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1901-10-01

House of Representatives.

Mr. Speaker took the chair at 2.30 p.m., and read prayers.

QUESTIONS

PRESS TELEGRAM RATES

Mr O'MALLEY

- I wish to ask the

Prime Minister, without notice, if he read the sub-leader in yesterday's Argus, severely condemning the revenue-destructive methods of the Post and Telegraph department in the charging of such high rates for Interstate press telegrams germane to federal politics, as to virtually make them prohibit them. In view of the importance of popularizing the Commonwealth Parliament, and materially adding to the national revenue, will the Government transmit at the same low rates as members' speeches the political comments and criticisms of the Inter-State press representatives stationed in Melbourne during the remainder of the session 1

Minister for External Affairs

Mr BARTON

- I cannot charge my memory with having read the sub-leader to which the honorable member refers, but I may say that the subject on which he has put his question is under consideration by the Postmaster-General, with whom I have been in communication.

INTER-STATE FREE-TRADE

Mr O'MALLEY

- I wish to ask the Prime Minister, without notice, if he has any objection to tell the House whether, when the Tariff is laid upon the table next Tuesday, we shall have Inter-State free-trade ?

Mr BARTON

- I do not think it is my duty to anticipate the declaration of the Treasurer on that point.

SHIPMENTS OF COOLIES

Mr McDONALD

- I wish to ask the Prime Minister, without notice, has his attention been drawn to a shipment of coolies which arrived in Brisbane a few days ago by the steam-ship Tyrian, bound to the north, and is he aware that several shipments of these Asiatics have been introduced into Queensland of late.

Mr BARTON

- I am only too painfully aware that a large number of British subjects have lately been introduced into the Commonwealth, possibly taking advantage of the length of time elapsing before the carriage of legislation on the subject. It has been a difficulty to me all along, because notwithstanding strict inquiry, it has been found in all these cases that the persons presenting themselves are British subjects, to whom, as I have often explained, no Act of State will apply. Until there is legislation upon the subject, the Commonwealth is helpless to prevent the introduction of British subjects. As soon as legislation is passed prompt action will be taken.

IMMIGRATION RESTRICTION BILL

Mr PAGE

- I desire to ask the Prime Minister, without notice, if it is true, as stated in the Argus, that there is to be no division taken on the Immigration Restriction' Bill until to-morrow, to suit the convenience of the representatives of New South Wales?

Mr BARTON

- No such engagement or promise has been made by me in any shape or form.

POST-OFFICE, WALKERVILLE

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Sir LANGDON BONYTHON

asked the Minister representing the Postmaster-General, upon notice -

Whether provision will be made in the Estimates for a post-office at Walkerville, on the site purchased for the purpose by the South Australian Government, the erection of which building was promised last year ?

Minister (without portfolio)

Sir PHILIP FYSH

- The answer to the question is as follows : -

No decision can be arrived at with respect to the provision made on the loan estimates for the erection of a post-office at Walkerville, or Other similar places in South Australia or the other States ; but all the information available has been furnished to the department of Home Affairs for consideration.

MAP OF ELECTORATES

Mr A C GROOM

asked the Minister of. Home Affairs, upon notice -

Whether he will have a map of the Australian Commonwealth territory prepared, showing the electoral divisions of each State, with a schedule attached thereto giving the name of the Member representing each electorate?

Minister for Home Affairs

Sir WILLIAM LYNE

- A map of each State showing boundaries of federal electorates, where it has been so subdivided, can be inspected at my office ; but I am making inquiry as to whether a sufficiently large scale map of the whole Commonwealth is obtainable with a view to the desired details being placed thereon, and it being made available for the use of honorable members.

MILITARY FORCES

Mr McDONALD

asked the Minister of Defence, upon notice -

What would be the probable additional cost of the Military Forces on their present strength if the recommendations of the Military Pay Committee were adopted?

Minister for Defence

Sir JOHN FORREST

- A return is now being compiled showing the increased cost if the recommendations of the pay committee be adopted, and when the same is ready it will be laid on the table of the House.

BICYCLES FOR LETTER CARRIERS

Mr WATSON

asked the Minister representing the Postmaster-General, upon notice -

Whether it is the intention of the latter to supply letter-carriers in New South Wales with bicycles?

Sir PHILIP FYSH

- The answer to the question is as follows : -

It is the intention of the Postmaster-General to supply letter carriers in New South Wales with bicycles when such supply will lead to increased efficiency and economy.

ALIENS: POST AND TELEGRAPH DEPARTMENT

Mr V L SOLOMON

asked the Minister representing the Postmaster-General, upon notice -

Whether any, and, if so, how many, Chinese and other Asiatic aliens have been employed in the Post and Telegraph department in the Northern Territory of South Australia since the department was taken over by the Commonwealth ?

Sir PHILIP FYSH

- The answer to the question is as follows : -

Fifteen Chinese, but no other Asiatics have been employed in the Post and Telegraph department in the Northern Territory of South Australia since it was taken over by the Commonwealth. They were all employed previous to the transfer and were taken over with the department.

TELEGRAPH MESSENGERS

Mr CROUCH

asked the Minister of Trade and Customs, upon notice -

Whether, in view of the answer given by the Prime Minister (Hansard, p. 2400) re telegraph messengers, he will be able to pay the transferred officers referred to therein, the rate of pay they would have received if they had not been transferred ?

Minister for Trade and Customs

Mr KINGSTON

- These matters are under consideration pending the passing of the Public Service Bill.

EASTERN EXTENSION COMPANY'S CABLE RATES

Mr CROUCH

asked the Minister representing the Postmaster-General, upon notice -

What steps the latter proposes to take to place the business men and others in Victoria using the Eastern Company's cables on an equal footing with those cabling from New South Wales ?

Whether the present position has not been brought about by a breach of faith by the New South Wales State Government, and in that case whether the Postmaster-General will permit any undue advantage over the other States to result therefrom to the people of that State ?

Sir PHILIP FYSH

- The answer to the honorable member's questions is as follows : - 1 and 2. No statement can be made with respect to any proposed action in the matter of cable rates until the position of the Commonwealth in connexion with the agreements made between the several States and the company owning the cable has been finally determined.

PAPER

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Mr. Barton laid on the table

Correspondence relating to the proposed alteration of the Royal style and titles of the Crown.

IMMIGRATION RESTRICTION BILL

In Committee (consideration resumed from September 27th, vide page 5147).

Clause 4 -

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

Any person who when asked to do so by an officer fails to write out and sign in the presence of the officer a passage of 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 mere 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 of 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.

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Sir MALCOLM McEACHARN

- I move -

That the words "the English," line 8, be omitted, with a view to insert in lieu thereof the words "an European."

I had intended at one time to alter this amendment so as to make the clause read "in the English or any prescribed" language, in order to meet objections that had been raised by the Japanese Consul and other Japanese who have been visiting us. I find, however, that five of the States already have in operation Acts containing a provision similar to the clause as I propose to amend it. The intention is that if any intending immigrant can write the words selected by the Customs officer in any European language, he will be permitted to enter the Commonwealth. I have said that I desire in no way to offend the Japanese. I quite recognise the class of people they are, and I also realize the advantage which is likely to result to the Commonwealth from trade and commerce with them. They have developed a very considerable trade with us lately; they have their steamers coming here regularly, and they have lately sent experts here with a view to purchasing our wool and to generally developing trade with the Commonwealth. That is what every one in this House must wish to see; but, whilst I am desirous to meet the Japanese in every way, I feel that we could not possibly accede to their suggestion that the Japanese language should be one of those in which the test may be made. If that were yielded, there would be nothing whatever to prevent large numbers of Japanese from coming into the States. I am at one with the whole of the members of this House in desiring that the Japanese should not come here in large numbers, and I agree thoroughly with the desire that we should have a white Australia, although I think, with the honorable and learned member for Parkes, that a very great deal more has been made out of the danger to the Commonwealth through alien immigration than is warranted by the circumstances. I feel that our present laws are quite sufficient to prevent our being seriously contaminated by an influx of aliens, and yet if the proposal to pass fresh legislation had been brought forward as a protection to labour, I would have been one of the first to support it. I recognise that if Japanese can come here in any large number, they will compete at low rates with white labour, and I will be no party to that. On the other hand, so far as the tropical parts of our Commonwealth are concerned, I will not join in shutting out those who have come here to carry out industries which would never have been developed or have reached their present state of prosperity, except by means of alien labour. I, therefore, differentiate between the conditions that have to be considered in the tropical parts of the Commonwealth and those in the Southern States.

Mr McDonald

- What does the trade of Japan with the Commonwealth amount to?

Sir Malcolm McEacharn

- The trade of Japan with us is a very considerable one, and it is proposed to double the number of steamers now trading to Australia. They already have a regular line of steamers, but whatever the trade may be now, it is the future that we have to look to, because we know that when trade is once opened up between two great countries, it will develop very rapidly. Apart from that, the mere fact of these Japanese steamers coming here results in a large amount of employment being given to white people, and our commercial intercourse with Japan should certainly be fostered in every way possible. I do not wish to make a second reading speech, but simply to submit my amendment to the committee.

Mr R EDWARDS

- It is my intention to support the amendment, but as there is some doubt as to how it may be interpreted, I would ask the Attorney-General whether intending immigrants will be required to pass a test in their own language, or whether the Customs officer will have the right to say what European language shall be selected?

Sir WILLIAM MCMILLAN

- It is desirable that a reply should be given to the question asked by the honorable member for Oxley, which is a very important one, namely, whether the Customs officer should have the right, say in the case of a German, to select the French or the Russian language for the purposes of the test. I take it that all these things must be governed by regulation, but the clear and honest understanding is that, since

we do not desire to keep out educated and reputable Europeans, no European shall be asked to write 50 words in any language but his own.

Minister for External Affairs

Mr BARTON

. - I may say at once that there is no desire on the part of the Government to keep out educated or reputable Europeans, and I do not think that that is the wish of any section of this House. If the honorable member will look at other parts of the Bill he will see, first, that the dictation is not to be set to the immigrant unless the officer asks that it should be. These tests will be applied under Ministerial authority, and with a desire that the purposes of this Act shall be carried out, excluding that class of immigrants who are, by the common consent of this House, considered to be undesirable. Apart from that there is no desire to keep out Europeans of reputable character. I do not think it is the intention of the Commonwealth to commit itself to any such action at the present time, but as to those undesirable immigrants, who have been the subject of discussion in the House and in despatches, it is the intention of the Government to make the exclusion as perfect as possible. To put an illustration : If a Swede were asked to write a passage at dictation, I should not dream of instructing the officer to subject the immigrant to a test in Italian. That would be unfair, and is not what this House has in its mind in passing this legislation. I think this statement will be sufficient to clear up any doubts that may exist. Honorable members may rely upon it that this Act will not be worked unfairly or oppressively in regard to those whom it is not our common desire to exclude, but that every care will be taken to prevent its being defeated by those whom we desire to keep out.

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Mr O'MALLEY

- I wish to ask the Prime Minister whether the amendment would affect a man who had not learned either to read or to write, and who yet might be a very good and desirable citizen

Mr Barton

- If the honorable member will look at the words "when asked to do so," he will see that they answer his question.

Mr McDONALD

- I wish to point out that there is a large number of Europeans who are desirous of coming here, but under the conditions which it is now proposed to impose, they will not know whether they will be admitted or not till after their arrival. Some of these men have made good citizens in the past, and have very materially assisted in building up the Commonwealth. I think there should be some distinct understanding as to the exact position which they occupy. It would be a very serious matter indeed for a man from any European country, after selling up his home and paying his passage to Australia, to be debarred from entering the Commonwealth. It would be far better for the Government to adopt the amendment suggested by the honorable member for Oxley, and provide for a purely European language test.

Mr. HIGGINS(Northern Melbourne).I should like to understand distinctly whether it is the intention of the Prime Minister that the officer, acting under Ministerial authority, shall have the option of selecting the language in which the immigrant is to be examined, and whether the House must trust the Minister that the officer will select a proper language for the intending immigrant. I ask this question because the honorable member for Melbourne appears to have an opposite intention.

Sir Malcolm McEacharn

- No ; I agree with the statement of the Prime Minister.

Mr HIGGINS

- Of course I may be wrong, but I understood that the honorable member wished to leave it to the immigrant to say in what language he should be examined.

Sir Malcolm McEacharn

- That is so.

Mr HIGGINS

- The Prime Minister has no such intention. The Prime Minister means that the officer shall have the selection.

SirWilliam McMillan.- But the officer will be instructed.

Mr HIGGINS

- The meaning of the words, I think, is clearly that the officer can dictate such language as he thinks fit. I understood that the honorable member for Melbourne wished the immigrant, and not the officer, to have the selection of the language in which the former should undergo the test. As these words stand, I think they mean that the officer can examine the intending immigrant in any language which he thinks fit. The Prime Minister appealed to the committee to trust the Minister and the officer not to apply the Italian language, for example, to a Swede, or the Swedish language to an Italian.

Mr Barton

- I think that the honorable and learned member can trust us to do that.

Mr HIGGINS

- I wish to clearly understand whether it is to be left to the officer to select the language in which the immigrant shall be examined, so that the latter cannot say to him " I want to be examined in Italian," or " I want to be examined in Swedish." Then again, I cannot see how the Prime Minister proposes to overcome the irritation which we have been warned will be caused to Japan by excluding the Japanese language and including "any European language."

Mr WATKINS

- That will only intensify the difficulty.

Mr HIGGINS

- I think so. If anything has been made clear by the Japanese authorities lately, it is that they do not object to the English language being prescribed as a test, as all foreigners would then be included in the same category, but that they do object to any European language being prescribed unless the words " or Japanese," are also added.

Mr Barton

- I do not propose to accept that.

Mr HIGGINS

- Quite so.

Mr Harper

- The Japanese have been under this law for some time.

Mr HIGGINS

- I should like the committee to be seised of the two points to which I have directed attention before voting upon this matter. I have no objection to the option of selecting any European language being left with the person who is desirous of entering the Commonwealth, but I cannot see what advantage there is to be gained in the way of propitiating Japan by confining the selection to European languages.

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Mr PAGE

- I cannot see why there should be all this fencing over the question of who is to be admitted, and who is to be excluded by the adoption of the European language test. This is the first time in my life that I have heard it laid down that it is necessary for a man to be a good scholar in order to be a good workman, a good gardener, or a good agriculturalist. Every one who comes from the old country knows that nine-tenths of the agricultural population of Great Britain are uneducated, and if we asked some of those people to write out 50 words from dictation in their own language it would be impossible for them to do it. The amendment submitted by the honorable member for Bland was the only true solution of this difficulty. What is the use of fencing? Our desire is to exclude the coloured man, and yet it is now proposed to make the test one in any European language. Many of the best citizens of Queensland, of whom that State to-day is justly proud, would have been unable successfully to emerge from the test which is now proposed. Under this amendment we shall exclude the very men whose presence here we desire to encourage. We wish to exclude the coloured man, and yet all sorts of fencing is apparently to be indulged in simply because we do not wish to offend the susceptibilities of the Japanese, the Chinese, or the Assyrians. I credit the Government with perfect sincerity in this matter. They have shown us that they wish to do something to overcome an admitted evil ; but how they are going to surmount the difficulty which is now presented, I cannot understand. There are plenty of Germans who would come here, and who would make good colonists. If we put the test to them, somebody might say they were undesirable immigrants ; and what would be the consequence ? As has been pointed out by the honorable member for Kennedy, these people may have sold their homes and everything they possessed in order to come out here to

start anew, and if this test were applied they would be taken back on the ship to the port from whence they came, and left, probably, in dire poverty and distress. There is not a member of the House - not even the member for Melbourne, with all his conservative ideas - who would like to see that ; yet that is what the amendment aims at. We might as well say straight out that we want to get rid of the coloured man, and do it without fencing in the way we are fencing now. All the language tests that can be devised will not stop the evil.

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Mr SPENCE

- I do not know whether the Government are prepared to accept the amendment, though I understand that they are. The working of the amendment will depend entirely on administration, and the more honorable members look at the matter, the more they will see that it is likely to give rise to a lot of trouble, difficulty, and danger that might very easily have been avoided. For instance, a shipload of desirable immigrants might arrive and, owing to some misunderstanding on the part of the Customs officer, might have a prohibitory test of 50 words applied. That would cause a lot of annoyance to the nation to which they belonged, and complaints would be lodged with the consul of their nation - that is not at all unlikely to happen. Whilst we have a number of excellent men in the public service, some of them have made mistakes in the past, and are likely to make mistakes in this connexion. I trust the committee will not agree to leave it to the immigrant to prescribe the language. If that be done we shall have to admit Chinese, Zulus, and other coloured men who have acquired a knowledge of English ; and the Japanese, who are being taught English, and are quick to learn, will acquire sufficient knowledge to secure their admission. That would defeat the object we have in view. It seems to me that the position the Government are going to take up is that they will keep in their own hands, under administration, not only the language that has to be dictated, but the decision whether or not the test shall be applied. I understand that if a shipload, or only a few immigrants, from any European nation, which is not regarded as undesirable, arrive here, the test will not be applied at all. I should like to know whether that is so or not. If it is not so, the difficulty referred to arises, of possible objection to people to whom hitherto we have not objected. If the Government do not intend to apply the test to such people, but intend to apply it to immigrants from other parts of the world, it is the duty of the Government, through their consuls, or through Mr. Chamberlain, in some way to let the nations concerned know of our intention. If we do not let our intention be known, we shall have a number of aliens coming here, as they are reported to have gone to Natal to the number of 200. These people were refused admission to Natal, and will, no doubt, go back to their homes with a grievance against the Government of that colony. If a shipload of similar immigrants come to Australia, and are refused admission, they will go back with a substantial grievance, because of our not letting their Government know that, no matter what language they possess, they will not be admitted. The amendment really leads to the same difficulty that it was claimed would arise if we had passed the amendment rejected by the committee a few days ago. Undoubtedly we shall be acting unjustly to Japan, China, and other nations, unless we tell them straight out that no matter what their people do they will not be admitted. We should state distinctly what we really mean. There appears to be some confusion, and it is right that we should understand how this clause is to be worked - whether the immigrant, the Customs officer, or the Minister is to have the choice of the language in which the test is applied. Unless we understand that, we shall be voting for something which may prove a great failure; and, personally, I feel that the provision will make a great deal more trouble than if we had said straight out at the beginning that we were not going to admit these people. By adopting the indirect way proposed, we shall cause difficulty and cast discredit on nations with which we have no quarrel.

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Mr BARTON

- The legislation of Natal, New South Wales, Western Australia, Tasmania, and New Zealand contains a direction similar to that in the amendment, and it has not been found to cause trouble in any one of these places. If it were to cause trouble in the Commonwealth of all places in the world, and nowhere else, that would be a very strange result. I take it that this Bill will be administered with a certain amount of discretion ; but the Ministry, and no officer, must be responsible for its administration. On the other hand, nobody who presents himself as an immigrant can be entitled to choose for himself the method of the administration of the Act. What will be done will be this. The officer will receive certain instructions ; and if

the Government cannot be trusted to carry out this measure in good faith with the House - if no Government can be trusted to do so - then, of course, it is not much use having a Government at all. But if a certain amount of discretion is allowed to the Government, it will be exercised in this way. The officer in each place will receive instructions, which will be sufficiently full and explanatory, and it will be for him to choose and apply, and not for the immigrant to choose, the test. At the same time, care will be taken to see that the officer does not apply any test in those cases in which it is not desirable to apply it. In regard to that class of immigration which is desirable, no test will be applied at all. We all understand the class of immigration which is desirable, and that which is not ; and the officer will have full instructions on this subject. He will have instructions not to place any apparently desirable immigrants under any condition of hardship whatever. There is no danger to the class of immigrants referred to by the honorable member for Maranoa - that class who have done so much good in the past in Australia. There will not be the slightest danger of their being shut out, even if they have not much knowledge or learning. We all understand to whom the measure is to apply. There will not be the least bother about the matter, and, as I have explained over and over again, the test will be applied, if carried in the sense the House understands, with a due sense of my relation of good faith and confidence with the House. I may be trusted to administer the measure, and it is not desirable to bandy too many words about it, either on my part, or on the part of anybody else. The whole administration of the measure will be perfectly understood long before it is passed. In the first place, ship-owners, who are in the habit of bringing out all classes of labour, desirable or undesirable, will perfectly understand the discussions which are reported in the newspapers every day. In the second place, the consuls of all the powers receive copies of Hansard, and know what we declare in this House. I am not going to send a circular to the agent of every Government, or to every Government, because their representatives know perfectly well what we mean, from the records of our debates and proceedings. As to the word " European," I have already stated several times that this test, in its application under the powers of the measure, would not so seriously differ from the proposal in the Bill as it now stands as to induce me to make any bones about accepting the amendment. I shall accept the amendment. I can only give the committee my assurance that the Ministry have every intention of keeping their word to the House in the operation of the measure. As to the Bill not operating, we have five places in which it operates successfully; and, as to the danger of the automatic exclusion of desirable immigrants, I have only again to refer honorable members to the words in the clause, "when asked to do so."

Mr O'MALLEY(Tasmania).- I regret that I shall have to oppose the amendment of the honorable member for Melbourne, not because I do not think it is desirable in one sense, but because the Prime Minister has said he is prepared not to enforce any language test with people who are desirable. It seems to me that if we change the test from the English language to a European language, we are offering a direct insult to Japan.

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Mr BARTON

- Will the honorable member allow me to make a further explanation upon that point? Representations have been made to us that we ought to add the words " or Japanese." I find that the test which is proposed in this amendment has found its way into all the legislation carried on the subject, although the word " English " has been put into some of the Bills which have not yet become law. The proposed words have been in the legislation which has been carried, and have not been made the subject of any protest whatever. We have no indication from any quarter - whether from the Imperial Government or any other authority- - that there is anything in this word "European" that would complicate any of the relations of the Empire whatever. Upon that understanding, and knowing that it has not been the subject of complaint in the past, and that it has worked well, I am not disposed to accept the suggestion either to add the word " Japanese," or to forbid myself from accepting the amendment which has been proposed.

