to do it. But we are not entitled to - nor should we - give away any rights of the Australian people whilst doing that. Coming to the point as to whether this measure - if by any inadvertence the amendment of the honorable member for Bland had been inserted in it - would have been reserved for the Royal assent, I say that no such reservation would have taken place. Why should not the large powers given to the Governor-General be sufficient to enable him to take the advice of his Ministers and of the Australian Parliament ? I hope that we shall always have a Ministry loyal to the great mother land, but still more loyal to their own country and the people whom they are elected to serve. I have just one more argument o advance against the amendment of the honorable and learned member for Indi. He says that a resolution can be passed to prevent one immigrant, or many immigrants, from landing. But let us suppose that, in some spasm of political excitement, Parliament passed certain resolutions to prevent one or two men from landing, what a humiliating position we should occupy ! Nobody would be responsible, and yet the evil would be done. The amendment is indirect and valueless. I shall not be a party to any manoeuvre of this kind to avoid difficulties which should not exist, and which I believe do not exist, notwithstanding the efforts of Ministers to create a contrary impression.

Mr CONROY

- I take it that it is the duty of a Government, before introducing any Bill, to consider whether such a measure is required by the people. In this case affirmative reply to that question has been given by every honorable member, because all have declared that the people of Australia desire the enactment of

legislation for the exclusion of undesirable immigrants. The point in dispute is as to how that desire can best be accomplished. When any legislation is to be enacted, it is the duty of the Government to consider what steps can be taken to render such legislation efficacious. We have had an assurance from the Attorney-General that no Bill has so exclusively and continuously occupied the attention of the Ministry as that which is now under discussion. Honorable members were therefore entitled, upon the introduction of this measure, to know from the Ministry the exact position in which they stood. They were entitled to know that the Government had fully considered the measure. In this case, however, we find that, so far from standing by the Bill, the Ministry have expressed their willingness to accept still another amendment. The amendment which they now propose is to substitute the word " European " for the word " English."

Mr Barton

- That was made public a fortnight ago.

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Mr CONROY

- But the Prime Minister did not state that he would agree to such an amendment when he introduced the Bill, and by his action many of his supporters have been placed in a very humiliating position. I sympathize deeply with two or three honorable members in the unfortunate position in which they have been placed. That amendment proposed by the honorable and learned member for Indi is not one which should meet with the approval of this House. Last night, when there was a chance to state definitely what Australia intended, the honorable and learned member deliberately chose to take another course, and although many honorable members upon the Government side of the House had absolutely declared that the safety of Australia was centred in the settlement of this question-, at the crack of .the Government whip they abandoned their position, considered the safety of the Ministry, and voted with them. The supporters of the amendment moved by the honorable member for Bland announced their intentions from the beginning. They said that they would not palter with this question. They urged that, as far as Australia was concerned, it was far better to boldly face the position, and to declare that no coloured immigrants should be admitted to our shores. If we continue to delay effectively dealing with this important matter - as we shall do by adopting this Bill - these undesirable persons will continue to come here, and at the end of a few years the nations to which they belong will be able to speak to us with a great deal of authority, because they will be in a position to say : " There are so many thousands of our subjects residing in Australia." They will thus be fairly entitled to challenge any position which we may then desire to take up for their exclusion. Does anybody think that, if the Boers had been able to adopt stringent legislation forbidding other nationalities from entering their republics, Great Britain would have been fighting there to-day ? If such legislation had been passed years ago, Great Britain would never have been forced to go to war in order to uphold the rights of her subjects who had settled there. The same condition of things prevails here. People acquire the right to a peaceful existence in the land in which they have chosen to settle. The proper course for us to have followed was to have adopted the amendment of the honorable member for Bland. This amendment does not in any way help us. It will only postpone the struggle to another day. Perhaps we should have the whole tiling over again in the course of the next six months. No one can wish to see a question like this continually brought up here, a question which creates an amount of dissension and ill-feeling that we should all be glad to avoid. I have little more to say. My voice has not been heard very often of late in this House. One of the reasons is that the Ministry lias not been standing by any measure, and one cannot fight jelly-fish. We must have some stand taken up for a measure before any opposition can be offered. Prior to this occasion, the Government have always given way, and I have been unable to fight them. I shall give them my blessing when I see them depart from the Government side of the House.