Mr. O'MALLEY(Tasmania).- I am pleased that the Prime Minister has made that explanation, but at the same time the Japanese representative in Australia only lately declared that he was thoroughly satisfied provided that we carried the test proposed - the writing of 50 words of English - and that then no insult would be offered. But if we now change to the word " Eu rope;wl without putting in the Japanese language, we must feel, no matter how we disguise it, that in some way, which is not directly declared, we cast a reflection upon the Japanese. As long as the Prime Minister declares that he is prepared to let

good and honest European immigrants come in without applying the test,- we ought to carry the Bill in its original form, containing the provision with regard to the English language. If we do that we do not cause any trouble, and do not distress the Empire in any way, shape, or form. But, as has been said here time after time during this debate, our great Empire looks to Japan for assistance in the case of there being trouble in the eastern portion of the world. Let us not do anything that will strain that relationship. If we can accomplish the same object by means of the provision in regard to the English language, why should we offer an indirect insult to the Japanese? I come to another point, and it is this : would not this proposal in some way affect immigration ? Would it not act, as the honorable member for Maranoa has said, in such a way as to debar intending emigrants from the interior of Europe from coming to Australia ? Those who have travelled in the interior of Europe know perfectly well that the working people there, who are desirable as immigrants for Australia, would only hear one side of the case - that they cannot come here unless they can write 50 words. One can travel through considerable parts of the interior of England and of Ireland and find many people who cannot write 50 words. Nevertheless they are desirable immigrants. The same is the case in regard to Denmark, the Netherlands, and other countries in Europe. So that, unless we are careful, this measure may have the effect of making those people hesitate to emigrate to Australia. I want to direct attention to another point. I could take honorable members to the States of Georgia, - Alabama, and South Carolina, where there is a considerable black population, and I could bring ship-load after ship-load of black people who could easily write 50 words. I saw only lately in a paper from one of the Southern States of America a leading article in which it was stated that a black actor, who had been out to Australia, had been talking about the great time he had here. He spoke of how he was received, and entertained, and looked after, and of how he was treated by the white ladies here in comparison with the way he was treated by white ladies in the Southern States. He absolutely suggested that black people should emigrate to Australia. So that we may have immigration from the black population of Alabama, South Carolina, and Georgia.

Mr McCAY

- The honorable member is supporting that possibility by sticking to the word " English."

Mr O'MALLEY

- I am glad that the honorable and learned member has mentioned that. Under this proposal, would the Minister deal with black people from the Southern States by making them write 50 words in Irish ?

Mr Glynn

- Which is the proper language !

Mr O'MALLEY

- It is the proper language ! It is the foundation of all languages ! What I want to know is, will the Prime Minister order those people to write 50 words in Irish, and will he order intending Swiss immigrants to write 50 words in Bulgarian ? '

Sir William McMillan

- They may possibly say that Irish is not a European language !

Mr O'MALLEY

- I am glad that the honorable member suggests that. I regret that I have to oppose the amendment, so that we may not offer any insult to that great nation whose sway is almost on a parallel with that of the Roman Empire years and years ago.

Sir WILLIAM MCMILLAN (Wentworth). - This debate shows us very clearly the difficulties we have got into by the tortuous course we have decided to follow.

Mr HARPER

- There are no difficulties.

Sir WILLIAM MCMILLAN

- The honorable member for Mernda is always so self sufficient that he himself may believe that there are none. It is quite sufficient for us, however, that there seem to be difficulties in the way.

Mr Barton

- Are we to go on discussing an amendment which already has been practically decided %

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Sir WILLIAM MCMILLAN

- I am not going to prolong the debate upon this matter, but I want to point out, in fairness to myself and

others, that it was through seeing clearly the trend of this debate, and the natural and logical result of the position taken up upon this Bill, that we decided upon having a straightforward vote definitely to keep out those whom we desire to exclude. In the first place, it is absolutely clear that the English language as a test was impossible, because it was practically an insult to the whole of Europe outside Great Britain. What is the difference, as a matter of fact, between saying that an immigrant shall have to write 50 words in an European language, or on the other hand saying straightforwardly that it is; only Europeans whom we want to come here, and that we want to keep out the African and the Asiatic ? It is exactly the* same thing ; and in regard to the Japanese, who have been so much referred to, there is exactly the same insult if insult there be. However, as a majority of the committee has decided that " European " is to be substituted for the English language, and as the vote was taken fairly and squarely, I am not going to be one to offer any obstruction to what I believe to be the will of the majority. I shall, of course, vote against the clause as a final test of the matter, but what I mean by the observations just made is that I do not intend to take up the time of the committee by going over the arguments again.

Mr. RONALD(Southern Melbourne).I want to ask whether the promoters of this amendment really understand what they are imposing on the Government in imposing a test that may suit some desirable immigrants? Do not honorable members know that there are as many dialects in the French and German languages as there are in the English ? Take the inhabitants of Brittany. Where should we get a man here to supply the test for an immigrant from that province? The immigrant might be an educated man, and yet he might not pass the test of a schoolmaster. We are putting a duty upon the Government which will not exclude undesirable persons, but which will deliberately shut out men whom we want to admit. Moreover, what is education ? Education teaches a man to do something. The mechanic or the artisan may not be able to read or write, but may yet be an educated man, although not a learned man. We want such men here. The original form of the clause, providing that the test should be in the English language, with the understanding that it was to be applied only to coloured people, was more or less acceptable to me. The test should not be applicable to immigrants from the north of Scotland, or from Wales, or to any other white people who speak dialects. There are very many of them. The test required is the writing of 50 words in English. Are honorable members aware that an English agricultural labourer will get through life very often with a vocabulary of 100 or 150 words? To- apply the test to such people would be to shut out necessarily a large number of those whom we are most anxious to receive in Australia. We want population, and that we can get only when it is understood that it is not education alone that we want. The committee is making a mistake in treating the education test as the end itself when it is only the means to the end, and was never intended to be anything else. The test is calculated to shut out immigrants from the best parts of Europe. Let us provide that it shall be in the English language, with an instruction to the officers administering the Act that it is to be applied only to coloured people.

Mr. HENRYWILLIS (Robertson).The clause is unsatisfactory as it stands, and even when amended as proposed by the Government it seems to me that it will still be unsatisfactory. Everything depends on the administration of the Act, as pointed out by the honorable member for Southern Melbourne. The officer who I presume will be the Government interpreter will not be familiar with the language spoken by every European who desires to land in Australia. As everything depends upon administration, I think it is a matter of very little consequence whether we insist upon the test being in the English or in some European language. When the Bil comes back from another place, I hope I shall have another opportunity of voting in favour of the amendment which was brought forward by the honorable member for Bland, because, unless amended in that direction, it will be unsatisfactory.

Mr GLYNN

- It is a mistake to give the Government a perfectly free hand in this matter. The countries from which emigration will take place ought to know what are the conditions under which they may land here, and they should be able to learn them from our statutes. It is all very well to say that Hansard is read. I doubt even whether this debate will be read, but as the clause stands there is no other means by which a foreign country can gain information as to what extent the obligations of an Act of Parliament will be enforced as soon as immigrants reach here. I think, therefore, that we ought to declare our will freely in the Act. In my opinion, also, we ought to state that the language for the test may be selected by the immigrant. What will be the position otherwise ? The test will be put always in the English language, because we are not to assume that the Customs or immigration officer will be a linguist. If a Swede

comes here, under the clause as it stands the officer will be obliged to dictate- 50 words in Swedish or in English to the immigrant. The Prime Minister says that this provision will not be used harshly towards immigrants ; that the officer will not give a test in the Swedish language to an Italian immigrant. But what are we going to do? Is the officer going to read out a test in Italian if an Italian comes here, or in French if a Frenchman comes here? The result will be in all cases that the officer will have to select the English language. I think we ought to compel the Government under these circumstances to supply interpreters.

Mr WINTER Cooke

- That is what they will do.

Mr GLYNN

- Not under the clause as it stands. There is no power for the test to be dictated, except by the immigration officer himself. I would suggest to the Prime Minister that it would be well to amend the clause by providing that the test shall be " dictated by or at the instance of the officer."

Mr Barton

- What is the particular virtue of doing that?

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Mr GLYNN

- Under the clause as it stands the officer must dictate the test himself. If an Italian comes here and desires to land, it is intended that the responsible officer shall read out the test in the Italian language. An officer may not be able to do that, and the man would not be able to come in. Then we can exercise an act of State to prevent an undesirable immigrant from coming in, if we wish to do so. This clause gives no right to the immigrant. It is simply an additional precaution, to be applied when we wish to exclude any immigrant, but it absolutely gives no right to the immigrant. If an immigrant wishes to have the test applied in the Italian language, the officer will have to read it out to him. If he cannot do so, then he will say " I will not let you in." Therefore, the principle of not declaring in the measure itself what is to be complied with is a bad one. The first objection I wish to cure is that in regard to putting the compulsion on the officer to read the test. I would say that the test should be read " by or at the instance of the officer." Then I would say that the immigrant shall have the right to select the language in which the test is to be applied. The world ought to know what the test is. The clause should be amended to read in this way -

A passage of fifty words in length, dictated by or at the instance of the officer -

Mr Barton

- Instead of saying "dictated by the officer," I am agreeable to provide that it shall be "at the direction of the officer." The result will be precisely the same.

Sir Edward Braddon

- Such language as the officer may direct.

Mr Barton

- There is not the slightest intention of interfering with desirable immigrants. Some people out of doors are unreasonably frightened with regard to this provision. There is no intention of interfering with that class of immigrant which the States all desire.

Mr GLYNN

- Will the Prime Minister allow me to finish my statement of a suggested amendment which is designed to cover the one which he now accepts, to do away with the obligation of the officer to dictate the test himself, and also the further suggestion that the language should be capable of being selected by the immigrant ? I suggest that the clause be amended, so as to read -

A passage of fifty words in length, dictated by or at the instance of the officer in any European language selected by the immigrant.

Mr Spence

- That would leave the door open for all undesirable immigrants.

Mr GLYNN

- What does this amount to?

Mr Barton

- I will not accept that proposal. It would allow every immigrant to defraud the test.

Mr Watson

- We would require interpreters at every port.

Mr GLYNN

- What we are doing here is to say that we do not want a certain class of immigrants. We have the power to exclude them at present.

Mr. Watson. - Not Hindoos.

Mr GLYNN

- We do not wish to exclude immigrants from Europe. That is perfectly clear. We want to exclude coloured immigrants, and this is simply a method of doing it. As it is now drafted, however, the Bill is an imperfect declaration, or it is not characterized by bona fides as to our intentions, and does not confer one iota of power.

Mr Fisher

- The honorable and learned member speaks of immigrants from Europe. Would he allow coloured aliens who went to Europe, and then came to Australia to land here %

Mr GLYNN

- No, a European in the sense of the amendment - an aboriginal inhabitant of the country from which he comes, and one who speaks the language of that country. From a common-sense point of view the Bill means nothing more than a declaration that we do not wish coloured immigrants to come here, and as such a declaration it is neither clear nor logical. We do not want it because it does not confer power. We have the power to stop any alien coloured immigrants to-morrow morning. Not by an Act of State ; an Act of State is not necessary, because any one can stop an immigrant who is not of British nationality, inasmuch as the British courts do not give him any right of action for trespass. It would be a trespass for which the immigrant would have no remedy in our courts.

Mr McCay

- Does the honorable and learned member mean that a private citizen could do it ?

Mr GLYNN

- Yes ; Mr. Musgrave did it.

Mr McCay

- He was not a private citizen.

Mr GLYNN

- Whether he did it on the part of the Crown or on his own part it does not matter ; it would be an act of trespass for which the person stopped would have no remedy in our courts of justice.

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Mr PIESSE

- I think we are discussing the clause at greater length than there is any need for, because as the honorable and learned member who has just sat down has stated, we know that the intention is to prevent the introduction of a certain class of immigrants. If honorable members will look at the clause they will see that it is not proposed that the immigrant who comes here "shall" write certain words for the officer, but that some immigrants " may " be asked to do it. Those who study the laws of the country, and those who advise others before coming here will see that it is not a mandatory provision, but a permissive provision, which may or may not be exercised. The practice which will soon prevail will establish the custom, and those coming here from Europe will know that they will be as welcome as those coming from Europe have ever been before, and that this provision will not be enforced against them. I may perhaps be allowed to express a great deal of sympathy with the honorable member for Wentworth in his regret for the loss of his amendment, but I put it to the honorable member, and those who supported him, that it would have been found unworkable to attempt to enforce the amendment, in preventing aliens from coming here and declaring that they were not aboriginal natives of Africa.

Mr Glynn

- We should have to fall back on the so-called act of State, then.

Mr Barton

- No; because in 99 cases out of 100 they would say they were British subjects.

Mr PIESSE

- There can be no provision better than that at present proposed for restricting the dark-skinned people. I submit that as a measure of comfort to my honorable friend, in order that he may not so much regret the loss of the words he desired to see introduced into the Bill. As to the use of the word "European," it may

have a slight advantage in that it will read with a little less offence to European peoples than if we had used the word "English." As I have already said, it will make very little difference whether we say " English " or " European," because we do not intend to exclude immigrants from Europe, and they will be welcome to come, although we shall have this Immigration Restriction Bill in force. I shall support the amendment on that ground.

Mr. G.B. EDWARDS (South Sydney).Now that we are launched upon this course of not caring much what provisions are in the Bill, but looking only to the declared intentions, and trusting to the way in which Ministers are going to administer the law, it probably does not matter much which of the two forms we adopt - whether we say the test shall be the " English " language or an " European " language. If we leave English as the test we shall offend continental powers, and if we alter the word to " European " we have the express declaration of the representative of Japan that we shall offend that nation. I only rise to suggest an alternative amendment. I do not know whether Ministers may be inclined to adopt it or not. I suggest that we might adopt some sort of test that would be common to all nations. Suppose we adopted a mathematical test, and insisted upon the first three books of Euclid, putting the " Pons Assinorum " at the head ?

Mr Barton

- That is the first joke I ever heard the honorable member make.

Mr G B EDWARDS

- It may be a joke, but the whole thing seems to me so oblique, and so much of a subterfuge, that we might adopt a mathematical test with just as good results. In taking the language test, while trying not to offend Europe, we offend Japan, and while trying to meet Japan, we offend Europe. The matter has not been considered, and it might not be so much of a joke as it seems to some persons to have a mathematical test, which, at any rate, would enable the Prime Minister, under his system of administration, to keep out anybody he liked and let in anybody he liked, while it would have the further advantage of offending no nation.

Sir WILLIAM McMILLAN

- I am always ready to give credit to the Administration in carrying out a delicate and difficult matter of this kind. We have further on in this Bill a very severe penalty against ship-owners or charterers with regard to the matter of bringing restricted immigrants here, and it does seem to me that if there is not some very clear announcement either through the Gazettes of the different countries, or by printed regulations under this Bill, it will be almost impossible for any one to come here who may not be turned back after getting to our shores. That is a very serious and dangerous thing, and it therefore seems to me that there ought to be some regulations with regard to the test, and that we should have a very definite statement from the Ministry that these regulations will be printed and distributed. I am very much inclined to think it would be better to make this matter more definite. I am not speaking with any idea of obstruction, but we have admitted that we do not desire to keep out any European.

Mr Barton

- Has the honorable member read the 1 5th clause, which directs that regulations shall be published in the Gazette ?

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Sir WILLIAM McMILLAN

- I know that : but I want to get it clearly stated before the committee, because it seems to me absurd and illogical that we should by this test state that we do not want to keep out any Europeans, while at the same time we do not allow an European to say to the officer of Customs - " My language is so and so, and I want the test applied in that language." Surely that is a very reasonable thing. What I dislike about leaving it an open question is that there is an element of suspicion and distrust. Why do we not clearly say that we intend to give the immigrant the right to tell the Custom-house officer what his language is and what the test should be ? It is because there is evidently underlying it - I do not say by the Government, but looking at the matter purely as one of interpretation - the fact that we hold in reserve the power to keep out even European immigrants if it suits us by placing before them a test which we honestly know they cannot carry out. I do not intend to labour the matter or to move any amendment, but if my honorable and learned friend the member for South Australia moves an amendment which will indicate that the European immigrant has a right to choose his own language, I shall certainly vote for it,

because I think it will after all be the most honest and straightforward way in which to deal with the matter. There is quite enough of difficulty and suspicion about this Bill, and quite enough of unpleasantness in the diplomatic way in which we are acting, without our going any further in that tortuous course than is absolutely necessary.

Mr. GLYNN(South Australia).- If the Prime Minister will allow me, I should like to put in the words "dictated by or at the instance of." The clause would then read -

Fifty words dictated by or at the instance of the officer in an European language selected by the immigrant.

If the honorable member for Melbourne will temporarily withdraw his amendment, it will enable me to move the insertion of the words.

Sir MALCOLM MCEACHARN

- The Prime Minister has made a great deal of the Natal Act during the discussion. If I withdraw my amendment will he accept the provision of the Natal Act or other Acts which have been passed ?

Apparently there can be no question as to our being right if we followed the Natal Act or any of the other Acts.

Mr BARTON

- My difficulty as to this amendment is easily comprehended. If I were to adopt the form in the Natal Act, then there would be the form set out in the schedule, and people could come in hordes to defeat the test. Or if I were to adopt the form in the New South Wales Act, which is the form set out in the schedule, or in a substituted form to be proclaimed from time to time, by the loss of time in obtaining a fresh proclamation the test might be again defeated. The Tasmanian Act is the same as the New South Wales Act in that respect, and the New Zealand Act has a form set out in the schedule. None of these will do for such a sufficiently stringent administration of this Act as I purpose. I am quite willing to make a concession. If the amendment suggested by the honorable and learned member for South Australia were adopted in this form, I should not object -

A passage of 50 words in length in an European language as directed by the officer.

Mr Watson

- Would that practically mean at the instance of the Minister ?

Mr BARTON

- It would: Of course the officer must not exceed his instructions on peril of losing his office.

Mr Watson

- I was afraid that some officers might do less than their instructions conveyed.

Mr BARTON

- If they do not carry them out in the manner directed - they will be mainly officers in the Customs department - I shall immediately concert measures with the Minister of Trade and Customs to see that they do their duty or that others do it for them.

Sir EDWARD BRADDON

- I think that the Prime Minister might very well accept the amendment suggested by the honorable and learned member for South Australia in regard to the immigrant having the power to select, not the passage of the language, but the language in which he shall be examined. That is to say, if he be a Swede he will select the Swedish language, but he will not select the particular passage which he will have to write at dictation. I think the right honorable gentleman rather misapprehends the scope of the suggested amendment. He seems to think that the immigrant will have a right to dictate the particular words of some language which he shall be directed to write.

Mr BARTON

- I did not think that.

Sir EDWARD BRADDON

- Let the officer direct what the form of words shall be ; but let the immigrant have the right to select the European language in which he will write those words.

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Mr BARTON

- The class of persons who would be shut out by the Act would not be able to answer the test. If we selected the passage for them, they would not be able to write it out in any European language. That is

the one fact I want honorable members to bear in mind. There is no necessity to allow the person who comes in to in one sense dictate how the operation shall be performed. It is quite sufficient if the officer does his duty. I do not think I ought to consent to an amendment which really has at the bottom of it a supposition that there might be cases in which an officer and a Minister would conspire 'to defraud an immigrant out of his choice of language. That is not the way in which any such Act can be administered. Any Minister who attempted anything of that kind would, I hope, be thrown out at once. I am not going to attempt it anyhow. Immigrants will not have the test put to them unless the officer is directed to put it; and when he is so directed, he must be allowed, even by the Minister, a certain amount of discretion, which he must perfectly understand, so that he does not put the test unfairly to those who ought not to be tested, or even unfairly to those who are to be tested. The case that has been put of Europeans is one that requires no further explanation. We all know what the Act is aimed at. We all know that it is going to be administered in the spirit of what it is aimed at. I cannot see any necessity for allowing a selection, unless it be upon the supposition that the officer or the Minister is going to perform a fraud on the immigrant presenting himself for admission. That is not what we are asking power to do. We are asking power to carry out the decision of the House, which I intend to do as honestly as it can be done.

Mr Higgins

- How would the provision read then?

Mr BARTON

- It would then read-

A passage of 50 words in length in an European language directed by the officer.

Mr Glynn

- That gets over one difficulty.

Mr BARTON

- We cannot get rid of two difficulties at a time ; we must take them one at a time. I am willing to go that length ; but I do not think that I ought to be asked to consent to the other amendment giving the choice to the immigrant.

Sir William McMillan

- Will "the Prime Minister consent to these words, which an honorable member has suggested - An European language being the language of the country to which the immigrant claims allegiance.

Mr BARTON

- Supposing that he was not an European or a British subject, how would that operate 1 It would be impracticable.

Amendment agreed to.

Mr BARTON

- I should like my honorable and learned friend, Mr. Glynn, to use the word " directed " instead of the word "dictated."

Mr. GLYNN(South Australia).- That gets over the difficulty which the Minister was in about the dictation by an officer who did. not know the language, but it does not get over my additional difficulty of allowing the immigrant to select his language. However, I move -

That the word "dictated," line !), be omitted, with a view to insert in lieu thereof the word "directed."

Mr SPENCE

- To my mind, a number of honorable members are under a misapprehension. They appear to understand that the Act is to be applied to every body of immigrants coming to the Commonwealth. I understand it is intended that this test shall not be applied to Europeans of a desirable character.

Mr Deakin

- Hear, hear.

Mr SPENCE

- Therefore, there is no need for this amendment. In so far as undesirable immigrants are concerned, power will be given to the Minister to choose any one of the European languages as against the person whom he desires to keep out. In such a case it might be desirable to select the ugliest of all the languages, and the more power we give to the Minister, the better it will be.

Mr PAGE

- It seems to me that we are landing ourselves in worse confusion as we go on, and that it would be a

great mistake to allow the intending immigrant to choose any language he liked for the test to which he would have to submit. Supposing that an intending immigrant elected to pass a test in the Esquimaux language, should we find any one competent to examine him in that language 1

Mr Barton

- If an Esquimaux were to come here we should keep him until we could send for his book.

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Mr PAGE

- The amendment seems to go too far. It reminds me of the story about the Irishman, who, on being condemned to death, was asked how he would like the penalty carried out, and said that he would like to be hung on a gooseberry bush. According to this amendment, we are practically going to ask a man how he is to be convicted, and I think the suggestion a very unwise one.

Mr KIRWAN

- The amendment proposed by the honorable member for South Australia is open to great objection, and it is rather a pity that the Prime Minister did not adhere to his original proposal to insert after the word "officer" the words "or at the direction of the officer." If the clause is amended, as now proposed, a Japanese or a Chinese need not have a very extensive knowledge of an European language in order to comply with all the conditions contained in the clause. It will only be necessary for such an immigrant to know the characters of an European language, because if he has the text before him, he will very easily be able to write out what is re-required of him.

Mr BARTON

- That is if I am fool enough to let the office apply the test in that way.

Mr KIRWAN

- Under the clause, as amended, the officer will have no option, because he will simply direct that a certain passage shall be written in the characters of the European language that may be prescribed.

Mr ISAACS

- I have been trying very hard to follow the trend of this discussion, and it seems to me that we are really beating the air. As far as I understand, there is no intention, under any circumstances whatever, to apply this test to any Europeans.

Mr Deakin

- Not to desirable Europeans.

Mr ISAACS

- Any Europeans.

Mr Deakin

- I would not say that. .

Mr ISAACS

- The whole object of this provision is, in an indirect way, to exclude black and coloured aliens, and if the subsequent paragraphs in this clause work satisfactorily, we shall admit only desirable Europeans. The provisions against the admission into the Commonwealth of persons who are likely to be a charge upon our public institutions, criminals, persons suffering from infectious and dangerous diseases, and people of immoral character, afford all the necessary guarantees so far as we can formulate them, that the European immigrants admitted here will be of a desirable character, and if it had not been for the danger of coloured races invading us, we should never have heard of this particular paragraph at all. This provision has been fabricated - using that word without any improper signification - solely to secure the exclusion of the coloured races, and its whole purpose and intent is directed, not against European, but against coloured aliens. It seems to me, therefore, that we are beating the air to a very large extent, because the provision we are now considering will never be used against Europeans - at least under no circumstances that we can conceive of at the present time. I would ask the Prime Minister if he has any information or statistics showing that a similar provision has ever been brought into operation with regard to European immigrants.

Mr Barton

- I think there has been only one instance in which this provision has been brought into operation.

Sir MALCOLM McEACHARN (Melbourne). - My real object in substituting the word "European" for "English" was to prevent it going forth to the European nations that their people dare not come here at all.

Although the alteration might not have the effect I thought it would have, the clause, as amended, will at any rate allow of people from European countries, coming here without any difficulty.

Amendment agreed to.

Mr. GLYNN(South Australia). - I think the words "in the opinion of the Minister or of an officer," in paragraph (b) ought to be struck out. I do not think they were in the original English Bill, or that they are in the Natal Act, but that they were taken from the Bill introduced by Lord Salisbury in 1894. At any rate, these words do not run through all the legislation, and very strong objection was taken to them in England when Lord Salisbury's Bill was under discussion in 1894, and also when the Bill was introduced in 1898, I think, by Lord Monkswell.

Mr Barton

- There is a similar provision in the Natal, the Western Australian, Tasmanian, and Victorian Acts.

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Mr GLYNN

- I do not think the words are necessary ; because, supposing a person is an alien or there is a doubt about it, the authorities need not allow him to land ; while, supposing he is a British subject, the matter ought not to be left to the discretion of an officer.

An Honorable Member. - Who is to determine ?

Mr GLYNN

- Let the court determine. Why should we take away the right of landing from a British subject ? Why should we tell him that he is not to land because he is a pauper and likely to become a charge upon a public institution ? By this paragraph we are abrogating existing rights. If a man is not an alien, what right has the 'ipse dixit' of a Customs-house officer to bar his landing on the ground that he is a pauper ? I object to this fore judging - through a menial of the State - of the capacity of an immigrant, which is what we are doing by this provision.

Mr Spence

- In case of injustice, would he not have a remedy after he lands ?

Mr GLYNN

- Unless he were an Irishman he could not be excluded from the Commonwealth and land at the same time. If an immigrant is prevented from landing, he cannot have an action in an Australian court. In order to appeal he would have to go to England. Of course, if a man is an alien we can stop him from landing. But if he is a British subject he ought to have the opportunity of proving that he is not a pauper, and not likely to become a charge upon a public institution. This matter was debated very keenly in the British Parliament in 1894. Very strong objection was taken by Chancellors and ex-Chancellors to the inclusion of the words " any person likely to become a public charge," on the ground that it was exceedingly difficult to differentiate between one individual and another upon the score of their likelihood to become a charge upon a public institution. The same point does not arise in connexion with " any idiot or insane person."

Mr Spence

- Who is to decide whether an immigrant is an idiot or insane person ?

Mr GLYNN

- I would point out that the words " in the opinion of " only qualify the words subsequent to it in this particular paragraph. The honorable member will notice that they do not occur in paragraphs (c) or (d).

Mr Higgins

- The more difficult it is to prove a fact, the more we must leave it to the discretion of the Minister.

Mr GLYNN

- No, not to the discretion of the Minister. I object to the opinion of the Minister or the officer. I want the matter to be one of fact. Let us suppose that a man comes to Australia with 5s. in his pocket, and the officer says - " We cannot allow you to land because you are a pauper." The man may possibly reply - " I am not a pauper. I have expectations, strength, and energy. Above all, I am a British subject." What right have we in such circumstances to exclude him ?

Mr Page

- Some of our best Queensland colonists landed with less than 5s.

Mr Deakin

- This provision will only be applied to coloured people.

Mr GLYNN

- I would point out that in Hamburg a man is not allowed to land unless he has 30s. If he has 30s. he does riot then come within the description of "a person likely to become a public charge." I therefore move -

That the words " in the opinion of the Minister or of an officer" in paragraph (6) be omitted.

Mr. SPENCE(Darling).- I cannot agree with the amendment of the honorable and learned member for South Australia. I would point out that the difficulty which he suggests would also arise in connexion with the provisions of the four succeeding paragraphs. The adoption of the amendment would do away with one of the safeguards of the Bill, inasmuch as it would be impossible to take action against immigrants who had been wrongfully admitted, while the ship-owners responsible for their transport would have got away. One of the safeguards of this measure is that ship-owners will probably protect the Commonwealth by refusing to allow persons to embark on their vessels who do not possess the qualifications necessary to enable them to land. It is quite true that the subsequent paragraphs do not contain the words "in the opinion of the Minister or of an officer," but it is patent that somebody must decide whether a person is, for example, an idiot or insane person, or a person suffering from an infectious disease, ite. It will be very rare indeed that injustice will occur, and where such cases do arise, compensation will doubtless be paid. I am opposed to the amendment," as being unnecessary.

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Mr TUDOR

- I hope that the words will be retained. In America the Customs officers practically have the determination of this matter. They are very strict as to whom they admit. Every immigrant has to show that he or she is not likely to become a public charge before being allowed to land. In the lower classes each one is asked how much money he or she has, and in some cases they actually have to show their money. The clause in its present form is preferable to the amendment proposed.

Mr. PIESSE(Tasmania).- The object of the honorable and learned member for South Australia is to prevent injustice being done. I would point out that in the subsequent paragraphs no such words occur. Paragraph (d), for example, reads -

Any person suffering from an infectious or contagious disease of a loathsome or dangerous character.

Mr Barton

- That is a question of fact.

Mr. PIESSE. - The court ought to decide the questions of fact in both cases. If a person were prohibited from landing because he was suffering from some supposed disease, and he were to say, "I am not afflicted with disease, and I am going to land," the matter would have to be decided by a court.

Mr Watson

- No ; there is a doctor on the ship.

Mr PIESSE

- There is no opportunity given for a doctor to certify.

Mr WATSON

- I hope the committee will not adopt the amendment. The opinion of the Minister is necessary, unless we have some provision defining the amount which we consider sufficient to prevent an immigrant being classed as "a person likely to become a charge upon the public " Without some such definition, the opinion of the Minister, as representing Parliament and the Commonwealth, must be exercised to fix by regulation or direction a minimum sum.

Mr Tudor

- It is 50 dollars in America.

Mr WATSON

- Unless the honorable and learned member for South Australia is willing to draft a provision incorporating some such definition, we must allow the Minister to decide.

Mr. GLYNN(South Australia).- I have looked at similar sections in other Acts which have been handed to me by the Attorney-General, and I find that this provision does not appear in the Natal Act.

Mr Barton

- It does appear, without the words "in the opinion of the Minister."

Mr GLYNN

- The Natal Act, therefore, supports my contention. Neither does this provision appear in the New South Wales Act. The Western Australian Act, like the Natal Act, is without these particular words, and the same remark applies to the Tasmanian measure.

Mr Barton

- That is without the words " in the opinion of the Minister "?

Mr GLYNN

- Yes. In most of the Acts this sub-clause, where it does exist, is in the form in which I wish it to be amended ; and there must have been some strong reason for that wording.

Mr Watson

- That is not sufficient argument to warrant the amendment.

Mr GLYNN

- It is some authority at all events. We are very fond, in Australian legislation - and it is so in South Australia as in other States - of giving an executive officer power to determine facts, when a matter is in dispute, and I object to the principle.

Mr Watson

- How can the matter be determined if that power is not given?

Mr GLYNN

- Suppose a man comes here and the officer alleges that he is a pauper, what should there be to prevent that man testing the question in the nearest court?

Mr Watson

- That would make work for the lawyers.

Mr GLYNN

- But a pauper would not be able to pay a lawyer.

Mr Barton

- If a Minister is never to determine facts, we should have to strike out nine-tenths of the Customs Bill.

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Mr GLYNN

- No doubt; and had I been here during the time that Bill was under discussion, I should have had a try in that direction. There is a growing tendency in our legislation to substitute the mereipsi dixit of an officer for the decision of a court of justice.

Amendment negatived.

Mr. WATSON(Bland).- I move-

That the following new sub-clause be inserted as sub-clause (g)) -

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

When I first gave notice of this amendment, I proposed to cover all classes of labour performed in the Commonwealth. But, in view of representations made by some honorable members, it is, I think, desirable for the time being to restrict the classes prohibited to artisans and labourers. There are one or two other classes of labour it would have been advisable to cover by the sub-clause, but the difficulty of providing for efficient exemptions of classes that should be exempted, and the possibility, perhaps, a little later, of a number of new industries being commenced within the

Common-wealth, point to the necessity of minimizing the operation of the amendment in the meantime.

The amendment will cover most of the classes of labour likely to be affected through people being inveigled into unfair agreements in ignorance of the conditions obtaining in Australia.

Attorney-General

Mr DEAKIN

. - I would ask the honorable member for Bland to accept an addition to his amendment in order to cover the cases to which he has referred. The persons to whom the honorable member alluded when he made his concluding reference to the possibility of the establishment of new industries in the Commonwealth, are excluded under the amendment as it now stands, and it is necessary to make provision to permit skilled labourers to enter the Commonwealth if they are of such a character as to be able to add to the industrial wealth of the community. The words which I suggest should be added to the amendment are -
Provided that this paragraph shall not apply to workmen exempted by the Minister for special skill required in the Commonwealth.

That, I think, will cover the case of experts whose special training renders them desirable citizens, whether they come under contract or otherwise.

Mr Watson

- I am prepared to accept that addition to the amendment.

Sir MALCOLMMCEACHARN (Melbourne). - I move -

That the following words be added to the proposed new sub-clause : - "Provided that this paragraph shall not apply to workmen exempted by the Minister for special skill required in Australia, or to persons under contract to serve as part of the crew of a vessel engaged in the coasting trade in Australian waters, if the rates of wages specified therein are not lower than the rates ruling in the Commonwealth."

I had intended submitting this amendment in a somewhat different form, but I understand the Ministry will accept the amendment as now drawn.

Mr. PAGE(Maranoa). - The proposal seems to me somewhat complicated. Will the amendment have the effect of stopping steamers coming from home calling at ports along the coast ?

Mr Deakin

- The amendment relates only to the coasting trade.

Mr PAGE

- But the vessels I refer to are in the coastal trade seeing that they call at Fremantle, Adelaide, and Melbourne, and go on to Sydney. 15 z

Mr Isaacs

- Would it not be better for the honorable member for Melbourne to explain the amendment ?

Sir MALCOLMMCEACHARN (Melbourne). - The amendment has been very slightly altered since the honorable member for Bland saw it, and the reason for my asking the Attorney-General to alter it was that I was under the impression that, as previously worded, it might mean that vessels ' like those of the P. and O. and Orient Co's., which come here to deliver mails and are not actually trading on the coast - which are not termed coasting vessels in other* Bills which have been passed - were included. I am quite sure no honorable member would desire to make this clause apply to those vessels.

Mr Mauger

- What is the object of the amendment ?

Sir MALCOLM MCEACHARN

- Vessels come out here at times with their crews engaged at lower rates of wages, and compete on this coast with vessels on which the rates current in Australia are paid.

Mr Isaacs

- Is not that already provided . for in sub-clause (;) ?

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Sir MALCOLM MCEACHARN

- I do not think so. Then .again, the clause might prevent a ship-owner bringing out his vessel under contract at rates of wages existing in England. This amendment is-, to provide that as soon as vessels come onto the coastal trade here, the crew shall be paid the rates of wages ruling on the coast.

Sir WILLIAMMCMILLAN (Wentworth). - I understand there is a general consensus of opinion with regard to the amendment or the new sub-clause proposed by the honorable member for Bland. I do not desire now to offer any final opinion as to the policy involved, but I have an objection to the sub-clause. In the first place I doubt whether in passing it we are not straining our Constitution. Of course, under section 51 of the Constitution, we have the right to deal with " immigration and emigration," and I have no doubt that as the years go on these powers will be extended and amplified, if not strained. At the same time, when we come to deal with matters of contracts made, we deal with legislation which should more particularly be done by the States. I do not for one moment mean to put my opinion against that of Constitutional lawyers. I believe the absolutely legal opinion is that we can under the Constitution, pass a proposal like that of the honorable member for Bland. But I doubt very much whether it is well at this period to strain our rights under the Constitution. In the next place I think we have not sufficient knowledge to decide whether it is wise at the present moment to make, for the whole of Australia, such drastic legislation, which, moreover, does not seem to me to come exactly within the purview of this Bill. I have noticed a tendency amongst honorable members - very good in its way - to try to amplify these Bills so as to take into consideration every possible contingency of the future. The proposal of the honorable member for

Bland is a very serious one. I am sure that he admits that himself . While I suppose it will be carried, and while, as I have said, I do not desire to give a definite opinion as to a matter of policy of this kind, I do honestly feel that, in the first place, it is straining, if not the letter, at any rate the spirit of the Constitution ; and, in the second place, I think it is a kind of legislation that might, for the present, remain in abeyance until its necessity is absolutely proved. These are my views ; they may not be in unison with those of the majority of honorable members, but I thought it my duty to express them.

Mr BARTON

- I should like to say with regard to the constitutional point raised by the honorable member for Wentworth, that I think he need have no doubt upon that question. Sub-section (27) of section 51 of the Constitution gives us power to deal with " immigration and emigration." Those words are not in any way curtailed, and the power is as ample as the words can express. This Parliament has power to make any legislation

For the peace, order, and good Government of the Commonwealth, in this respect. In addition to that, we have complete power to deal with trade and commerce by means of legislation. So that in whichever of the categories legislation of this kind is placed, it is within the Constitution, and, of course, is more clearly so when we take both of these provisions together. As to the other question, I think that the amendment is a fair one. It tends to prevent the admission into the Commonwealth of persons who, especially if they are not well educated, will be probably - or may be, at any rate - brought here in ignorance of our industrial conditions, and who will thus enter into bargains which they would not have made if they had had the opportunity of observing the working of our institutions. Having expressed this opinion long ago with regard to the Agreements Validating Bill of New South Wales, which the honorable member for Wentworth will recollect, I have no hesitation in. expressing it again - that I think to allow people to come in under these circumstances, permits a competition, which may not only in itself be grossly unfair, but is unfair almost to. the extent of the competition of that other kind of labour which we want to prohibit. Moreover, this legislation has the further disadvantage of guarding against the making of agreements of which the workmen who made them would repent as soon as they landed on our shores. I think the amendment is a fair one, and shall therefore support it.

Mr KNOX

- On the main principle, I am in favour of the amendment which has been proposed by the honorable member for Bland. It is, I take it, an amendment which we can make, though I should not presume to give any opinion upon its constitutional aspect. I am prepared to accept the assurance of the Prime Minister upon that point. The amendment, as I read it, is intended particularly to apply to the possibility of there being industrial disputes within the Commonwealth and the introduction here of men intended to subvert the claims which are made by those engaged in such disputes. I have been consistently opposed to the introduction of any labour for that purpose. I think that if there are any disputes in Australia we should be quite prepared to fight them out within our own grounds and upon the conditions which apply within the limits of the Commonwealth, without introducing other people to create further trouble. But I have had knowledge of the necessity of introducing considerable numbers of men for particular industries, because they have had special training and experience.

Mr Deakin

- That is provided, for.

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Mr KNOX

- It is provided for in the amendment which is now proposed, but in that which I saw earlier in the day I do not think it was provided, and we are now here introducing into a Bill which proposes to deal entirely with immigration, the question of a minimum wage ; because it says that these persons shall not be introduced unless it is prescribed that they shall have a certain wage. I think it is desirable that every man should receive a just and proper wage. My whole object in rising is to say that inasmuch as the amendment has not been circulated in print, I think we should have an opportunity of recommitting the clause if it is afterwards found necessary to reconsider it. Whereas I intended to support the amendment which was circulated by my honorable friend the member for Bland earlier in the day, and while I intend to support the amendment of the honorable member for Melbourne, I think we should have a further opportunity of considering its effect upon the introduction of people who may be necessary for carrying out our great

enterprises.

Mr. ISAACS(Indi).- I think the whole committee ought to be at one with the honorable member for Bland in the object sought to be attained by his amendment. When it is carried, as assuredly it will be, the Government ought to set to work at once to devise means for properly effectuating the amendment. The simple passing of the amendment in the bald form in which it is now proposed will not have the desired effect. It will be impossible to test the matter ; no machinery is provided for discovering whether a man arriving here on board ship is under contract. We know perfectly well that it is not uncommon, but far from it, among the Chinese who come here, for them to be not merely under contract, but under bonds and ties of a very stringent and secret nature which we cannot hope to fathom ; at all events up to the time they land. The same may occur in regard to cheaply paid labour of all kinds. What means are there on the face of the Bill to carry out the desire of the honorable member or of the committee, when the amendment is carried, that persons under contract of the kind referred to shall be excluded 1 None. There is no power of investigation. A question may be asked and a person may refuse to answer it, or may answer it falsely ; and what is to happen when that person enters the Commonwealth ? How is this provision to be carried out? It is merely a pronouncement ; that is all. I want to direct the Attorney-General's attention to the fact with which he is perfectly conversant, no doubt, that this matter has been found to be the subject of such severe pressure in the United States that the most carefully framed provisions have been passed, not once, but from time to time in order to meet the evil.

Mr Deakin

- Four or five Acts.

Mr ISAACS

- Yes. One is that passed on 26th February, 1885, chap. 164.

Mr Deakin

- That is the principal Act.

Mr ISAACS

- That was amended by the Act of 23rd February, 1887, chap. 220. There are very elaborate provisions in about eight or ten sections. Some of them are of considerable length, and strict precautions are taken for carrying out the object of the measures. When I point out to the committee one or two matters that are dealt with in these Acts, honorable members will see at once how necessary it is that proper machinery provisions should be provided for giving effect to the amendment. For instance, besides enacting that it is unlawful to import any one under such a contract, the necessary condition is made that all such contracts shall be void.

Mr Watson

- Would that come within the purview of a Bill of this character ?

Mr ISAACS

- Certainly it comes within the purview of this Bill, because if we are legislating to restrain undesirable immigrants, we want to see that the provisions are not ineffectual. The American Acts are with a view of restraining undesirable immigration, and are similar to the provisions of this measure; but ancillary to these provisions of prohibition, they contain also provisions which are necessary in order to prevent evasion. What we want to provide is that if by chance, or fraud, or accident of any kind, or by certain acts that we do not foresee or cannot prevent any persons under contract should gain admission to Australia, the contracts under which they come shall not be binding. It is no use saying that persons under such contracts shall not be admitted to Australia, if when they do succeed in getting in, we allow their employers to keep them practically in a state of servitude. We should provide that the contract shall not be binding.

Sir William McMillan

- That is the proper way to deal with it - if the amendment is adopted.

Mr ISAACS

- It is the corollary of the position we are now taking up.

Mr V L SOLOMON

- Is it within the Constitution?

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Mr ISAACS

- Yes; it is within the American Constitution. It has been tested and admitted in the Supreme Court of the United States to be constitutional. The United States law goes on to provide a penalty of 1,000 dollars for some of the offences. The master of a ship knowingly bringing out persons in contravention of the Act is liable to very severe punishment. In some cases he may be convicted of a misdemeanour.

Sir Malcolm McEacharn

- Those penalties are provided only where the shipmaster acts " knowingly."

Mr ISAACS

- Yes, knowingly. I should like to point out to the honorable member for Bland that the word " labour" is very extensive.

Mr Watson

- I have inserted the word " manual."

Mr ISAACS

- That certainly eases the position very much. That difficulty was experienced in America, where they exempt artists and actors and professional men of various kinds. Then they have provided - and we ought to consider it here - that the law shall not apply to skilled labour required from abroad in connexion with the establishment of a new industry.

Mr Watson

- I have accepted an amendment suggested by the Attorney-General to the effect.

Mr Deakin

- Yes; that is provided for.

Mr ISAACS

- It is distinctly and carefully provided for in the American Acts. I want to emphasize the fact that although the Act of 1885 was carefully drawn it was found to be insufficient for the purposes, and the amending Act of 1887 was found to be necessary in order to make it effectual. Here we are, so to speak, without any of those safeguards provided for in the American law, and it will be necessary, if the amendment is carried, to give the Government time to properly frame a series of clauses which will insure, so far as we can do so, that the will of the committee shall be carried out. I want to see that we avoid some of the difficulties that have cropped up under the American Act. There was one case in which by a strange mischance a clergyman who was engaged abroad to officiate at Trinity Church, New York, was held to be a prohibited immigrant.

Mr Barton

- Such a man would not come under these provisions.

Mr Higgins

- The decision referred to by the honorable and learned member was reversed on appeal to the Supreme Court.

Mr ISAACS

- In the Federal Circuit Court it was held in the case of the United States Government v. Trinity Church, that the Rev. Mr. Warren - I think that was the name of the gentleman - was under the prohibition, but that decision was ultimately reversed by the Supreme Court on appeal. The clergyman was excluded by reason of a certain proviso to the clause setting forth who may be excluded. Actors and professional men of various kinds were mentioned in the proviso, but as clergymen were not, the Circuit Court held that by reason of that proviso Mr. Warren was a prohibited immigrant. I am sure this amendment will be carried, and I hope that the Bill will be passed ultimately in such a form as to prevent any loop-hole for its evasion.

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Mr A PATERSON

- I do not think that any member of the committee has the real object of this clause more at heart than I have ; but I agree with the honorable member for Wentworth, that the amendment is too drastic. What is it that we wish to accomplish 1 We do not want to keep out men of muscle and sinew and brain ; we want to keep out certain classes of contract labour. The honorable and learned member for Indi appealed to me strongly in his speech just now. I think that wrong lines have been adopted, and that it should have been declared in the amendment that all such contracts shall be illegal. Then there would be no objection to the proposal. I do not see any sense in keeping out the men ; we should make the contract illegal.

Mr. HIGGINS(Northern Melbourne).We are getting into a little confusion, because there are three distinct proposals before the committee. There is the proposal of the honorable member for Bland, that in addition to the exclusion of people under the language test, there shall be a power to exclude any person who is under a contract or agreement to perform manual labour in the Commonwealth. As to that I think there is a general feeling in the House that it is an extra power which ought to be conferred. I do not think we need be troubled about the Chinese, with their mystic agreements, because we apprehend that we shall be able to keep out the Chinese by the language test. I understand that very largely the intention of the amendment is to provide that men shall not be brought from outside the Commonwealth in order to aid a particular side in fighting a strike.

Mr Watson

- That is one aspect of it.