Mr.G. B. EDWARDS (South Sydney). - If a division had taken place last night on the honorable member for Indi's amendment I should have voted for it. I wish to explain why I intend now to cast my vote against it. I spoke to the honorable and learned member for Indi this morning, and told him that I was inclined at first to support his proposal, but that after consideration I had decided to vote against it. My wish has always been to place in the hands of the Commonwealth as full power as possible to restrict the immigration of alien races, and I thought at first that, as the honorable member for Bland's proposal had been defeated, some additional powers might be obtained by means of the amendment now before the committee. After further consideration, however, I find that there are objections to the honorable and

learned member for Indi's amendment equally as strong as those which can be urged against the Government proposal. I am not going to detain the committee any further than to say that I believe a still better amendment would be to limit the operation of this Bill to two years. That suggestion was made by the honorable member for North Sydney, and, unless he or some other honorable member moves to that effect, I shall propose such an amendment. In this way we shall secure a reconsideration of the question before the expiration of that period, and during the two years we may have occasion to wish to give it further attention.

Mr. ISAACS(Indi).- I wish to say only one or two words in regard to a remark which was made by the honorable and learned member for Northern Melbourne. I do not think he intended to convey the meaning that he did when he said that in my amendment there was some disposition, as a sort of after-thought, to try and justify the action of those who voted against the amendment moved by the honorable member for Bland.

Mr Higgins

- I did not mean that. I know the honorable and learned member has been in favour of his present proposal from the first,

Mr ISAACS

- I am glad that the misapprehension has been cleared away. I desired to move my amendment before the honorable member for Bland placed his before the committee, and gave way only because the honorable member assured the committee that he had intended to occupy the position which I had inadvertently taken, and which I willingly gave up to him. Therefore, I think that honorable members will acquit me of any desire to go back upon a single word. My intention has been from the first to give to the democracy of Australia, by the least objectionable means, full power to make Australia white.

Amendment negatived.

Progress reported.

CUSTOMS BILL

Mr SPEAKER

- I have received the following message from the Senate : -

Mr Speaker

- The Senate has agreed to the amendments made by the House of Representatives to certain amendments made by the Senate in the Customs Bill, and does not insist on its amendments Nos. 46, 49, 67, 69 and 110, to which the House of Representatives has disagreed. The Senate insists on its amendment, No. 101, set forth in the schedule herewith, to which the House of Representatives has disagreed. The Senate does not insist on its amendment, No. 113, to which the House of Representatives has disagreed, except as regards the words set forth in the schedule herewith. The Senate returns the Bill herewith, and desires its reconsideration.

C: BAKER,

President.

In Committee :

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Mr KINGSTON

- In this case the Senate have accepted our answers to their amendments, save in two cases. One exception is in regard to the insertion of the word "wilfully" in the provision in paragraph (i) of clause 220, that -

All goods in respect of which any entry, invoice, declaration, answer, statement, or representation which is false or misleading in any particular has been delivered, made or produced shall be forfeited to His Majesty. The Senate inserted the word " wilfully " before the word " misleading," and they insist upon the amendment. The Government think that we may fairly enough give way to the other House in this respect, because if the entry is false, the penal consequences will ensue. The matter is not worth quarrelling about. The second exception is. in regard to clause 245 in which the Senate suggests a compromise. The other House originally struck out the provision that -

In every Customs prosecution except for an indictable offence, or for an offence directly punishable by imprisonment, the defendant shall be compellable to give evidence, and if called as a witness for the prosecution, shall be liable to cross-examination as a witness adverse to the prosecution.

They have now endeavoured to meet us by permitting the calling of the defendant, while they strike out the provision as regards the cross-examination of the witness as adverse to the prosecution. The condition will remain that if a defendant proves adverse, he can be cross-examined, so that in that case also I think the committee can give way. There must be some finality, and there has been a very fair desire in both Houses to arrive at a settlement. I move -

That the amendments of the Senate be agreed to.

Motion agreed to.

Resolution reported and agreed to.

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15:56:00

House adjourned at 3.56 p.m.