Mr HIGGINS

- There is no desire to exclude men who voluntarily seek to make their home here for the purpose of engaging in manual labour or anything else, so long as they belong to a civilized white race, and are themselves desirable immigrants. As I understand it, we have never in Australia taken up that narrow view of saying that we must keep Australia for ourselves and our children.

Mr Watson

- Oh no !

Mr HIGGINS

- It is as well that that should be generally understood. If the proposal is altered by the insertion of the word " manual," the honorable member will have avoided the danger to which the honorable and learned member for Indi referred, of making it too wide, and making it apply to parsons and others. The next proposal is to put in a proviso as to the exemption of skilled labour.

Mr Watson

- That is to provide for the establishment of new industries.

Mr HIGGINS

- I can understand that very well, but I ask honorable members to look a little ahead to the exemptions in the clause. There is first an exemption in the case of a person possessed of a certificate of exemption in the form of the second schedule, signed by the Minister, or an officer appointed under the Bill.

Mr Deakin

- That is only in force for the time being. It is a temporary provision, for visitors and others, who otherwise might not pass under clause 4.

Mr Barton

- If the honorable and learned member will look at the schedule he will see that it is for a certain period.

Mr. HIGGINS. - I have looked at the schedule, and I find that it says that a person mentioned is exempted, and if we like to put in "for a period" we may, but we need not put in those words. I would warn honorable members that if we pass paragraph (g) as it stands, there will be a power to grant exemption for any reason and for any time.

Mr Barton

-If the honorable and learned member will look at the schedule, he will find two matters set out in brackets. They will, of course, both be in the schedule, but will vary according to the special circumstances of each case.

Mr HIGGINS

- I only want to say that although there is a reference in the schedule to " trade calling or other description," and a reference also to a period, there is nothing to pledge the Minister to restrict by virtue of a trade, calling, or other description, or to restrict for a period.

Mr Barton

- We might amend the subclause to read, " temporary exemption."

Mr Piesse

- Clause 5 gives the opportunity to deal with the matter.

Mr HIGGINS

- I want to put my view as strongly as I can, and I think these provisos would be better placed with the other exceptions. We should then have a general rule as to restrictions in the first instance, and we

should have this amendment and all other exceptions under one heading. We might say, after setting out our general rule of restrictions, that no one shall be treated as coming within the restriction suggested by the honorable member for Bland, if he is required within the Commonwealth for a certain purpose. I think it would be more convenient to have our general rule stated in the first instance, and the exceptions stated in the second instance.

Mr Barton

- That would make each exception apply to each of the general restrictions, whereas this applies only to one.

Mr HIGGINS

-I think that in our form of words we could say that an exception was applicable and limited to a particular restriction. The next proposal is that of the honorable member for Melbourne, who wants to provide an exemption in the case of the crews of ships which trade in Australia. I confess I do not think the committee has been quite fairly treated as to that proposal, because the amendment has not been circulated. I should like very much to have the exact words placed before us, and to know exactly from one who has the experience of the honorable member how far his amendment will apply.

Mr Watson

- The honorable member merely wants to exempt from the operation of my provision the crews of vessels coming here under contract from say Greenwich, . and who afterwards serve on the Australian coast.

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Sir Malcolm McEacharn

- I should be . unable to bring out any steamers with men under contract unless I stipulated that those men would be returned immediately they arrived. I simply want to say that so long as I pay them the current wages after they arrive, they shall not be considered prohibited immigrants.

Mr HIGGINS

- I understand the honorable member's motive ; .but what I fear as that the words used may cover more than the object he has in view. I think we ought to have the words in print, so that we may see exactly their relation to the rest of the proposals. The wording in a matter of this kind makes a tremendous difference, and before adopting this provision with regard to ships, the Minister might undertake to postpone the clause or to have it recommitted.

Mr BARTON

- I do not undertake to recommit the clause, but if the amendment is passed in this form, I shall certainly consider" to what extent it will carry out its object, and if I find we can carry out the object better by recommitting the clause, I shall take that course.

Mr. DEAKIN(Ballarat- Attorney-General). - In the first place, people under contract are prohibited ; that is the main principle of this paragraph'. Then, to that prohibition of people coming out under contract, there are two exceptions, one being those skilled in particular industries, and the other those that come out as the crew of a vessel. Practically all of our vessels are built abroad. They must come here with crews from abroad. The case of the crews of those vessel's which leave our waters is provided for in paragraph (j) of this clause. AVe do not require to deal with them. But we have the case of a vessel coming out with a crew under contract from abroad. The vessel and crew being both required to be engaged thereafter in the coastal trade in Australia, they come within the scope of the Commonwealth law. They will be prohibited immigrants under the paragraph moved by the honorable member for Bland, unless we provide that if they are paid not less than .the ruling rate of wages in Australian waters, they are to come within its scope. I think that when the honorable and learned member for Northern Melbourne has an opportunity of considering it, he will appreciate the motive of this amendment, and if its expression can be improved in any way, we shall be glad to have his suggestions.

Mr Higgins

- -What is meant by being " engaged in the coasting trade f

Mr DEAKIN

- It means a vessel which practically keeps within Australian waters, or which trades from Australian port to Australian port.

Sir Malcolm McEacharn

- The "coasting trade" is defined in the Customs Act.

Mr Higgins

- But they do not want to import immigrants.

Mr DEAKIN

- They want to bring out their men under contract to stop with them for a certain time in Australian waters. They must have a crew to bring out the ship, and they do not want to discharge them here at once and to send them back. I think, on consideration, my honorable and learned friend will see that it is a most reasonable proposal.

Mr Isaacs

- Does the Attorney-General mean to say that paragraph (J) applies only to vessels coming from places beyond the Commonwealth ?

Mr DEAKIN

- I did not say that. It is general, but it covers what I was alluding to. An honorable member opposite alluded to the boats of the P. and O. Company, and to other vessels of that character, which come into Australian waters ; and I was pointing out that they were covered by this paragraph.

Mr. KNOX(Kooyong).- Did I understand the Prime Minister to say that he would not agree to recommit the amendment of the honorable member for Bland ? Such important alterations are being made that we ought to have an opportunity of seeing the matter in print before the Bill is read a third time.

Mr Crouch

- This amendment has been in print for a fortnight, and these are only modifications.

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Mr KNOX

- They are very important modifications.

Mr. SYDNEYSMITH (Macquarie).I feel sure that if after the Bill has been reprinted, and a strong opinion is expressed that the clause should be recommitted, the Prime Minister will fall in with the wish of honorable members. The object of the honorable member for Bland is a good one, because we have been told on several occasions that contracts have been entered into with men outside the Commonwealth, and that the men on arrival have expressed themselves dissatisfied with the conditions, not being previously aware of the exact state of affairs here. I think that the amendment is a good one, if an alteration is made in the clause to provide for the difficulties which have been pointed out by the honorable and learned member for Indi. The honorable member for Melbourne has also endeavoured to safeguard the clause in a way which, I think, is judicious. I have very great pleasure in supporting the amendment, in order to guard against the evils which have been indicated. If it is understood that the Prime Minister has no objection to recommit the clause to-morrow, if necessary, to carry out the intention of the committee in a more reasonable way, I do not see any objection to this proposal.

Mr. L.E. GROOM (Darling Downs).I presume that the clause will refer only to contracts and agreements made in futuro. The presumption is that the Bill will come into immediate operation - at least we hope that it will. I do not think it is necessary to put in a special clause to preserve the rights of existing contracts. The canon for the interpretation of statutes is that an Act shall not be deemed to be retrospective unless it is specially made so. It is only fair that we should have that rule clearly in our mind, because there may be in existence a large number of these contracts. I do not know whether the arrangement still exists, but Queensland did enter into one under the treaty with Japan ; and the arrangement as set out in the correspondence was that, when the planter wanted to indent his labour from Japan, he made the application in Queensland ; it was sent on to Japan, and then passports were signed and the immigrants were indented. When this Bill is in operation these immigrants coming under any existing contract, I presume, will have to pass the education test.

Mr Deakin

- No, if they are under contract they will not be admitted.

Mr L E GROOM

- Then I think we ought to distinctly state so. I presume that the Commonwealth in taking over the matter of immigration and emigration, also took over the rights which are attendant on the treaty. As Queensland has no right to modify or to re-arrange the treaty, I presume that the only consistent way we can deal with the subject now is to take advantage of the clause in the treaty, and let the Commonwealth give notice of the termination of the treaty. But we should distinctly understand now whether or not the clause is to be

retrospective.

Mr BARTON

- The concluding portion of the honorable and learned member's speech is one of some importance, and one to which I am not prepared to give an immediate answer. I would rather consider it, as I have no doubt he desires that I should. As to his argument about contracts, it seems to me that the clause is sufficiently prospective in its operation to cover the case of contracts entered into before the passage of the Bill. We are trying to declare who are the classes of immigrants whom we do not want ; and the question is whether we should include those who have already entered into such contracts.

Mr Watson

- If we did not apply it to those they might try to defeat the measure by entering into contracts.

Mr BARTON

- I imagine that there must have been some engagements made to import British subjects here during the time the Bill has been pending. The same thing may occur with regard to contracts ; but as far as I can see the clause covers the ground. While I think this paragraph ought to be taken as now amended, I would not for a moment undertake to say that I will not recommit it if occasion arises. If I see reasons why the clause should be recommitted, I shall be very glad to take that course, with the object of improving the Bill, and if, in the meantime, honorable members who have suggestions to make will assist me by showing them to me, I shall be very pleased.

Mr. KNOX(Kooyong). - I would suggest to the Attorney-General that any amendments that may be made should be printed and circulated at once for the information of honorable members.

Mr Deakin

- Certainly.

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Mr MAUGER

- In connexion with this subject a great deal of attention has been directed to Queensland, and the special correspondent of the Argus, writing on the kanaka question in that State, while admitting that the kanaka is a declining factor, contends that the Hindoos and the Japanese are rapidly increasing in numbers there - and increasing under contract. A gentleman engaged in mercantile pursuits in Queensland, writing to a friend in Melbourne the week before last, bears out what the honorable and learned member for Darling Downs says, and shows the necessity for making this measure apply as quickly as possible. The letter reads as follows : -

You might see Mr. Mauger or Col. Reay. Mr. Mauger is a member of the House of Representatives, and secretary to the National Anti-Sweating League, and in company with Col. Reay recently visited North Queensland to inquire into the black labour question ; so that I am sure he is interested in the question. Let him know what is going on here, for there can be no doubt that if the Alien Restriction Bill is delayed even for a few months hundreds of Hindoos, Japs, and Cingalese will be brought to North Queensland under contract. Agents are busy, and movements are being made in that direction now ; and when these people get here they will do an untold

Amount of harm, both to wages and morals. I am in a position to know what is going on, and am sure that if the members of the Federal Parliament knew the urgency they would stop this business at the earliest possible moment.

Sir Malcolm McEacharn

- That is all a myth.

Mr MAUGER

- The honorable member for Melbourne says that it is all a myth, but I can assure honorable members that the gentleman who wrote this letter knew what he was writing about ; and, whilst the view of the honorable member for Melbourne may be correct, I may say that I have been informed times out of number that if the importation of kanakas were stopped, an effort would be made to fill their places with Hindoos.

Mr Fisher

- The chief advocates of coloured labour say that that is what they will do.

Mr HUME COOK

- They are doing it now.

Mr MAUGER

- In support of that, I may mention that I have been introduced to Japanese agents, who make it their business to recruit Japanese labourers and to look after their interests, even to the banking of their money. The same thing is often done with regard to Hindoos, as agents make it their business to engage labour in gangs, under contract, to bargain between the men and their employers, and to look after the labourers' money. I therefore think that the Prime Minister will be wise if he gives the House to understand that this restriction with regard to labour under contract will be brought into operation at the earliest possible moment, and that those now engaged will be notified through the press at once that their contracts will become null and void.

Mr. GLYNN(South Australia).- As we have not the amendment before us in print, it is difficult to understand what its effect will be. I take it, however, that if a P. and O. steamer, coming from England, took goods from Fremantle to Sydney, the rate of wages paid to her crew would have to be the rate prevailing in the Commonwealth.

Mr Deakin

- That case is dealt with under paragraph (j).

Mr GLYNN

- I do not think paragraph (j) does touch that case, because it only provides for cases where seamen are landed, and then they are exempted, provided they are re-shipped. That paragraph does not meet the case of a vessel coming to Fremantle and taking goods on from Fremantle to Sydney without landing any of her crew. This is a difficulty which strikes me, and, as I understand the Prime Minister intends to reconsider the whole matter, I am merely indicating what seems to me to be the effect of the amendment - without dealing with it as a matter of policy. It seems to me that if goods are shipped from Fremantle to Sydney, the ship taking them must be engaged in the coastal trade, and the wages paid on that ship should be the rates prevailing in the Commonwealth.

Mr. WATSON(Bland). - I should like the Government to take into consideration the aspect of the case put forward by the honorable and learned member for Indi, with reference to introducing subsequent clauses to ensure the efficiency of the proposal.

Mr Deakin

- Except in one respect, as to the voiding of the agreement, I think we have power under clause 15 dealing with regulations.

Mr WATSON

- Quite so ; but if we could provide in the Bill that the agreements would be void it would be more satisfactory.

Mr Deakin

- The point is well worth considering.

Mr WATSON

- I thought of the matter some time ago, but I did not suggest any amendment of this sort, because I was rather in doubt as to whether, in an Immigration Bill proper, we had the right to introduce a matter of this kind. I defer, however, to the knowledge of the honorable member for Indi with respect to the Constitution Act, and it would be well for the Government to consider whether they should not introduce a clause to carry out his suggestion.

Amendment agreed to.

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Mr CROUCH

- Paragraph (A) excepts from the operation of the clause all members of the King's land or sea forces. I understand that a large number of Hindoos are discharged soldiers or reserve men of the Indian army, and this exception would, it seems to me, permit these men to land here without any hindrance.

Mr Barton

- I thought of that, but this exemption is the same as in all the Acts and Bills that have been referred to.

Mr HUME COOK

- Does it not mean men belonging to the King's " active " forces ?

Mr Deakin

- I think it does.

Mr CROUCH

- If the paragraph were altered to restrict the exemptions to members of the King's "regular" forces so as to exclude the reserves, or if power were taken to secure the return of such men, as under paragraph (j), the case would be met.

Mr Barton

- If the honorable and learned member will move to insert the word " regular " I will accept the amendment.

Amendment (by Mr. Crouch) agreed to-

That the word " regular " be inserted after the word "King's" in paragraph (7i).

Mr. CROUCH(Corio).- I wish to point out that paragraph (i) will permit of all sorts of tricks being played by the masters of public vessels who may desire to land aliens in the Commonwealth. Those who saw the war ship Brooklyn tying in the bay during the period of the recent Commonwealth celebrations, will remember that there were a large number of Chinese employed as stewards upon that vessel. Most Japanese ships, too, have Japanese on board. Therefore, at any time that a public vessel arrives here it will be open to her under this provision to have on board a number of persons who will be able to land and thus to evade legislation which is intended for their exclusion. I certainly think that the provisions of paragraph (J) should also apply to paragraph (i).

Mr BARTON

- I wish to point out to the honorable and learned member that it is to the direct interest of Government vessels of every power to look after their own men, and they always do so. They cannot afford to leave them behind. Since I have held the office of Prime Minister there have been instances in which foreign vessels have applied to us for assistance to get their men returned to them, which assistance we have rendered. Such vessels are at a considerable loss if they leave their men behind. There is not the slightest chance of the officials of public vessels erring in the direction of laxity, because they are only too anxious to retain their own men.

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Mr MAHON

- In paragraph (j) I should like the Government to add a few words, in order to meet the case of an industry which exists in the north-western portion of Western Australia. The pearling industry is one which I am credibly informed cannot be carried on by white labour. Furthermore, the coloured men engaged in that industry do not settle permanently in Australia. They merely come down to the north-west coast of Australia from the Dutch Island of Java and from Singapore, to engage in pearling for a few months in the year. I am told that at the present time there are only two white divers employed in the industry, and that the rewards accruing from the search for pearl shell are so small that it is absolutely impossible to carry on the work by white labour. But apart from this fact, these men do not enter into Australian territory as permanent residents, and therefore the great objection which we all have to coloured immigration does not apply to them. There is no danger of the contamination of the race, nor - as appears from the testimony of those who are experts in this industry - is there any fear of their entering into competition with white people, for the reason that if the industry were not in their hands it would not be carried on at all. We have no reason to apprehend that these people will ever try to become residents of Australia. In the first place, a large number of them come from the island of Java, and the Dutch Government compel all the owners of the pearling fleets to enter into bonds in the sum of £100 to return even one of the men engaged in this industry on the expiration of the term for which they agree to serve. The pearlers, therefore, may safely be trusted to take ample precautions to comply with this condition. The pearling industry is, I believe, the mainstay of some of the towns on the northwest coast of Western Australia, notably of the town of Broome. The work of these divers is carried on beyond the three miles limit - in other words, operations are conducted in the waters outside the jurisdiction of the Commonwealth. Under an Act passed in 1897, concerning which the Minister of Defence will be able to enlighten the committee, the landing of these pearlers was regulated, and I believe that the regulations provide that they are not allowed to travel beyond the foreshores of the place where they land. They merely require to land occasionally, in order to obtain stores and water. The effect of any prohibition upon their landing would simply be that instead of getting their stores at Broome, they would establish their head-quarters at Singapore, and the industry would drift into the hands of big men who could afford to fit out large ships

and carry stores for a very long period. Under these circumstances I think we might fairly exempt the employes upon these pearling luggers from the operations of this Bill.

Mr Barton

- They are only about three or four months ashore.

Mr MAHON

- They are not even three or four months ashore. They are anchored between the period extending from March to November. They do not land for the purpose of living in Australia or of interfering in any way with its industries.

Sir John Forrest

- During the hurricane season they come ashore.

Mr MAHON

- Yes ; for a little while. I think that an exemption such as I suggest might fairly be made, and, therefore, I move -

That the word "and," line 1, of paragraph (j), be omitted, and also the word "of" after the word "crew" in the same line, with a view to insert in lieu thereof the words " and other persons employed in."

Sir MALCOLM McEACHARN

- I would urge the Government to accept some such amendment as has just been proposed. Pearling is a very important trade in the northern part of Western Australia, and if some such provision is not introduced, the head-quarters of the pearling fleet will be shifted to Singapore or Java. We ought not to drive away trade from any portion of our coast. What the honorable member for Coolgardie has stated as to the restrictions makes it perfectly clear that no harm can be done by allowing the employment of these men on these particular boats. They cannot be employed at anything else, and under the laws of Western Australia they are not allowed to remain on shore. In addition, there are heavy penalties if they are not, after a period of two years, returned to the island from which they came. I think, however, that it might meet the views of the honorable member for Coolgardie better if, instead of the amendment he has proposed, the following were inserted amongst the exemptions -

The captain, crew, and men employed in the pearling trade, provided the laws of the State to which they trade be conformed to.

Mr Barton

- The amendment of the honorable member for Coolgardie will meet the case, if it is desired the case should be met.

Mr EWING

- The Prime Minister has stated that the amendment will meet all conditions, but it deals with men employed on these boats, while, as a matter of fact, the men are not employed on the boats, but incidentally.

Mr Deakin

- They are employed on and off the boats.

Mr Barton

- They may be in the water sometimes, but that will not take them outside the operation of the clause.

Mr EWING

- If the honorable member for Coolgardie is satisfied, I am.

Mr. SPENCE(Darling).-I should like to see this matter looked into a little more carefully, because I am afraid that, by putting in the words which have been proposed, we may provide a loop-hole for evasion. If this amendment is intended to refer specially to the pearling industry at a specified place, it would be better to have a direct provision than to speak of the master and crew and "other persons" engaged on the vessels. These words would appear to leave room for anybody to come in, whether engaged under contract or otherwise.

Mr Mahon

- It is only a temporary landing.

Mr SPENCE

- I do not object to the amendment so long as it is properly safeguarded, and no loop-hole left to other persons not contemplated in the proposal.

Sir Malcolm McEacharn

- That is why I propose to limit the amendment to the pearling vessels.

Mr SPENCE

- That may be so, but it is better to close the door to these people than have to hunt after them when they have once landed.

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Mr BARTON

- These people do not get away ; they simply wait at Broome while the pearling ship is refitted, and then they go on board again. It seems to me that the amendment will probably meet the case, but I shall apply to it the same consideration I have promised to give in the other case. If any other form of words is necessary to show that the clause applies exclusively to this industry it "will be adopted. "We do not want it to apply to any but the pearl-fishing industry. As I pointed out, however, this is a case where persons are employed in connexion with a fishery. They are not employed on shore, but are simply, when on shore, waiting for the ship to be got ready to return to the pearl-fishing.

Mr Mahon

- And then they are outside the three-mile limit.

Mr BARTON

- I know that they are outside the territorial limit of three miles, and in that case they do not appear to interfere with any other kind of labour, nor does there appear to be any danger of their, in a sense, altering the character of the people of the country.

Mr. MAUGER(Melbourne Ports). - I must confess that I do not like the amendment. The quarter from which it comes mitigates very considerably my dislike, but, at the same time, the amendment appears to me to be fraught with considerable danger. At this stage, however, I do not propose to definitely oppose it. I take it for granted that the honorable member for Coolgardie has thought the matter out in all its bearings, and that, while proposing the amendment, he at the same time recognises the grave dangers surrounding it. I have had one or two conversations with gentlemen interested in this matter, and I know that they are as anxious as I am to keep Australia uncontaminated. But in connexion with the pearl-fishing industry, above all others, it seems somewhat strange for the honorable member to assert that it is an industry which cannot afford to employ different labour.

Sir John Forrest

- It is not a question of money.

Sir Malcolm McEacharn

- White men cannot do the work.

Mr MAUGER

- I thought it was a matter of money, and that appeared somewhat remarkable in connexion with the pearling industry. Of course, if it is a question of the actual work, that is another matter altogether, and I take it that the honorable member for Coolgardie is prepared to assure us that there is no danger of an invasion by these men, or even of a leakage of people of their race into the Commonwealth.

Sir Malcolm McEacharn

- There is not the slightest danger.

Mr MCDONALD

- I am very sorry that the Government are going to accept the amendment. At all events, I hope that if the amendment is accepted something will be done to confine its operation to this particular spot.

Mr Barton

- T said I would accept the amendment for the present, but would see if it were not necessary to insert some words to confine it specifically to this industry.

Mr MCDONALD

- The Prime Minister says " this industry," but I should like to remind him that there is a big pearl-shelling industry in the north of Queensland. It may be quite true that this amendment may not be the means of allowing any of these coloured aliens to drift into Western Australia ; but I would point out that it will equally affect the industry in the northern portion of Queensland, which industry is, if not larger, as large as that carried on in Western Australia. The moment a loop-hole is left, or an attempt made to discriminate between one portion of the Commonwealth and another, difficulty will arise. If these people be allowed in Western Australia, in all fairness an exactly similar concession should be made to the pearl

shellers of the northern part of Queensland.

Mr Mahon

- It is only a temporary landing.

Mr MCDONALD

- It is all very well to say that the landing is only temporary ; but the same arguments could be applied so far as the northern portion of Queensland is concerned, where the pearl diving, I may state, is outside the three-mile limit.

Sir Malcolm McEacharn

- It would only mean moving the head-quarters to Timor.

Mr MCDONALD

- I am prepared to have them shifted to Timor or any other place ; it is much better in the interests of Australia that they should be shifted rather than that we should allow a leakage of these coloured aliens into Australia, to the detriment of the country.

Sir Malcolm McEacharn

- I quite agree with the honorable member, if the amendment will do that, but it will not.

Mr MCDONALD

- We were told that years ago by the very same class that the honorable member represents.

Sir Malcolm McEacharn

- I represent all classes.

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Mr MCDONALD

- We know that the honorable member is largely interested in the shipping trade.

Sir Malcolm McEacharn

- I am not interested in pearling in the slightest degree.

Mr MCDONALD

- If the amendment suggested is adopted it is likely to lead to a great deal of trouble, and I shall certainly vote against it if it is taken to a division.

Mr. G.B. EDWARDS (South Sydney). - I think the amendment is a very dangerous one. The argument used in favour of it can be used with equal force in favour of other forms of coloured labour. The honorable member who proposed the amendment based his argument very largely upon the fact that these men are imported by their employers under bonds of £100 that they will return them ; whilst another argument was that the men are not allowed to leave the foreshore, and consequently cannot be dangerous to the whole of Australia. But what guarantee has the Commonwealth that these private arrangements will not be altered in the future, and that the men will not be kept ? What safeguard have we, either, that the State laws of Western Australia will not be altered ? The arguments that white men cannot do the work, and that the black pearlers will not contaminate the rest of Australia, will, in a few weeks, be used in regard to the kanaka traffic. It will be urged that the kanaka is only brought here for a time, and it may equally well be said that he will not contaminate our race strain. But the reply is that if we introduce these coloured aliens in any form, we allow a loop-hole through which a stream will ultimately pour. We should not allow this coloured labour to be introduced, in the interests of the pearling industry or of any other industry.

Mr. WATSON(Bland).- I trust the committee will not pass the amendment. It must be recollected that if it is passed it will apply to more than the circumstances which the honorable member who has proposed it describes as existing in Western Australia.

Sir John Forrest

- The circumstances are the same in Queensland.

Mr WATSON

- There is certainly a danger of leakage if we pass the amendment. Taking the case of Western Australia first, we do not know how soon the northern portion of that State will become populated, or, at any rate, settled to a greater degree than it is at the present time. I do not suppose that around the port of Broome there is much land suitable for settlement, but I learn that there is a great quantity of land suitable for pastoral settlement in the neighbourhood. As these areas become settled towns will spring up, and if these black races have access to them for, perhaps, three months in the year - that, I understand, is the

period of the monsoonal term - the whole process of the tainting of the race will go on just as it would in the more southerly portion of the continent.

Mr Mauger

- Worse than in a garrison town.

Mr WATSON

- Quite so. So that the whole of our objections to the introduction of these coloured people apply just as effectively to the pearl-shellers as to the kanakas. We object to them not alone on the ground of competition with our own workmen - though I admit that that is one of the grounds - but also and more particularly on the ground of racial contamination ; and that objection applies equally as strongly to the set of circumstances put forward by the honorable member for Coolgardie as to those existing in connexion with the sugar plantations of Queensland.

Mr Ewing

- Would not the honorable member allow Japanese sailors upon Japanese boats to land 1

Mr WATSON

- Certainly. But they land for a few hours and go on board again, whereas these pearl-shellers can stay for three months or any period they please. The argument put forward is that they go ashore to refit and to tide over the monsoonal season, which lasts for several months. That is quite different from the trip ashore of the Japanese sailor. As has been already said, ' we have no guarantee that the regulations under which these men are now engaged will continue effective, and I doubt whether the trade, in its present condition, is worth a great deal to any particular town.

Sir John Forrest

- It is worth about £100,000 a year.

Mr. WATSON. - Just so. It has yet to be shown that it is impossible to carry on this industry by means of white labour.

Mr Mahon

- It is the opinion of every one engaged in the trade that it cannot be.

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Mr WATSON

- That is the opinion of some of those engaged in the trade, but others of those interested have told me to the contrary. One man, at any rate, informed me that he was engaged as a diver on Thursday Island prior to the influx of the Japanese, and that the white men were not only able to do the work, but that they are doing it.

Mr V L SOLOMON

- It is not the diving work, but the work at the air-pump which it is said that white men cannot do.

Mr WATSON

- Even if that contention be correct it is provided for in the exemptions. But further than that, the pumping of the air down to the diver is at the present time carried on by white men all over the coast of Australia.

Mr V L SOLOMON

- But the question of cost comes in.

Mr WATSON

- White men were employed at Thursday Island for years until cheap men came upon the scene, when, of course, the white men were displaced. It is a notable tiling that since the Japanese began to use his acquisitiveness and other characteristics in the direction of engaging in the industry, an Act has been passed in Queensland to prohibit any such person from owning a pearling boat. Of course it was all right as long as cheap labour could be engaged for diving purposes, thus depriving white men of a livelihood ; but as soon as the Japanese came into competition with the gentlemen engaged in finding the money it was quite "a different kind of horse." Parliament immediately passed an Act prohibiting any such immoral conduct on the part of Japanese or other coloured persons as that of owning a fishing boat.

Mr Poynton

- But white people may employ them there.

Mr WATSON

- Yes. We should take care also that no antedated agreements are brought into operation to defeat the object we have in view. It would be a vital error to allow a loop-hole of the kind proposed to exist. Seeing

that none of us can foretell how far these fishing grounds may extend round the northern coast of Australia, and how many centres of population may not be contaminated by the continued residence of these coloured people in their midst, it would be wise to reject the amendment.

Mr. EWING(Richmond). - I would ask the Prime Minister whether, after all, this amendment is necessary in order to secure the end sought by the honorable member for Coolgardie. The honorable member's contention is that those engaged in pearl fishing are not generally regarded as the crew of a vessel.

Mr Mahon

- That is so.

Mr EWING

-I am not quite sure that the honorable member is right in that contention. It appears to me, and I should like the Prime Minister to consider the point for a moment, that those occupied in connexion with pearl fishing are legitimately the crew of the vessel.

Mr Higgins

- They do not work the vessel.

Mr EWING

- But a steward does not assist in the working of a ship, although he is a member of the crew. think we are straining a point, and that pearl fishers will be safe.

Mr Mahon

- The point was very carefully considered before I moved the amendment.

Mr EWING

- Perhaps the Prime Minister will consider the question, and if he tells us authoritatively that pearl fishers will not be interfered with in the way it is feared, we shall get rid of the difficulty. It might be well to make the amendment read that " the master or crew of a 'pearling' or any other vessel," and so on.

Mr Barton

- If the word " crew " does not include pearlers, then the description of the class of ship will not get over the difficulty.

Mr EWING

- If there is any doubt on the point, it appears to me that if we specify the trade, the pearling industry, we shall get over the difficulty. I do not wish to enter upon a dissertation as to whether men employed upon pearling vessels a few miles off the coast should be permitted to land for a few days.

Mr Watson

- And stay six months.

Mr EWING

- In the hurricane season these men cannot work, and it is a question whether we are going to send them away long distances to their homes and thus cause the industry to be surrounded by expense, or whether--

Mr Watson

- The honorable member for Kennedy has something to say that will convince the honorable member that this is undesirable.

Mr EWING

- All the difficulties which the honorable member for Bland particularized would happen if the crew of a Japanese boat were allowed to land for a week.

Mr Watson

- Not so easily.

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Mr EWING

- We must allow the men on these pearling vessels to land. It may seem objectionable to allow them to come ashore, but it would savour of the impossible to provide that no vessel manned by these yellow men should land its crew. The honorable member would allow the men to land for three weeks while shipping cargoes in Sydney Harbor, but he would not permit them to land at Broome for any lengthier time.

Mr Watson

- They become communities in the latter case.

Mr EWING

- I do not want to say anything unpleasant of Western Australia, but any person who has visited Broome would not be repossessed. The danger of contamination to the white races by allowing them to land at Broome is really very slight, and, in fact, it seems impossible to suggest any alternative.

Mr. PAGE(Maranoa). - If we are going to deal with this question at all, let us consider it in a proper spirit. We do not want any shandygaff policy. Queenslanders might say, " Give us the exemption in the case of kanakas. They will not do any harm. They are only here to till the sugar cane." That is exactly what my honorable friend the member for Coolgardie wants. We might say in Queensland - " The sugar industry is only a small one, and we want to keep the thing alive by employing kanakas. We can assure you that they will not be dangerous. We want them to grow cane, and for nothing else." That argument might as well be used as that put forth by the honorable members for Coolgardie in regard to the pearl-fishers.

Mr Ewing

- White men can grow cane.

Mr PAGE

- And white men can get pearls, if we only give them a show. It is simply a question of pay once more. If the employers can obtain a black fellow - if they can secure Japs, or Malays to do the work cheaper, they are going to get him.

Sir Malcolm McEacharn

- It is not a question of cheapness. The honorable member knows that.

Mr PAGE

- I know aU about it. The honorable member should go to Thursday Island, and see what the Japanese, the Javanese, Congolese, Malays, and others are doing there. I have here a newspaper paragraph in regard to a statement made by a gentleman who has been up north since the honorable member for Melbourne Ports and Lt. -Col. Reay were up there. The paragraph sets forth that -

Mr. Mauger's opinion of Townsville is echoed by a Melbourne mining man just back from a Queensland trip-

I wonder whether the mining man is the honorable member for Kooyong.

Sir Malcolm McEacharn

- The honorable member has been saving this up.

Mr PAGE

- Yes. I little thought I should have to use it against the honorable member for Coolgardie. The paragraph continues -

Mr. Mauger went into the Cathedral at Townsville on a Sunday', and met there 13 half-castes and no others. The first man the speculator met in Townsville was a Chinese, the second was a Chinese. " I went on a little further," he said, "and met a kanaka, then three yellowy- brown children passed me at a trot. Then came a Jap, with a black wife, and two children of a dirty drab colour.

They are not pearls, although they are Queenslanders. They are not the sort we want.

A.n aboriginal was standing at the next corner begging, and a half-caste Chinese girl gave him a penny. I had counted sixteen different complexions within the space of three blocks. At the hotel there were white people of course, and we talked the matter over. To one man I ventured to express the opinion that we would have a white Australia in twelve months. " Maybe you'll have it white enough down south " he said, "but it'll take a thousand years to bleach Townsville."

This is the state of affairs in Northern Queensland, where pearl shelling is carried on to a great extent.

Does the honorable member for Richmond desire to encourage the same state of affairs in Western Australia 1 I am sure he does not wish to see any of these coloured men among his constituents.

Mr Watson

- The honorable member has one or two of them there.

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Mr PAGE

- If he wants to see more there he should vote for the amendment, hope the Government will accept no piebald amendments. They are on the straight track now for a white Australia, and I will give them every encouragement in securing that end.

Mr. MCDONALD(Kennedy).- An honorable member opposite stated just now that no person would care about going to this particular district of Broome in Western Australia. I have here one of a series of articles

contributed by a correspondent of the Melbourne Age, and the first of which appeared on the 16th August, 1899. I should like to read a short extract which will give the committee a fair idea of what this particular portion of the continent is like. I suppose it has got to the stage of development described, through the introduction of these peculiar races. The portion I wish to read is this : -

Through the promiscuous intercourse with aboriginal women, a hybrid race is being established in that fair corner of the continent, such as the world has never before witnessed. To describe some of the children to be seen in the Broome district would utterly puzzle the cleverest ethnologist. The Malay, Japanese, and Philipino have crossed with blacks. The union of former white men and aboriginal women have produced half-castes, who in turn have bred from Chinese, Malays, and Manillamen. Half-castes may have crossed with Quadroons, or Octoroons, and so the mixing up of nationalities and hybrids continues until " Mongrelia " is literally the name that should be applied to the region. This rising generation inherits all the vices and physical infirmities of the Eastern coolie, who at best is a low type of humanity.

Mr Barton

- Is that article signed by anybody?

Mr McDONALD

- No; I may say that it is written by a correspondent of the paper who went up there. There was some difficulty in getting information as to the working of the boats connected with the industry, and after some trouble this correspondent managed to become engaged on one of the boats as a storekeeper.

Mr Barton

- Was he a special correspondent of the paper?

Mr McDONALD

- Yes ; he was a special correspondent of the Age, and he got on to one of the boats as a man in charge of the provisions. I am sure that if I were to read the whole of this article the committee would see that it is not worth our while discussing whether we should allow any of this class of people to land upon that portion of Australia. The pearl-shelling industry there means that the employment of this class of labour has created a class of mean whites who are not worthy of this country. The way in which they have treated some of the unfortunate wretches whom they have under their control is simply horrible, and we should not waste our time considering whether they should be allowed to land here. If they want to go back to Singapore let them go.

Mr Higgins

- Are there any statistics as to the numbers engaged in the pearl fisheries there ?

Mr McDONALD

- I could not say ; I have never seen any. I know that at Thursday Island at one time there were, roughly speaking, about 2,000 Europeans employed in the industry, and to-day there are only 65, while there are over 1,900 aliens employed.

Mr Mauger

- Many of the ships are manned by Japanese.

Mr McDONALD

- They have some 600 Japanese employed in the industry there now. This matter requires to be taken into serious consideration, and personally I hope the committee will not adopt the amendment proposed.

Mr V L SOLOMON

- I do not think the amendment proposed by the honorable member for Coolgardie will carry out what the honorable member desires. The clause as it stands at present provides for the exemption of the crew of any vessel in port temporarily, and I think that is all we can reasonably ask. I have a knowledge of the pearling business, as I have had some little experience of it. I owned three or four pearling boats at Port Darwin, which were manned principally by Japanese crews, and the men employed are all booked as " crew." As a rule the crew of each boat consists of six men - the diver, the tender, and four men all booked as a "crew," and shipped before the harbor-master in the ordinary way in which European sailors would be. The wages of the crews run from £3 to £4 per month with rations. The tender, the man who looks after the diver, holds the pipe and the life-line and so forth, receives about £5 per month, and generally has a little in with the diver on the amount of shell secured. The question of remuneration so far as the divers are concerned is not of so much moment, because whether they are white men, Manillamen, New Zealanders, or Japanese, the divers, as a rule, receive the small wage of from £4 to £5 and £6 per month,

with rations, and what they call a " lay " of so much per ton upon the shell they take. The " lay " is sometimes as high as £25 per ton, and sometimes even a little more than that, going up to £30. It is a bonus upon every ton of shell they get, and I have known instances of divers earning as much as £60 and £70 a month easily. As to white divers, there is no doubt they can do the work at a certain depth ; but when it comes to deep-sea diving, to anything over 13 or 14 fathoms and from that up to 18 fathoms, the native divers, and especially the Bay of Islands Maories, are undoubtedly the best for the work.

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Mr Higgins

- What is the reason they are better at the greater depths?

Mr V L SOLOMON

- It requires specially powerful men, as a rule, for deep sea work, because the pressure is so great.

An Honorable Member. - The honorable member knows all about the industry. Will he inform the committee whether white men can do the diving t

Mr V L SOLOMON

- There is no question about white men being able to do the diving. The cheaply-paid men are the members of the crew - four men to each boat, employed two at a time, one at each handle of the pump, sometimes for four or five hours per day. They are the lower class of labourers, and they get from £3 to £4 per month and food.

Mr Mauger

- What is the difference in price between white labour and coloured labour 1

Mr Watson

- Another £3 per month.

Mr V L SOLOMON

- Fully that, and I do not think we could get white sailors to mau these small boats, on account of the great inconveniences. Honorable members will understand that a little 10-ton lugger has only a very small space for men to sleep in, and a white sailor will not sacrifice the comforts even of the ordinary fore-castle in the same way as will black crews.

Mr Watson

- They did it at Thursday Island for years.

Mr Barton

- Are there plenty of white divers ?

Mr V L SOLOMON

- No ; not very many. Very few white men take to diving, or remain at it very long. I know of one or two who took to it, and notably of one named Ericsson, who afterwards became an owner of some boats.

Mr Higgins

- What is the objection ?

Mr V L SOLOMON

- The work is very exhausting and very dangerous, especially the deep sea work. The native takes to it very much more readily, because he has not the same keen love of life as the white man, and he will do anything for money. So long as the New Zealander, Malay, or Japanese diver can see that within perhaps twelve months he may be able to earn £200 or £300, and can then clear out to his own country, he is quite satisfied to risk his life. I we nt to put the position fairly before the committee, and the question with regard to white crews on these boats is undoubtedly a question of price. I do not believe that at the price of pearl shell for the last few years the industry could be successfully conducted with entirely white crews - at any rate not profitably. The people of Port Darwin, with which I was connected for some years, have an industry employing between 30 and 40 boats, licensed and under Customs supervision. The export value of the shell last year was £20,000. All the crews sign on and off before the Harbor Master, under the Marine Board Act, exactly in the same way as European sailors. The crews live entirely on the boats. They only land for the purpose of doing trade and getting stores at the township, and naturally enough the business people are only too pleased to have the industry there. The shell is landed and shipped by calling steamers to the markets of the world.

Mr Higgins

- What do they do during the monsoon period 1

Mr V L SOLOMON

- During that period they generally devote their time to looking to their boats, repairing sails and gear, and doing a host of other things which, during the busy season when the tides were suitable for pearling, they had not been able to attend to. During a few months of the year they are unable to work : they are resting all the time. Their work is entirely away from the port. There is no pearling now within 10 or 15 miles of Port Darwin, and most of the pearling is done some miles away from the coast. During the last year or two it has been done on the coast of Melville Island, which is 50 or 60 miles from Port Darwin. If a reasonable opportunity is given to the crews of boats to come on shore, just to do their work, in the same way as the crews of steamers are provided for in the sub-clause, quite sufficient will be done. I am perfectly satisfied that no Government would willingly kill an industry of this kind by straining this provision to too great an extent. I speak from a very close acquaintance with the industry. I was personally interested in three or four boats for a couple of years, and I can assure the honorable member for Coolgardie that this clause, if properly administered, will answer all the purposes of the northern townships.

Mr Barton

- How long do the pearl divers remain on shore at Port Darwin ?

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Mr V L SOLOMON

- As a rule, the owners of the boats are only too anxious to get their crews away from the ports. They will not allow their crews to stop on shore, because it means that they desire to draw money and spend it. The best of the season is during the S.E. monsoon to nearly November. In November and December the N.W. monsoon sets in, and for three or four months the weather is too bad and the water too thick.

Mr Barton

- They are ashore three or four months.

Mr V L SOLOMON

- No; they are not permitted to live on shore. They live on their boats ; but they are allowed on shore for the purpose of getting their stores and bringing their shell and packing it.

Mr. HIGGINS(Northern Melbourne).I. think the committee is indebted to the last speaker for some very valuable information. I want to know, if there is to be a vote, how far the honorable member for Coolgardie thinks that these words will suit his purpose. There is a great deal of force in the last speech. All the pearl fisherman will have to do will be to employ as his crew men whom he means to dive.

Mr Mahon

- That is exactly the point. It is simply a legal question whether the man employed in diving and assisting the diver is a part of the crew.

Mr HIGGINS

- This trick is used very frequently, and has been used in regard to the immigration laws - a number of people who are really passengers are called the crew and brought in as the crew. How much easier it would be to treat men employed in diving, as giving assistance in the ship and being of the crew also ? What is to hinder a man from saying - " This is my crew ; I choose to have five or six." The words used here are " The master crew and other persons employed in." So far as I can see, if the honorable member wants to get permission to land, there will be no gain from the amendment. But I am afraid that if we once admit the principle that, for the sake of preserving an industry, we are to allow the landing of undesirable immigrants we shall be met with a very formidable difficulty when it comes to the question of kanakas. It would be of use if honorable members could have statistics to show how far the pearling industry is a means of wealth to the Commonwealth, and how many men it employs.

Mr V L SOLOMON

- It means an export of nearly a quarter of a million from the Commonwealth.

Mir. HIGGINS. - If there were no undesirable aliens employed in pearling would it be much less ? I apprehend that the greater part of that quarter of a million would be still conserved to the Commonwealth if we had the industry in the hands of whites. I feel that these words will not help the honorable member ; and when we come to vote on the principle I should much rather keep the line clear and distinct. We should not make exceptions in favour of any industry, if it means infringing on the principle of having a white Australia. I shall vote against this amendment, under the circumstances, so far as I can see at

present.

Mr. MAHON(Coolgardie).- I did not imagine that this innocent amendment would unloose such a storm of protest as has sprung up, particularly from this quarter of the House. The object of this perfectly innocent amendment is not to allow these people to come and stay on shore, but to give to the employes who may not come under the definition of crew the same facilities as are given to the master and crew. That is the whole sum and substance of the amendment, and why it should be met with so much hostility I am at a loss to understand. I was advised that the men who work on board these luggers could not be considered as members of the crew, but if the honorable and learned member for Northern Melbourne is correct in saying that they would be considered as on the same footing-

Mr Higgins

- I say that the master could easily employ them as members of the crew.

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Mr MAHON

- If the clause covers the people who are employed on these pearling luggers, my amendment will happily be unnecessary. An attempt has been made to liken these pearl-shell letters to the kanakas. I would point out that whilst the kanaka lands and works for three or four years under contract the men employed on the pearling boats remain on shore for only a few days, and even then confine themselves to the foreshores.. Moreover the country where they land is absolutely barren, and as to the danger of a hybrid race mentioned by the honorable member for Kennedy, I think that the Minister of Defence will be able to assure the honorable member that the number of these hybrid products is very small. I was not aware that the pearl-shelling industry had such extensive ramifications, and that so many people were employed in other localities as now appears to be the case ; but I did not like to see a little town in my electorate disappear. I have never been in

Broome, because my electorate is so extensive that it would take one a year to go over it, but the facts placed before me show that the pearling industry could not be carried out by means of white labour, and that if the people employed on the pearling luggers are prohibited from landing, their head-quarters will be shifted to some other place, and Broome will disappear from the map. The question of competition with white labour need not be taken into account, and the risk of race contamination is so small as to be hardly worthy of consideration. Even if power were taken to prohibit these pearl-shellers from" landing it would be impracticable to maintain a police force in such remote localities sufficient to prevent them from coining ashore. In view of the light thrown on the subject by the honorable member for South Australia, Mr. V. L. Solomon, and of the legal interpretation of the clause as it stands given by the honorable and learned member for Northern Melbourne, I shall be glad if I may be permitted to withdraw my amendment.

Amendment, by leave, withdrawn.

Clause, as amended, agreed to.

Clause 6 -

Any immigrant who evades an officer or who enters the Commonwealth at any place where no officer is stationed, may, if at any time thereafter he is found within the Commonwealth, be asked to comply with the requirements of paragraph (a) of section four, and shall, if he fails to do so, be deemed to be a prohibited immigrant offending against this Act.

Any immigrant may at any time within one year after he has entered the Commonwealth be asked to comply with the requirements of paragraph (a) of section four, and shall, if he fails to do so, be deemed to be a prohibited immigrant offending against this Act.

Mr CROUCH

- It is provided in this clause that any immigrant may at any time within one year after he has entered the Commonwealth be asked to comply with the requirements of paragraph (a), section 4. I would like to know what is the reason for that limitation 1

Mr BARTON

- There is a necessity for some limitation, because I think honorable members will all agree that after an immigrant has been a long time in the Commonwealth, after having, perhaps, sold out his home in another country - he might have evaded the law, because that is a thing to which humanity is prone - it might be a hardship to send him away. It is thus necessary to impose some limitation of time.

I think that a year is a fair limit, because if a person comes into the Commonwealth in contravention of the

law, it is reasonable to suppose that he will be found out within twelve months.

Mr McDONALD

- I should like to know whether this clause will meet the difficulties that arise in Queensland through a number of Chinese coming from the Northern Territory into that State. Perhaps the Prime Minister is aware that some time ago a large number of Chinese came from the Northern Territory into Queensland, crossing the border near Camooweal. The Government were compelled to either put them in prison or send them back, and I think they returned about 120 of them to Port Darwin. The authorities always have a difficulty in dealing with these men, because they reach the border at a point nearly 1,000 miles from Port Darwin, and are very often in a bad state through want of water and provisions. I wish to know whether this clause will prevent Chinese from entering Queensland in the way I have described ?

Mr BARTON

- That depends upon the circumstances. If persons were legally within the Commonwealth before the commencement of this measure - or even afterwards - they can pass from one State to another, unless there is some State Act to prevent them. The object of this Bill is to act as a ring fence around the shores of the Commonwealth. If any person comes into the Commonwealth illegally, and breaks the law, he can be deported, but otherwise there is nothing to prevent free passage from one State to another.

Mr McDONALD

- I am afraid that there may be an effort made by some persons in Northern Queensland, after the passing of this Bill, to secure as many coloured aliens as they can from other States to work in connexion with the sugar industry. If the sugar planters can get these men to come to Queensland under contract for 10s. a week, while they have to pay £1 or 25s. a week for white labour, they may see the advantage of introducing Chinese or other labourers to work under two or three years' agreements. That is the difficulty that strikes me as likely to occur, and I wish to prevent it.

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Mr BARTON

- If a person is legally within the Commonwealth, there is nothing to prevent him passing from one State to another, but in connexion with the matter that the honorable member has referred to, I think that if he waits a little time he will find that it will not pay anybody to do as he suggests.

Clause agreed to.

Clause 9' (Penalty on masters and owners of ships)..

Sir MALCOLM MCEACHARN

- I move -

That the following words be added to the clause: - "No penalty shall be imposed under this section on any master or owner who proves to the satisfaction of the court that he had no knowledge of any prohibited European immigrant being landed contrary to this Act, and that he took all reasonable precautions to prevent it."

I wish to point out that it is utterly impossible for a ship-master or owner to know whether some of these prohibited immigrants are suffering from an infectious or contagious disease, or whether they have within three years been convicted of an offence - not being a political offence - for which they had been sentenced to imprisonment for one year or longer. Equally impossible is it for them to determine whether any immigrant is likely, in the opinion of the Minister or of an officer, to become a charge upon the public. I contend that a shipowner should not be subjected to the heavy penalties which are prescribed in clause 16, if he has acted in good faith, although I quite admit that there can be no excuse for a ship-owner who wilfully lands any prohibited coloured immigrant.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 10 (Detention of vessel).

Amendment (by Sir Malcolm McEacharn) agreed to -

That the following words be added to the clause - "Notice shall be given by the Minister or such collector of Customs forthwith to the owner or agent of the vessel of the detention or intention to detain such vessel."

Mr HIGGINS(Northern Melbourne).I wish to point out that if the Minister or Collector of Customs fail to give notice as provided, they will be liable to imprisonment under the terms of clause 16.

Mr Barton

- I will take the risk of that.

Clause, as amended, agreed to.

Clause 11 -

Any person who in any way wilfully assists any other person to contravene or attempt to contravene any of the provisions of this Act shall be guilty of an offence against this Act.

Mr. L.E. GROOM (Darling Downs).In order to effectuate the intentions of 16 a 2 movers of previous amendments dealing with the question of importing labour into the Commonwealth, certain alterations will have to be made in this clause, which I presume has to be read in conjunction with clause 4 as amended.

Mr Barton

- And with clause 16.

Mr L E GROOM

- The object of the amendment made in clause 4 is to prevent the importation of contract labour into this Commonwealth. The immigrant himself is liable to a penalty,' and so is the master or owner of the ship who brings him, but there is no provision making liable to a penalty the person who enters' into the contract with the immigrant. The words " wilfully assists " may be taken as meaning aiding or abetting.

Mr Deakin

- I should say that the clause covers the person who enters into the contract.

Mr L E GROOM

- It cannot apply to the person who enters into the contract when the clause is read in conjunction with clause 4. In the United States Act I think there is a special section which speaks of any person who enters into or is connected with any contract of the kind.

Mr Deakin

- The words of the United States Act are - "assists or encourages."/

Mr L E GROOM

- But I think the United States Act goes on to speak specifically of the person who enters into the contract. The object of the clause is to prevent persons entering into any such contract ; and in order to give effect to the amendment in clause 4 it will be necessary to have some words placing the matter beyond all doubt.

Mr DEAKIN

- At present I am not satisfied that any alteration is needed ; but since the honorable member has called my attention to the matter I shall be glad to take it into consideration.

Clause agreed to.

Clause 12 -

Any person who is wilfully instrumental in bringing or attempting to bring into the Commonwealth any idiot or insane person contrary to this Act shall, in addition to any other penalty, be liable to the Treasurer for any expense in respect of the maintenance of the idiot or insane person whilst within the Commonwealth.

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Mr GLYNN

- I am not sure whether this clause has any application in connexion with the Commonwealth. The maintenance of insane persons or idiots is a State maintenance, but here the clause renders liable, a master of a ship or anybody else for the subsequent maintenance of any idiot or insane person whom they may be instrumental in introducing. I am afraid this clause has been copied from a State Act, in which it would have some sense, but it has no relation to the Commonwealth. The Treasurer of the Commonwealth is not the proper person to make such a charge.

Mr Barton

- Perhaps the proper thing would be to say that the person shall be liable to the Commonwealth.

Mr GLYNN

- This clause is evidently imported from the Natal Act, and there the State looks after the care of idiots or insane persons, and, therefore, is entitled to charge. But here the Treasurer is not the Treasurer of the State, and has nothing to do with the care of such persons.

Mr BARTON

- There need be no trouble about this, for the reason that if it appears that any expense incurred ought to pass to the State, that can be arranged between the Treasurer of the Commonwealth and the State.

Mr Glynn

- How can the Treasurer of the Commonwealth be liable for this maintenance ?

Mr BARTON

- He is not made liable, but the other people are made liable to him in case of his having to incur any expense. It is fair to have a clause of the kind in case of such expense arising, or in the case of expense being incurred which can be more easily recovered by the Commonwealth than by the State. If the expense recovered belongs to the State, it will be passed on to the State. I must admit that" I would rather the word " Commonwealth " were used instead of the word " Treasurer." The person who . is to sue in respect of any of these matters can be defined in the Crown Remedies Bill when we come to deal with it. In the meantime, it is sufficient to say that the liability is to the Commonwealth, and I move - That the word. " Treasurer " be omitted, with a view to insert in lieu thereof the word "Commonwealth."

Amendment agreed to.

Clause, as amended, agreed to.

Clause 13 -

Every member of the police force of any State, and every officer, may with any necessary assistance prevent any prohibited immigrant, or person reasonably supposed to be a prohibited immigrant, from entering the Commonwealth, and may take all legal proceedings necessary for the enforcement of this Act.

Mr. HIGGINS(Northern Melbourne).Has the Prime Minister considered the relation of the police force of the States to this Act and to the Federal Government ? This clause gives power to a member of the police force, in addition to his multifarious duties, to arrest, but there is no duty imposed on him. There must be a number of clauses in Bills which have been before us which relate to the duties of the police force directly or indirectly. I have not thought out the question myself, and I want to know what would happen supposing a member of the police force should refuse to arrest or stop any immigrant. I might also ask what is meant by the words " may take all legal proceedings necessary." Is the police officer to prosecute in his own name, or in whose, or what name 1 I fancy there ought to be something to say that he may take all legal proceedings in the name of some official or in his own name.

Mr BARTON

- This matter has been thought of. I will pass over the fact that the Commonwealth, in legislating on any subject, may make any citizen within the Commonwealth, whether a police officer or not, a participant in carrying out duties under the Act. But we do not want to go that far. The object of the clause is to make it possible, as police assistance may be necessary, to arrange with the States for such assistance. As the States - half of them, at any rate - have Immigration Restriction Acts of their own, they will undoubtedly all be willing to assist the Commonwealth in the execution of the measure. This clause is an authorization to make such arrangements with them, and will enable the Act to be more effectively administered in that way.

Mr Higgins

- Does this mean payment to the States for anything that is done by them ?

Mr BARTON

- It may or it may not. It does not necessarily involve any expenditure. It may be carried out without any additional expenditure. An arrangement may be made of a reciprocal character for the use of the officers of either the States or the Commonwealth for carrying out certain laws. As to the taking of legal proceedings, that simply refers to such prosecutions as in the ordinary sense are police prosecutions.

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Mr Higgins

-In whose name will the prosecution be undertaken?

Mr BARTON

- If the arrangement is made, any legal proceedings must be Commonwealth proceedings, and this clause will be an authorization.

Mr Higgins

- Who would appear upon the record as prosecutor ?

Mr BARTON

- The person who lays the information. This will enable a policeman to lay the information.

Clause agreed to.

Clause 14 (Appointment of officers).

Mr PIESSE

- Will this clause be sufficient ? May it not be necessary for the Governor-General to have power to arrange for State officers carrying out these duties and proceedings? The clause refers only to officers of the police force.

Mr Barton

- These arrangements can be made under the Commonwealth Arrangements Acts which exist, and I think also by Executive agreement.

Mr PIESSE

- The Public Service Bill, as it passed this House, does, I think, provide ample power to make arrangements of the kind, but here there is only power to appoint.

Mr Barton

- There are in some of the States, Commonwealth Arrangements Acts which enable it to be done ; but I incline to the opinion that it can be done without those Acts.

Clause agreed to.

Clause 15 -

The Governor-General may make regulations for carrying out this Act.

Mr BARTON

-I move-

That after the word "Act" the following words be inserted: - "and for empowering officers to determine whether any person is a prohibited immigrant."

That is to enable the officers to make the necessary inquiries and to determine any questions which may arise, which power might not be covered by the words of the clause as it stands.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 17 (Pacific Island Labourers Acts of Queensland).

Mr CROUCH

- I had prepared an amendment to this clause, but I have been assured by the honorable member for Melbourne and others, that it will raise the whole question of kanaka labour. I understand that a promise has been given by the Prime Minister that, if possible, the Pacific Island Labourers Bill will be passed through Parliament this session.

Mr Barton

- It will if I can manage it.

Mr CROUCH

- Then my amendment will not be necessary.

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Mr MAHON

- I move-

That the following new clause be added to follow clause 8: - "Any person coming within the definitions of a prohibited immigrant contained in section four, and any aboriginal native of Asia, Africa or Polynesia who is convicted of murder, or manslaughter, or rape, or an aggravated assault, or an attempt to commit any such offence, shall be liable on the expiration of any term of imprisonment or servitude imposed on him, therefor to be deported from the Commonwealth pursuant to any warrant of the Minister."

This clause may appear upon the surface to be rather severe, but I should like to remind the committee that the principle of deportation is already introduced into the Bill in clause 8. It is laid down in that clause that in addition to or substitution for imprisonment, any person who, being a prohibited immigrant, is found within the Commonwealth, shall be liable to be deported from the Commonwealth. If the committee refuse to adopt this new clause the Government may be placed in this peculiar position : - It may be possible that a perfectly inoffensive, harmless, and good citizen will be deported under clause 8 simply because he had not complied with certain conditions. That is to say, if he got into the Commonwealth in any way except the way recognised by this Bill, he, upon discovery, would be liable to deportation or imprisonment. The man might be a perfectly good citizen, and a worthy man, yet he would be deported.

On the other hand, a man might commit murder, and on his liberation from imprisonment would be thrown back upon society to commit offences afresh. I understood the Attorney-General to say that we have between 70,000 and 80,000 of these aliens within the Commonwealth already. There is no provision at the present time whereby the Government can do more to any of them who commits a serious offence than inflict certain punishment, and then as soon as they have finished their term of imprisonment or servitude, they are free to commit offences again. Of course murder is punishable by death, but sometimes a man who commits murder is not punished by death. At any rate, for murder or manslaughter, or offences against women, or an aggravated assault, these aliens may be imprisoned and afterwards liberated. Surely we do not want this class of criminals within the community ; and I say that it is a perfectly just principle that if -we may deport a man who is presumably innocent of crime we should surely be able to deport an alien who has been tried and found guilty of committing a serious crime.

Mr Higgins

- Does the honorable member mean to apply this clause only to men who have come within the exceptions as to prohibition?

Mr MAHON

- No. At the present time, according to the Attorney-General, we have between 70,000 and 80,000 people to whom this Bill would apply. Any one of these people, already within the Commonwealth, may commit a crime, and what I want to do is to provide that if he does so, he shall be deported from the Commonwealth at the end of his term of imprisonment, if the Minister sees fit.

Mr Higgins

- The honorable member wishes to apply the clause to all persons within the Commonwealth at the time when the Bill comes into force.

Mr MAHON

- Yes ; I would not make it retrospective.

Mr Crouch

- Why not ?

Mr MAHON

- Sufficient for the day is the evil thereof. If the honorable and learned member would like to make it retrospective he is at liberty to move in that direction. I desire to do what appears to me to be reasonable and fair and proper.

Mr Knox

- If a Japanese, for instance, committed a crime, where would the honorable member deport him to?

Mr MAHON

- To his own country, of course.

Mr Knox

- But his own country might not receive him.

Mr MAHON

- If it be argued that Japan would not receive back a man who had committed a crime in Australia, then, of course, the matter becomes a question of international law. I presume that, in such case, Providence would be on the side of the big battalions.

Mr Knox

- We do not want to introduce the question of big battalions.

Mr MAHON

- It is a question of force. If a Government refuse to receive back their own subjects, we might compel them to do so, provided we had the force at our back. It all comes back to a question of strength. What I desire to impress upon the committee is that we have at the present time a large number of aliens in the Commonwealth. Very often these men use the revolver or the knife, and if dangerous characters such as these commit a crime once, it is very probable that as soon as they are released they will commit another. I do not see why we should be burdened with a class of criminals of that sort. It is provided in clause 4 that if an immigrant has within three years been convicted of an offence, not being a mere political offence, he may be sent back. That practically provides for deporting the man. Honorable members will observe that we deport an immigrant for a crime committed outside Australia ; but the peculiarity is that, if he commits a crime within the Commonwealth, he is not liable to deportation. To my mind, that is not

sensible legislation. I should like the honorable and learned member for Northern Melbourne to consider that, while we propose to send back an immigrant who has committed a crime outside Australia, we are not giving ourselves power to deport a coloured alien who commits a crime here. Honorable members who read the newspapers of the day must know that, in nearly every record of the criminal courts throughout the various States, mention is made of crimes committed by men of colour. I have in my possession proofs of the readiness with which Afghans and Hindoos in the lonely bush of Western Australia will draw out the revolver or the knife against the traveller there. It will be an additional incentive to these people to obey our laws if they know that, by any serious infraction of them, they will render themselves liable to be deported to their own country. I do not think it is necessary to take up much time in recommending this clause to the committee. I hope the Government will see their way to accept the principle contained in it. I am not committed strongly to the wording of the clause, and if the Prime Minister or the Attorney-General can improve on it, I should be very glad to accept their amendment.

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Mr BARTON

- This is a Bill the order of leave of which is -

To place certain restrictions on immigration and to provide for the removal from the Commonwealth of prohibited immigrants.

The title corresponds with that order of leave. In the first place it is a question whether the words contained in the proposed new clause, " Any aboriginal native of Asia, Africa or Polynesia," are not so wide that they take the honorable member's proposal outside the scope of the Bill, not on the grounds that have been debated already, but because they would apply equally to any aboriginal native of Asia, Africa or Polynesia, who were in the Commonwealth before the Bill began to operate. If it is intended to apply the clause to them, then I am afraid that with that phrase in it, it would be outside the scope of the Bill, because that portion of it does not deal either with the placing of restrictions on immigration, nor does it provide for the removal from the Commonwealth of prohibited immigrants, as the order of leave specifies. The honorable member's case is perhaps imperilled to that extent.

Mr Mahon

- Such people would come within the definitions of a prohibited immigrant.

Mr BARTON

- Those mentioned in the earlier part of the clause -

Any person coming within the definitions of a prohibited immigrant contained in section 4 - would. But there is a distinction drawn between them and " any aboriginal native of Asia, Africa, or Polynesia." That deals with a new class beyond that which is dealt with in the first part of the clause, and I am afraid it might be held to be outside the scope of the Bill itself. My honorable friend will see that the Bill is not proposed with the view of either restricting the immigration or providing for the removal from the Commonwealth of any but prohibited immigrants. Those already in the Commonwealth before the Bill operates - who have come here legally - cannot be placed within the class of prohibited immigrants.

Mr Mahon

- But they would be if this clause were in existence.

Mr BARTON

- It would act upon them retrospectively in this way : that being in the Commonwealth it would be a question whether the Bill operating from this time - supposing it were passed to-night - could be held to provide within its title for the removal of persons who are not within the class of prohibited immigrants by name or by description, but who would under this clause be prohibited immigrants. Apart from that I should like the honorable member, if he will, to consider the proposed clause in another aspect. It is all very well for us to provide in clause 8 for the deportation of those who have been convicted merely of a contravention or evasion of this Act, which is an offence not of the ordinary criminal character, but simply a breach of a regulated statute. That is an offence which Ave can punish to a certain extent with certain imprisonment, but it comes within the class of minor offences. The persons at whom the new clause is aimed are those who have committed very serious offences. The question that will arise is - " What are we to do with these people if we try to deport them ?" We can legislate against the influx of criminals, and so can any other State or foreign power. Indeed, in many cases, they do legislate against the influx of criminals. Foreign powers no doubt have such legislation, but although these persons may have been

their subjects, and we may on that account return them to them, so far as their criminality is concerned, we have prosecuted and convicted them, and in that sense they are our criminals, and not theirs, and they might very sensibly object to receiving them back.

Mr Mahon

- They are still the subjects of the State from which they came if they have not been naturalized here.

Mr BARTON

- Even supposing they are still their subjects, not having been naturalized here at all, the crime of which they had been convicted would have been committed within the Commonwealth.

Mr Mahon

- Then the commission of a crime gives them some claim on the Commonwealth.

Mr BARTON

- I do not say that it gives them the slightest claim on the Commonwealth. If we find ourselves unable to return the criminal to his native land, I do not admit for a moment that that gives him any claim upon the Commonwealth.

Mr Mahon

- We would have to keep him.

Mr BARTON

- No ; he would have to keep himself. We might keep him in our prison, or hang him if he was a murderer,, and murderers will come within the clause proposed.

Mr Mahon

- All murderers are not punished by hanging.

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Mr BARTON

- Murders committed by the people to whom the honorable member himself refers are generally committed under circumstances of some extremity. I quite admit the tendency on the part of some of these races, and such crimes in their case are generally accompanied by circumstances of intent or premeditation which denude them of any extenuating circumstances ; so that in these cases there very often is an execution. I am not going to trouble about that part of it. I would like the honorable member to reconsider the clause, and, if possible, to withdraw it, because it seems to me that it cannot come to much in any event. There is another thing I want to mention about it. It speaks of murder, manslaughter, rape, or " any aggravated assault." The definition of crimes which are called " aggravated assaults " differ in different States. We have also to recollect that the general criminal law of each State is reserved to itself. It is not a Commonwealth affair, and as these laws differ we have to be very careful how we make our references to them in any clause of this sort. In the States the circumstances which make up these crimes are defined, and the circumstances often differ ; so there can be no real meaning in this term " aggravated assault," or, if there was any, it would be subject to infinite complications. If the honorable member persists in the clause it would be advisable for him to alter that expression, and use some term which would be applicable to the higher classes of offences as they are known in all the States.

Mr Crouch

- Felony against the person.

Mr BARTON

- Yes ; if the expression used were "felon}' against the person" it would relieve the clause of some of its difficulties. On the whole, however, I think we should find very great difficulty in putting the clause into operation, and it would raise continual controversies between us and others, which we do not want to raise, while we do want to deal with our own affairs in our own way. Then the use of the term "aboriginal, native of Asia, Africa, or Polynesia" is likely to cause difficulties, and if the honorable member took out that expression he would get all he wants from the earlier part of the clause.

Mr. CROUCH(Corio).- As to the contention that the clause would not come within the scope of the Bill or of its title, its title is " to place certain restrictions on immigration," and I think that would cover the clause in this way. If I, being a prohibited immigrant, or an aboriginal native of Asia, Africa, or Polynesia, know that if I go into a certain country and commit any offence there I may be removed from that country, the effect would be to discourage my immigration to that country. I can see that in that respect the title would be sufficient to include the clause proposed. I think the expression used, " an aboriginal native of Asia,

Africa, or Polynesia," will not meet a class of people who come to Australia and commit many crimes, and that is the negro population of America. There are nine millions of negroes in America, all of whom speak English, and they have in America universities specially established for those people.

Mr Barton

- Does the honorable member think these persons would be deterred from here by fear of the consequences that would ensue if they committed any crime ?

Mr CROUCH

- They could come in here under the Bill as it stands, and if the honorable member wishes to exclude them he must extend the definition he proposes ; because, although these people may be said to be aboriginals of Africa, they are natives of America.

Mr Deakin

- Afra- Americans they call them.

Mr CROUCH

- Still they can hardly be described as aboriginal natives of Africa if they are born in America. I think there is a justification for the honorable member's proposal. We have a case in Victoria which the Attorney-General will remember, which shows that these people are greatly below us in every sense in civilization. I refer to the case of the convict King, who is now in Pentridge, and who has been made notorious by the newspapers. After years and years of imprisonment, he was released about six months ago, and he immediately committed some of the most desperate crimes. Only a week or so ago he was sentenced to a further six months' imprisonment because he struck a warder. The man is quite uncontrolled, and simply does not know what it is to restrain his liberty.

Mr Tudor

- He could not be sent anywhere, because I believe he was born in Victoria.

Mr CROUCH

- If such a clause as that proposed by the honorable member for Coolgardie had been in force, this man, upon his release six months ago, could have been deported.

Mr Barton

- He would not be liable to be deported as native of Africa, Asia or Polynesia, if he was born in Victoria.

Mr CROUCH

- That is why I say that that part of the proposed clause should be extended in order to include all coloured persons, including Afra-Americans.

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Mr Manifold

-Who is going to take them away!

Mr CROUCH

- I put that responsibility upon the Ministry, as they take that responsibility upon themselves under clause 8, which we have already passed. Clause 8 provides amongst other things that every prohibited immigrant shall be liable to be deported from the Commonwealth. If they can be deported under clause 8, I do not see why they could not be deported under the clause proposed by the honorable member for Coolgardie. If we could not deport such men as King there would still be no harm in passing the clause.

Mr Barton

- If you could not send him to his own country where would you put him ?

Mr CROUCH

- I would send him to exactly the same place as the others are to be deported to.

Mr Barton

- You would have a difficulty in doing that.

Mr CROUCH

- If the Prime Minister is consulting me as to where he shall deport these people to, I would remind him that the Imperial Government have a station at the Andaman Islands in the Indian Ocean, most convenient for such people to be deported to. There is a sort of prison station thereto which natives of India are deported, and I do not see why we should not send people of their own colour to bear them company. When the time comes I can give the right honorable gentleman further particulars.

Mr. HIGGINS(Northern Melbourne).The honorable member for Coolgardie wants, as I understand him, to

enable the Government to deport a man who would, if he came within the Commonwealth after the Act comes into operation, be a prohibited immigrant, to his own place, wherever it is, and he wants to deport him in particular if he has committed a crime.

Mr A McLEAN

- If he were an educated darkie he would escape.

Mr HIGGINS

- That is the inconsistency of the provision for which the honorable member voted the other night. If such a man is within the Commonwealth, and has shown that he is a criminal, the honorable member for Coolgardie, I understand, wants to have him deported. He says you have power to deport a man who comes afterwards within the Commonwealth, and why not deport a criminal who is already in the Commonwealth? The objection which has been taken to this proposal is a technical one, and I would ask the Prime Minister to consider whether, if he has no objection stronger than that technical one, he could not see his way to waive it? I understand that his difficulty is with regard to the heading of the Bill and the order of leave.

Mr Barton

- The subject-matter of the Bill.

Mr HIGGINS

- As the heading is a Bill to place certain restrictions on immigration, and to provide for the removal from the Commonwealth of prohibited immigrants, we can enlarge the definition of prohibited immigrants as widely as we like. We can say that "prohibited immigrants" shall include men who may immigrate and men who have immigrated.

Mr Barton

- Then we would be fining people who had assisted at the introduction of people into the Commonwealth when it was lawful to introduce them, because the definition would include them.

Mr HIGGINS

- The clause which fines people can be limited to only those who hereafter import such people. That is a very simple difficulty to get over. The point is that we may enlarge our definition of prohibited immigrants in clause 4 as much as we like, and there is no reason why the amendment should be rejected on that ground. It may be that there are other grounds in the Prime Minister's mind which may affect his decision, but I should like to know what they are.

Mr Barton

- I did not raise any objection to the words "any person coming within the definition of prohibited immigrants," but the words which follow seem to me to be outside that, because they may include persons who are not provided for so far and who would not be liable to anything under the Act unless this attaches to them.

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Mr HIGGINS

- I think there is much force in the objection to the second part of the new clause. Although I should like it, I think it is inconsistent with the provision in clause 4. In order to make the Bill fit in with the policy which the Government are going on, it would be better to leave out the second part. May I suggest to the honorable member for Coolgardie, that if he still persists with the first part the words should be - Any person who, if he came within the Commonwealth after this Act came into operation, would come within the definitions of.

Mr Piesse

- "Any person who would be excluded from the Commonwealth under clause 4."

Mr HIGGINS

- I am not going to stick to a form of words, but I feel that the words of this new clause will not carry out the intention. I would suggest to the honorable member for Coolgardie that he should leave out the second part and retain the first part with some modification such as I suggest.

Mr PIESSE

- What the honorable member for Coolgardie desires to effect is very desirable if it can be done. The honorable and learned member for Northern Melbourne has indicated a way out of some of the difficulties, but I am afraid that there is a difficulty still in the form of words suggested. He might use the

words in the clause, or these words -

Any person who would be excluded under the provisions of section 4 of this Act who is convicted of murder¹.

Or, he might say -

Any person to whom the provisions of section 4 of this Act is applicable who is convicted of murder. We should still have to go back to the provisions of clause 4 to find out what persons are alluded to, and there we have five or six categories of persons, but there is no distinguishing between the race and colour of a person so far as these definitions are concerned. The honorable member will notice that we have here a great many classes of persons who, under the clause as it is proposed, might be deported if they were convicted of the offences named therein. I do not know but that the honorable and learned member for Northern Melbourne, in his suggestion to extend the definition of immigrants, has offered the best solution. I would like to point out to the Prime Minister that if these objections be overcome, as a way of carrying out the clause, we might adopt words somewhat similar to those in clause 8, and make the continuance of the finding of such person within the Commonwealth, after the issue of a warrant of deportation, an offence against the Act, punishable, as under clause 8, by imprisonment, which would cease on the offender going out of the Commonwealth, or finding sureties to do so. In that way there would be practical effect given to the intention. Either you would shut up this undesirable person, or you would bring such pressure to bear upon him that he would leave. But I see that there are difficulties in using the definition in clause 4, unless some such words as the honorable and learned member for Northern Melbourne has suggested can be adopted.

Mr. MAHON(Coolgardie). - I am in no way committed to the wording of the new clause, so long as the principle is preserved and we can manage to arrive at some agreement. I did not quite catch what the honorable and learned member for Northern Melbourne said about the introductory portion of the new clause, but I am quite agreeable to strike out the words - and any aboriginal native of Asia, Africa, or Polynesia.

That, I think, is the principal objection which the Prime Minister has advanced to the clause. I am also willing to make the next line read - who is convicted of a felony or of murder, or manslaughter, or rape, or an aggravated assault.

Mr Barton

- The phrase "any crime against the person " would cover the whole of the offences enumerated.

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Mr MAHON

- To meet the only possible objection that might be made, I suggest that we insert after the words " section four " the words " and not naturalized within the Commonwealth." If these words are inserted they will show that the person who is returned is no subject of ours, and has no claim upon this country, but preserves intact all his original rights in the country from which he came, and consequently no reasonable and proper objection can be raised to taking him back again.

Clause amended to read as follows : -

Any person coming within the definitions of a prohibited immigrant contained in section 4, and not naturalized within the Commonwealth, who is convicted of any crime of violence against the person shall be liable on the expiration of any term of imprisonment or penal servitude imposed on him therefor to be deported from the Commonwealth pursuant to any order of the Minister.

Mr. PIESSE(Tasmania).- I move-

That the following words be added to the clause: - "Any such person found within the Commonwealth after the issue of such order, shall be guilty of an offence against the Act. and shall be liable to imprisonment for not more than six months, provided that the imprisonment shall cease for the purpose of deportation, or if the offender finds two approved sureties, each in the sum of fifty pounds, for his leaving the Commonwealth within one month."

This provision is similar to that contained in clause S, and is intended to make the deportation effective under this clause.

Mr BARTON

- There would be some difficulty about adopting the amendment proposed by the honorable member for Tasmania. As I understand, the honorable member for Coolgardie wishes to make this clause one that

might be used, and not one that must be used, because there are crimes of violence which are of a minor character, and in regard to which deportation would be a punishment entirely out of proportion to the offence. The amendment proposed by the honorable member for Tasmania seems to point to making it compulsory to deport persons in all cases.

Mr. PIESSE(Tasmania). - The Prime Minister does not quite follow my amendment, because what I propose would only come into operation after the exercise of the Minister's power to make an order.

Mr. CROUCH(Corio).- I think the proposal of the honorable member for Tasmania would operate most harshly, because it says, in effect, that because a man has been imprisoned, and found guilty of some crime, he shall be subjected to additional imprisonment until he can find sureties, which it would be impossible for a man in his position to find.

Amendment negatived.

New clause, as amended, agreed to.

Mr McDONALD

- I move-

That the following new clause be inserted to follow clause 16 : - The Minister shall cause to be made annually a return which shall be laid before Parliament showing the number of persons refused admission into the Commonwealth on the ground of being prohibited immigrants, the nation to which they belong, whence they came, and the ground upon which admission was refused ; the number of persons who passed the test prescribed by sub-section (a) of section 4, the nations to which they belong, and from whence they came."

My reason for moving the insertion of this clause is that I think it is desirable that Parliament and the country should have the fullest information as to the working of this Act, and as to the number of undesirable aliens seeking admission to the Commonwealth.

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Mr Barton

- Would it not be better to ask for information under each subsection of sub-section (4) ?

New clause agreed to.

Mr. G.B. EDWARDS (South Sydney).I move -

That the following new clause be inserted to follow clause 17 : - "18. This Act shall continue and be in force till the 30th June, 1904, and no longer."

I scarcely think it is necessary to explain the meaning of this provision. When the Prime Minister made his Maitland speech, the whole of Australia interpreted his declaration as meaning that one part of the Government policy - and that not the least important - would be. some strong legislation in the direction of prohibiting the introduction of coloured aliens into the Commonwealth. Throughout the election campaign - certainly in nine out of every ten contested elections - the question of what steps were to be taken to stop this influx held a very prominent place. From the opinions expressed by both candidates and electors, it was quite apparent that there was a genuine feeling throughout Australia, not only that something should be done in the direction of stemming this tide of coloured immigration, but that something would be done. When this House met, there was no doubt from the tone of the speeches made during the debate upon the address in reply that there was a very decided opinion that such legislation should be commenced early, and should be pushed to a conclusion before the close of the session. When the Bill containing the proposals of the Government was presented, there was a general feeling among members on both sides that those proposals were quite inadequate to achieve the purpose which Australia had in view. We know that throughout the debates which have taken place upon this Bill during the past two or three weeks, there has been a perfect unanimity of feeling that the proposals of the Ministry - no matter how politic they may be, and no matter what conditions exist to render them less drastic than they would otherwise have been - do not meet with the approval of Australia, and will only be consented to on account of considerations of policy. When the honorable and learned member for Indi, who was one of those who sympathized very strongly with the dominant idea that something definite ought to be done, proposed an amendment under which, from time to time, we might pass resolutions of the two Houses of Parliament affirming that certain classes of persons were undesirable immigrants and should be prohibited from landing, was at first sight disposed to agree with him. But looking at the matter more closely it seemed to me that such a proposal contained many of the objections that applied to the

Government proposition, so that I did not see where any advantage was to be gained by adopting it. But seeing that this Chamber has most unanimously pronounced - notably in the speech delivered by the Attorney-General - that the proposals of the Government are not sufficient in themselves, and are only adopted out of consideration for our relations with the mother-country-

Mr Barton

- He never said a word of the sort.

Mr G B EDWARDS

- Inferentially that has been admitted all through. It has been admitted that our hands to a great extent have been tied by a consideration of the policy of the mother country. That being the case, it would be wise of us to limit the operation of this Bill in such a way that we shall know definitely before it passes this Chamber that within a specified period it will come up again for consideration. During the interim it is possible that there may be developments of Imperial policy which will render a solution of the difficulty easier. It is just possible that some happier way may be discovered of settling this question, which will avoid causing irritation to friendly powers. Seeing that there can be no mistaking the feeling of the country that this measure does not go far enough, and recognising that it goes no further than any State legislation could have gone before the inauguration of the Commonwealth, and that one of the chief arguments in favour of federal union was that this Parliament would have enlarged powers for dealing with this question, it will be wise on our part to adopt this clause, so that we shall know definitely that within a certain time, irrespective of what Ministry may be in power, it will come up again for consideration and settlement in the light of such experience as the Commonwealth has obtained in the meantime.

Mr Chapman

- Why try and let these aliens come in after two years ?

Mr G B EDWARDS

- I have no such intention. I do not think this evil is nearly as great at the present time as some of the opponents of the Government proposals have endeavoured to make it appear. But it is impossible to magnify the proportions which it is likely to assume if repressive legislation is not enacted. If this measure passes Parliament in its present form there will be a natural conservative force which will fight against its being brought up again for consideration. Then in three or four years time, when we find out the inadequacy of this Bill, we shall not be able to consider it. Any Ministry which may happen to be in power at that time will be prone to take the view that it is unwise to re-open the question. It would be well, therefore, for us to declare that, though we have agreed from considerations of policy not to make this Bill so drastic as we think it ought to have been, we reserve to ourselves the right to re-open this question within three or four years, and to reconsider it in the light of the experience attained in the interim. We have displayed very great moderation in this measure. We have been very largely guided by a feeling of loyalty to the mother-land, but our responsibilities to our own country are so great that we ought not to allow this opportunity to pass without asserting that we will take precautions to insure its reconsideration. We have had in the State Parliaments responsible Ministers who would not have taken such an oblique course as has been taken by the present Government. Wentworth, Lang, Parkes, Higinbotham, and a great many of our past masters would not have been so mealy-mouthed on this question, but would have dealt with it directly and definitely. We should not allow this measure to pass out of the House without taking some steps in the direction I have indicated to insure a re-opening of the question when we should have had a little more experience to guide us.

Mr BARTON

-With all respect to the honorable member for South Sydney, I do not think that we needed so long a speech about so little a matter. But if we are going to begin this sort of principle of terminating the operation of remedial measures, and leaving ourselves in the lurch and possibly helpless, we shall have a nice state of things. The honorable member has given us no more reason for trying to apply the principle of temporary legislation to this law than he could have given us in regard to any other law. Take his own case. He voted the other night for a certain amendment. If it becomes necessary to alter the methods of this measure, and make them more stringent, he will have an opportunity, perhaps, of voting for that amendment over again.

Mr Watson

- Before 1904.

Mr BARTON

- What is the object of seeking to limit the operation of this Bill 1

Of course, it is not a party object, because we know that the honorable member for South Sydney is incapable of any party object or vote. What is it 1 In two years, or at the time he speaks of, Parliament may not be sitting, and in the session just then closed, the time may have been swallowed up with other important business. We know how helpless both Parliament and Ministers sometimes are to get things done in a certain time.

Mr SYDNEY SMITH

- Hear, hear.

Mr BARTON

- Especially when Ministers have certain Oppositionists. If the honorable member for South Sydney wants an amelioration of this Bill in any direction, he can more easily get that amelioration by moving to amend the Bill, than by bringing it to a stop without any certainty of its being amended in the meantime. That is so absolutely clear that I think I am justified in the question I ask - what had the honorable member in his mind when he moved this amendment 1

Mr. G.B. EDWARDS (South Sydney). - I should not have risen but for the question of the Prime Minister as to whether I was in my right mind when I submitted this amendment.

Mr Barton

- I never made any such suggestion.

Mr G B EDWARDS

- I undertake to say that before the time has expired which I have named in my amendment, the country will know I was in my right mind. The Prime Minister said it would be very easy for me or anybody else to move for an amendment of this Bill j but he must know how difficult it is for a private member, or, indeed, any member on the weak side of the House, to achieve any success in submitting an amendment on a great policy like this. No Ministry could exist who, knowing the Act would come to a termination on a certain date, did not make some provision for its continuance or amendment the year before. My object is, and the effect of my amendment would be, to force the re-opening and settlement of a question very vital to the future prosperity of the nation before the time comes for the measure to expire ; and the Prime Minister had no right to express any doubt as to whether I was in my right mind.

Mr Barton

- I never said such a thing.

Mr G B EDWARDS

- I venture to say that, after experience under the Bill with the last preceding clause, which will secure some information as to how it will work, we shall see how wise it would have been for the country to take the opportunity of forcing a re-consideration of the question. The Prime Minister says that we can move, in two or three years, to amend the measure ; but I say that half a life-time will expire before it is amended. We shall have questions of Imperial policy cropping up to prevent any amendment. Ministers will be studying Mr. Chamberlain or some future Secretary of State for the Colonies, and any further consideration in the direction of making this law more drastic, will be prevented. If we do not take the opportunity now. - and I do not suppose we shall - it will be a long time before another opportunity presents itself.

Mr BARTON

- I must certainly apologize to the honorable member for South Sydney if by any means I created an impression that I suggested he was not in his right mind.

Mr G B EDWARDS

- It is a matter of perfect indifference to me.

Mr BARTON

- I did not endeavour or intend to create any such impression. All I did say was that I wondered what the honorable member had in his mind when he moved this amendment, and I submit that that was a perfectly polite expression.

New clause negatived.

Bill reported with amendments.

Motion (by Mr. Barton) agreed to -

That the Bill be recommitted for the consideration of clause 9 and a new clause.

In Committee :

Clause 9 -

The master, owners, and charterers of any vessel from which any prohibited immigrant enters the Commonwealth contrary to this Act shall be jointly and severally liable to a penalty of one hundred pounds for each prohibited immigrant so entering the Commonwealth.

Amendment (by Mr. Barton) proposed -

That the word "of," line i, be omitted, with a view to insert in lieu thereof the words "not exceeding."

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Mr Watson

- Will not the amendment leave to the magistrates the opportunity of imposing a very small penalty ?

Mr. HIGGINS(Northern Melbourne).It was upon my suggestion that the alteration has been proposed. As the clause at present stands there is no discretion between imposing a fine of £100 . and no penalty at all. Experience shows that if magistrates are forced to the extreme penalty of the law they are very apt to refuse to condemn an offender. It is far wiser to give a discretion to the magistrate.

Mr Barton

- That is the object.

Amendment agreed to.

Amendment (by Mr. Barton) proposed -

That the following new clause be inserted, to follow clause 10 : - " Save as in this Act provided «o contract or agreement made with persons without the Commonwealth for such persons to perform manual labour within the Commonwealth shall be enforceable, or have any effect."

Mr WATSON

- I am not certain that it may not be necessary to have some provision in the Bill dealing with the question of penalties. I should like to know from the Attorney-General whether he is aware of any provision of that character in the legislation of the United States'

Mr Deakin

- Yes, there is a provision as to penalties.

Mr WATSON

- Perhaps the Government 'would agree to have a provision of that sort inserted in another place, or, if not, it could be done here before the Bill is read a third time.

Mr Deakin

- We have a general penalty in this Bill : it is only a question of amount - JE50.

Mr WATSON

- I mean rather with regard to the penalty upon the person who is one of the parties to the contract - whether that would apply.

Mr Barton

- Yes; clause 11 would quite catch them.

New clause agreed to.

Bill reported with further amendments.

PROPERTY ACQUISITION BILL

Second Reading

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Minister for Home Affairs

Sir WILLIAM LYNE

. - I move -

That the Bill be read a second time.

I should imagine that this Bill will not take very long to deal with. In fact, I am surprised that so much time has been devoted to it elsewhere. I do not think that would have happened except for clause 45, which has given rise to considerable discussion. I shall not take long to-night to explain the Bill, because it is to a very large extent composed of an amalgamation of the provisions of existing State laws. When the Commonwealth was formed, I presume that it was not expected by the States that the Commonwealth

Government would not exercise the powers that are given to it under the Constitution. Having power to deal with questions such as the acquisition of property, there must be some law under which to deal in detail with all those matters ; and I think the fairest and simplest method that could be devised is that which has been adopted in connexion with this Bill, to import the simple machinery which is in existence in the States. There is no desire - I am sure it is not thought that there is any desire - on the part of the Commonwealth Ministry or the Commonwealth Parliament to press unduly in any way on the States ; though from some statements which I have seen in the public press one would imagine that it was intended to do some injury to them in connexion with property that has been taken and will be taken in the future. But a thought will show that that is not the case. The Commonwealth is representative of the States, whose property, as will be shown by-and-by, though it comes under the power of the Commonwealth, is really still owned by the taxpayers to whom it previously belonged in the States. What is taking place is simply a transference from the ownership of the States to the ownership of the same people in the Commonwealth. It is for this Parliament to devise means by which we can deal fairly and without friction of any kind with the States from whom we are taking property. The Bill is divided into seven different parts, and it commences with a provision giving power to acquire property by purchase. The third clause of the Bill provides that the Governor-General may enter into an arrangement - With the owners of any land which is required for any public purpose, and with any State where such land is Crown land of the State, for the absolute purchase by the Commonwealth, for a consideration in money or its equivalent of such land.

That, of course, is a preliminary to dealing with other matters ; and honorable members will find as we proceed with the Bill that it is intended to give power to the Commonwealth to compulsorily acquire land. If we cannot agree with the States or with an individual, the next course must be to acquire by compulsion ; and clause 6 provides that the Commonwealth may have power to acquire land compulsorily for any public purpose. The following clauses show the mode and method by which that land is to be obtained. As soon as it is desired to acquire any land compulsorily a notification will be published in the Gazette, and the very fact of that notification will vest the land in the Commonwealth. If it happens to be Crown land it ceases to be the property of the Government of the State, and becomes Commonwealth property. Private lands are also taken over on that notification - just as they are resumed now under the Property Acquisition Acts of the various States - and become the property of the Commonwealth. There is a provision at this particular stage dealing with the question of the acquisition of underground land. I have not seen that term used before, but the object of clause 10, which deals with the subject, is no doubt to protect the surface of private lands when underground lights are acquired and work done. The clause provides that -

For the purpose of constructing any underground work land under the surface may be acquired under this Act without acquiring the surface.

If the surface is not required, it would be unnecessary expense to take it over.

Mr Glynn

- But the Government do not propose to pay owners of private property for what they take over.

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Sir WILLIAM LYNE

- We propose to pay either a State or a private person for any land which we acquire. There is no intention of acquiring any surface land without paying for it, but we do not intend to pay for any land under the surface which may be taken over. I do not think that the rights of the surface holder would extend to the distance under ground that we are likely to go. The clause goes on to provide that--

In such cases no compensation shall be allowed or awarded unless -

the surface of the overlying soil is disturbed ; or

the support to such surface is destroyed or injuriously affected by the construction of the work ; or
any mine, underground working, spring, reservoir, dam, or well in or adjacent to such land is thereby injuriously affected.

Paragraph (c) is not exactly as it appeared in the original draft. It was altered, I think, at the instigation of a member of another place, and is intended to protect a spring, dam, or reservoir, or anything of that kind which might be seriously injured by any driving under the surface, tapping the porous soil and draining the water away. I think that is fair, and I believe the House will agree with me that it is right we should provide

for it. Where any injury is done to the individual, the Commonwealth should compensate him. When we say the Commonwealth should compensate, we understand by that, of course, that the people as a whole should compensate the individual who sustains the injury. When we have arrived at this particular stage and have acquired the land, Part 3 comes into force, and provides the methods which shall be adopted by the Minister administering the Act, and by the Attorney-General in regard to the giving of notice to owners. As soon as the notification appears in the Gazette, the Minister makes his claim to the land. Within 120 days, if an arrangement has not already been arrived at, the owner is called upon to serve upon the Minister and also upon the Attorney-General, a notice setting forth the nature of his claim and the damage, if any, which he considers he has sustained in consequence of the acquisition of the land by the Government. The reason for requiring that notice shall be given to the Attorney-General, as well as to the Minister administering the law, is that the former may have an opportunity of investigating the title and all matters connected with the land in order to see that everything is correct before any proposal is made to pay the owner for it. Then the Attorney-General is to report to the Minister within 60 days. The Minister is thereupon to reply to the owner of the land, stating whether the title is in order and whether or not compensation can be paid. If there is no prospect of an arrangement being arrived at the Minister is to appoint his officers to make a valuation and, if within 90 days after the Minister has notified the claimant that his right to any compensation is disputed the parties do not agree, the claimant may then institute proceedings in the High Court with a view of obtaining the amount he conceives he is entitled to as compensation. Now comes a variation from some of the State Acts in existence at present. Under most of the State Acts, perhaps under all - I know it is so in New South Wales - a jury decides the value of the land. Under the jury system, however, it is impossible to get two decisions on the same basis, or on the same parallel. The Bill provides that the claim shall be heard in the High Court, and that a Judge of the High Court without a jury shall decide it. Some honorable members may not think that this is an improvement on the old system, and I venture to express the opinion that under such a system - provided that most of the cases are tried by the same Judge, as I suppose they will be - we are likely to have one decision reflected in all the others.

Mr Higgins

- Is there to be no arbitration before the case goes before the High Court ?

Sir WILLIAM LYNE

- There is no provision for arbitration, but there is a provision in regard to the parties coming to terms.

Mr Higgins

- In Victoria we have a provision that arbitration shall take place first, and that the matter may then go to a jury. That is absurd.

Sir WILLIAM LYNE

- Arbitration is not provided for, but if terms can be arranged between the Minister and the individual, or between the Minister and the State, then, of course, there will be no further proceedings. If a settlement cannot be arrived at, then it is open for the owner of the property to take his case to the High Court.

Mr V L SOLOMON

- Until the High Court is established, what is to be done 1

Sir WILLIAM LYNE

- I think there is a provision in the Bill as to a State court dealing with the matter. There is rather a stringent provision in the Bill which precludes a Judge from referring a matter to arbitration unless with the consent of both parties. This is an innovation in comparison with the law as it stands in New South Wales. In that State a Judge may refer a case to arbitration. If it is an intricate case which would occupy the time of the court for a considerable period, he may appoint an arbitrator. I happen to know that is so, because I have had to deal with one or two cases in which arbitration has been ordered. The Bill sets forth that the justice must give the award, and there is to be no arbitration without the consent of both parties. The next provision, which will be found in clause 17, is in regard to compensation. Sometimes only a portion of a block of land may be taken over, and it may be that in dividing the land the Federal Government may erect buildings, excavate channels, or carry out other works that will injure the remaining portion. There is a provision in clause 17 that if there is any injury done to the portion which is left, the owner shall have the right to compensation for that injury. As against that, however, the land is to be taken over at the value at which it was assessed on the 1st January previous to the date on which it is acquired. Very likely there

will be some discussion on that point. The provision is inserted with a view of protecting the Commonwealth from any increased payment due to the value of the land being raised by the action of the Government in taking it over. In the case of land taken over in the last quarter, or the last month of the year, the value is to be fixed as on the 1st January preceding, but it may happen in some cases that the value has increased prior to the action of the Government. It may be necessary, therefore, to insert some provision in order to prevent any grave injustice being done to the individual. All that is desired is that as the result of the action of the Government in acquiring the land there shall be no increased value for which we shall have to pay. If an increase has taken place between the 1st January and the date of the acquisition of the property, without being attributable to the action of the Government, then it would not be fair to take away the owner's just claim in regard to it.

Mr Glynn

- The clause does so at present.

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Sir WILLIAM LYNE

- I will not say that there is a weakness there, but it may be necessary to amend the clause so as to prevent a possible injury being done to any individual whose land is compulsorily acquired. Then, supposing the Attorney-General finds that the deeds of the land are absolutely correct, that everything is in order, and notification is given to the individual that the Government raise no objection, there is a provision that the Government must be prepared to pay the money for the land, under whatever arrangement is made, within one month. Speaking from the very large experience I have had in connexion with these resumptions, that seems to me to be rather a short time to allow ; but the advantage is in favour of the individual whose land is being taken from him. If the Government do not pay the compensation within one month, they have to pay the individual interest at the rate of 3 per cent, on the amount of the compensation which they ultimately have to pay. That is a very great improvement, so far as the Commonwealth is concerned, upon what has existed in some of the States. I had last year to bring in a Bill in the State of New South Wales with a view to reducing, from 6 to 4 per cent., the amount of interest payable to owners of land when compensation was not paid immediately on the resumption of any property. There the law for a great many years made a payment of 6 per cent, interest necessary. It was availed of for a great many years, and I speak advisedly when I say that in many cases the owner of the land did not try to get a settlement because he was all the time getting 6 per cent, from the Government. That was a very high and a ruinous interest for the Government to pay, and in some cases the settlement extended over ten or fifteen years, and the individual was receiving the 6 per cent, interest all the time. The object of this clause clearly is to induce the owner of the land to get a settlement as soon as possible, and to meet the Government in as fair a way as he can. Part 4 of the Bill deals with the question of mortgages, charges, and leases. Where the mortgage upon land or property is for a larger amount than the amount at which the property is valued, it is necessary that there should be some method of dealing with it. The method proposed is that the Government shall treat with the mortgagee, and if they cannot come to terms with him the mortgagee has just the same right as any other individual to get a settlement of his claim through the High Court. There is also a provision in clause 40 that if the land is under lease to a tenant, the tenant is not to be turned out of his possession without some compensation, and under the Bill he will be dealt with in as fair a way as the Commonwealth proposes to deal with the individual owners of land or with the States. Part 5 of the Bill deals with land and property acquired from a State. It is on this part of the Bill that I anticipate all the discussion will take place, and as honorable members are aware the Prime Minister has promised not to deal with clause 45 until an opportunity is given to the representatives of the various States to discuss it. I think I shall be able to show before I sit down that on this particular matter, which is a debatable matter, an alarm has been created which I hope is scarcely justifiable, and may be looked upon merely as an alarm and not as a reality. Under section 85 of the Constitution power is given to the Commonwealth to resume land and property. It provides -

When any department of the public service of a State is transferred to the Commonwealth -

All property of the State of any kind used exclusively in connexion with the department shall become vested in the Commonwealth ; but in the case of the departments controlling Customs and Excise and Bounties, for such time only as the Governor-General in Council may declare to be necessary.

Mr V L SOLOMON

- No declaration in regard to these departments has yet been made.

Sir WILLIAM LYNE

- No, nothing has been arrived at yet. Under sub-section (2) it is provided -

The Commonwealth may acquire any property of the State, of any kind, used, but not exclusively used, in connexion with the department.

That seems to me to point clearly, and I have no doubt it was in the minds of the framers of the Constitution, to the fact that there are many Custom-houses on the borders of the States that have been required while Customs duties have been collected between the States. By-and-by, and in some cases even at present, these will not be required at all, and it would be manifestly unfair to saddle the Commonwealth with all these buildings when we do not want them. There is, therefore, a provision in the Constitution, which is reflected in the Bill now under discussion, that when we do not require these buildings or any other buildings - it is not restricted to that class of buildings which I referred to only because it seems to me that they were specially in the minds of the framers of the Constitution at the time - we need not take them over absolutely.

Mr Glynn

- It is sub-section (1) of section 85 to which the honorable member refers.

Sir WILLIAM LYNE

- Both the subsections refer to it.

Mr Higgins

- We are compelled to take these border Custom-houses over absolutely, or for a term.

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Sir WILLIAM LYNE

- Quite so : or for a term. We pay rent for them during the time we use them, but the Commonwealth is to decide how long it requires them, and then they will be returned to the State, and we shall pay rent for them only up to that time. I wish to direct attention to this particular section which seems to me a very wise provision and which, as I say, is reflected in this Bill, to show that we shall not be called upon to keep any property, which has automatically come over to the Commonwealth, longer than we require to keep it in connexion with the business between the various States.

Mr Glynn

- We must pay under section 2. It is sub-section (1) to which the honorable member is referring.

Sir WILLIAM LYNE

- Sub-section (2) provides -

The Commonwealth may acquire any property of the State, of any kind, used, but not exclusively used, in connexion with the department ; the value thereof shall, if no agreement can be made, be ascertained in, as nearly as may be, the manner in which the value of land, or of an interest in land, taken by the State for public purposes is ascertained under the law of the State in force at the establishment of the Commonwealth.

That is the particular sub-section, and I have already quoted sub-section (1). In this Bill, clause 43 provides -

Where any Crown land of a State is acquired under this Act, the State shall, subject to the Constitution, be entitled to compensation for the value thereof.

The value of the title or interest of the State to and in such land shall be estimated as if the State were the proprietor of an estate in fee simple in such land, subject to any estate or interest which any person may at the time of such acquisition have in such land.

The State shall not be entitled to compensation in respect of the loss of any rights of dominion, taxation, or revenue, or in respect of the severance of such land from any other land of the State, or in respect of any injury to any other land of the State.

The latter sub-clause was put in, as honorable members will understand, with a view to prevent any compensation being paid because we take a part of a State. It is simply the value of the land, without considering the decrease it gives to the area of the State that we have to pay.

Mr Crouch

- Does the Minister take it that the Commonwealth has to pay for the Crown land of a State ?

Sir WILLIAM LYNE

- Not for the Crown land for the federal city, but for the Crown land of a State for any other purpose.

Mr Crouch

- Under the Constitution?

Sir WILLIAM LYNE

- This is only in conformity with the Constitution. Without looking into it very carefully, I think there is a provision to deal with Crown land in the same way as land taken from private individuals, and the representative named by the State is to act in the same way, and have the same powers, as an individual in dealing with his own land.

Mr Glynn

- Sub-section (31) of section 51 provides for the acquisition of property on "just terms" from any State or person.

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Sir WILLIAM LYNE

- We are providing for just terms in this Bill. Clause 44 says -

The compensation payable to a State in respect of any land acquired under this Act may, at the option of the Governor-General, be paid in any one or more of the following modes, that is to say-

by payment to the State of the amount of such compensation ; or

by the Commonwealth becoming responsible to the State for its liability for principal and interest in respect of such a part of the public debt of the State as is the actuarial equivalent of a three and one half per cent loan of the same currency and of the amount of such, compensation.

That is the clause under which, I think, in nearly all cases, if not in all, these matters will be dealt with. If it were the case of a large purchase it might be convenient as between the State or States and the Commonwealth not to disturb existing arrangements by borrowing a large sum to pay for the properties.

On the other hand, where the compensation does not come to so much, it may be better to pay the amount which is decided upon. Now comes the clause about which there has been so much discussion.

We cannot go outside the Commonwealth Act, and the whole question in dispute, if, I may use that word, is whether or not the properties that have been taken over or have come over from the States to the Commonwealth automatically will come under sub-section (2) of section 89-

The Commonwealth shall debit to each State - (a) The expenditure therein of the Commonwealth incurred solely for the maintenance or continuance as at the time of transfer of any department transferred from the State to the Commonwealth.

The whole question under that provision seems to me to be as to whether or not the properties which have been taken over will be dealt with as being part and parcel of the department taken over, and as at the time of the transfer. A great deal hinges upon that, because, if that is not so, then sub-section (6) of that section comes in -

The proportion of the State, according to the number of its people, in the other expenditure of the Commonwealth.

The trouble which has arisen has been caused, I think, to some extent, by quoting as an example an estimate of the value of the properties in each State. That was taken from a computation made about the time the Convention was sitting, when the statisticians, or some of them, were asked to go through the estimated values of the properties which would be taken over from the States. They gave the amounts as quoted already, but it does not follow that they are correct. We shall require, before we can ascertain whether they are correct, to appoint probably a board of experts with a view to finding out the true values of the properties. Already in some of the States action has been taken by the State Government, and boards have come to some conclusion, I understand, as to the values of the properties. In one or two cases an application was made to place on these boards federal officers. It did not seem to me, and I know it did not seem to the Prime Minister, that it would be wise to have a mixed board, partly representative of the Commonwealth, and partly representative of the States, to deal with a question of this kind. The States have to give their views of the values, and the Commonwealth must use every endeavour to get at a fair amount. Some of the States, or some people in the States, have imagined that a large sum was to be handed to the States, according to the value of these properties.

Mr Watson

- They were going to have a rare old time with it !

Sir WILLIAM LYNE

- If a thought had been given by any one to this point he would have asked at once who is going to buy and who is going to sell. In the first place the States sell to the Commonwealth as part of the Commonwealth, and in the second place those who have to pay the States will simply be repaying themselves. If the law requires that the Commonwealth shall pay according to the population of the States; then some such scheme as has been proposed will have to be devised. But so far as I can see I think that the States will sell to the Commonwealth, and pay themselves by leaving their debts as they are, and taking from the Commonwealth the interest on those debts. The only other course is for the Commonwealth to raise a large sum instead of making a book entry. I believe there will be simply a book entry, and that no money will pass except it may be for interest.

Mr Batchelor

- The Commonwealth will have the assets, and the States the debts?

Sir WILLIAM LYNE

- The Commonwealth will have the assets, and the States will nominally hold the debts secured by the Commonwealth, so that they will not be debts at all to the States.

Mr Deakin

- The people will stand just as they are.

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Sir WILLIAM LYNE

- There will be no difference at all so far as I can judge. There is some difference of opinion in legal minds as to the construction that can be put on section 89 in that respect. As the Attorney-General says the people will remain exactly as they are ; but the same people practically, although altogether in the one case, in segments in the other case, will have security for the amount which has been expended upon the properties. I think that no very great feeling need arise in regard to this matter for the simple reason that if the Commonwealth Act says that the repayment must be under a certain condition of things, it will require the division to be on a population basis. If on the other hand these properties are in the possession of the departments at the time of transfer, then things will remain exactly as they are, and there will be no disturbance at all except that the Commonwealth will take the responsibility from the States, and the States as they borrowed the money for the properties will simply hold them. Now I will proceed to Part 5., which is, to a very large extent, the legal portion of the Bill. The heading of this division of the measure is " powers and duties of the Minister and Attorney-General," but that is a mistake, because the powers of the Minister and the Attorney-General are not defined in this portion of the Bill, and the heading is therefore misleading, and will have to be altered. In clause 51, power is given to the Commonwealth to dispose of lands not required for public purposes. If honorable members will turn to the clause, they will find that if land is not required for the purposes for which it is purchased or taken over, the Commonwealth may sell, lease, or otherwise dispose of it. That does not apply to the land which will be acquired for the purposes of the federal capital, as I believe it will be necessary to pass a special Act of Parliament to deal with that particular territory. Probably some of the surplus land acquired by the Commonwealth would be too small in area to be of any use to any individuals under a system of leasehold, and therefore it may be necessary to sell it.

Mr Higgins

- Should not the land acquired for the federal capital be expressly excepted from the operation of this Bill?"

Sir WILLIAM LYNE

- The honorable and learned member, as a lawyer, will be able to say that better than I can. The undersecretary of the Attorney-General's department expressed the opinion to me that it was not necessary, but if it is shown in the course of the discussion, or the Attorney-General advises me that it is necessary to have the federal capital territory expressly exempted, we can insert a provision to that effect. Clause 53 provides, as is enacted in all State Acts, that on the acquisition of any property the Government shall have power to at once take possession and carry out all necessary temporary works. Power is also taken to go on to adjoining land, if necessary, to carry out works on the land that is acquired, and if any damage is done compensation will have to be paid.

Mr Higgins

- Under what authority in the Constitution Act will that power be taken ?

Sir WILLIAM LYNE

- I cannot tell the honorable and learned member the section of the Constitution bearing upon the matter, but he will fully understand that it is absolutely necessary to have such a power in cases where it is desired to build on the boundary of the acquired land, or to erect fences, and so on. Under clause 61 power is given to dedicate land to any public purpose by proclamation, and the proclamation may be revoked, cancelled, or altered as may be deemed necessary. It is necessary to have this provision, because grants of various kinds will have to be made for public purposes, and the Commonwealth must be endowed with the same power as is given under similar Acts in the various States. Clause 62, which is the last in the Bill, gives power to make regulations. As I previously explained, the Bill is a short one, and is mainly based upon Acts in force in the various States. I feel that a misconception has arisen through the quoting of the figures which I have referred to tonight, as to the values of the properties to be taken over, but a great deal of that trouble will be smoothed away when it is thoroughly understood that no reliance is to be reposed in these figures as guides to the actual values of the properties. These values will have to be arrived at in an entirely -different manner, and after fair consideration of the valuations made on both sides. When that is understood, and the method in which we are to pay or not to pay - that is, to allow things to remain as they are - is clearly grasped, there will, I am sure, be no objection to agreeing to this Bill without much discussion. I shall not say anything further at the present stage, but if honorable members are prepared to go on with the discussion for an hour tonight, I shall be very glad. If on the other hand there is a strong feeling that the discussion should be postponed, I shall be quite willing to take that course.

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Mr V L SOLOMON

- It is so early in the evening that I think that if any of us can assist in the pushing on of the Bill we should do so, and although somewhat ill-prepared to speak at this stage, I will take the liberty of offering a few remarks. In the first place I must express considerable surprise that a Bill of this nature, after having passed through all its stages in another branch of the Legislature, and having been presented to this House, be virtually referred to an irresponsible conference, consisting of the Premiers and other representatives of the different States, who are to consult, not with this House, in whose hands the measure is at present, but with the members of the Federal Government. It does seem to me to be a bit of a farce - to put the matter in very mild language - to take that step at this stage. If it were necessary to consult with the representatives of the various States as to the mode in which they desired to be paid for the buildings and land in connexion with the transferred departments, that consultation should have been held before the Bill was drafted and placed before the two branches of the Legislature. Now the work already done by the Senate is to be reviewed, and its decisions are to be commented on and discussed by representatives of the different States, and we are told by the Minister in charge of the Bill that the Premier states that it is not desired to deal with the most important clause in the Bill, which involves the repayments to the States of the amounts due to them, until he has discussed the position with the various State Premiers and Treasurers. The representatives of the States are thus to be called upon to practically intervene whilst this Parliament is considering a certain measure.

Mr Glynn

- The Prime Minister probably found that he could not go on with the Bill without taking that course.

Mr V L SOLOMON

- I take it that the proper course would have been to have consulted with the State Premiers as to the mode in which the different Parliaments would have liked the properties to be paid for, before the Bill was drafted at all, and before the two branches of this Parliament had been called upon to waste a large amount of time in discussing a measure which has to be reviewed by others who do not represent the people of Australia or the various States one whit more, if as much, as we represent them. That does seem to me a strange departure in this early stage of our Commonwealth history - a departure which should not be allowed to pass unchallenged by honorable members.

Mr Glynn

- They were bound to have had that conference under the Constitution before they introduced the Bill.

Mr V L SOLOMON

- I accept the statement of the honorable and learned member, and agree that it would have been wiser to have known the opinions of the various State Parliaments, although those opinions can be pretty accurately gleaned by a reference to the debates in the Federal Convention. I have a very clear recollection that in those debates the consensus of opinion was that it was highly inadvisable that large sums of money - the equivalent value of the various properties transferred by the different States, such as Customs-houses, post-offices, &c. - should be handed back to the States, because such a course of procedure would probably result in extravagance. To-night I have been refreshing my memory by a glance at some of the discussions, and I find that there was a special amendment which the Parliament of South Australia desired to have inserted dealing with this particular point. My colleague, the honorable and learned member for South Australia, Mr. Glynn, dealt with it at considerable length. The general opinion expressed then was that the mode of payment which ought to be adopted by the Commonwealth was the taking over from the various States of a proportion of their debts equivalent to the value of the transferred properties, so that all temptations to undue extravagance such as might assail the Treasurers of the States if they were suddenly placed in possession of many hundreds of thousands of pounds would be removed. But I shall have to deal with this point a little later on. I wish to say a word or two in regard to clause 14, which contains a reference to the method to be adopted in taking over properties from private individuals. I wish to point out that that clause provides - and the provision appears to have been taken from the New South Wales Act of 1897 - that the decision as to the compensation claimed by any person whose property is taken by the Commonwealth shall be entirely in the hands of a justice of the High Court. In some of the other States - notably that of South Australia - the amount is first fixed by a board of arbitration, with an appeal subsequently to the Supreme Court. In the first place, arbitrators are appointed by the Government and by the party aggrieved, with an umpire to be agreed upon by the two. Such a course is, I think, preferable to that which is adopted in this Bill. It does seem hard that a man should be forced to go to the most expensive tribunal from a legal point of view - namely, the High Court - to have his claim for compensation decided without first being allowed an opportunity of a much simpler and more inexpensive means such as is provided by an arbitration board.

Mr Deakin

- Is that the experience in South Australia?

Mr V L SOLOMON

- Undoubtedly. In all questions of commercial value where the question in dispute is a simple one which can be decided by expert evidence in a few hours, I think that arbitrations are much more speedy, inexpensive, and satisfactory than appeals to courts with extreme jurisdiction.

Mr Higgins

- Is the honorable member speaking of juries?

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Mr V L SOLOMON

- Yes, undoubtedly. The experience in regard to juries in South Australia is that as a general rule the Government get all the worst of it. I would point out that up to the present time no High Court has been established, and as far as I can judge, seeing that we are now in October, and have not yet touched the Tariff, there is very little probability of any Judiciary Bill passing both Houses of Parliament during the present session.

Mr PAGE

- It will be just as well if it does not.

Mr V L SOLOMON

- I am not dealing with that point. But if in the meantime it is necessary for the Commonwealth to take over any properties under this particular clause there is no court provided to which the owners can appeal.

Mr Page

- It would be a case of the people fighting themselves.

Mr V L SOLOMON

- I do not think that a private individual as a unit of the Commonwealth would pause very much to consider whether he was fighting himself and had to pay one four-millionth part of the verdict, if he saw a

chance of getting a few thousand pounds out of the Commonwealth purse.

Mr Page

- The State would have to pay.

Mr V L SOLOMON

- I was alluding to cases in which the Commonwealth acquires property from a private individual. It is for the private individual to claim what compensation he is entitled to for the resumption of his property.

Sir William Lyne

- Does the honorable member suggest that there should be arbitration before the matter goes to the court

Mr Deakin

- The honorable member must recollect that this clause provides for a Judge without a jury.

Mr V L SOLOMON

- A Judge without a jury is perhaps better.

Mr Deakin

- That course is quicker and cheaper than any arbitration.

Mr V L SOLOMON

- I dare say that honorable members will be able to judge of the wisdom or otherwise of doing what I suggest. I wish also to point out that in section 85 of the Constitution Act there appears to have been an omission made by the Government in regard to the declaration which is provided for. We are starting to discuss this Bill on the presumption that the whole of the properties of the departments, including those of Post-offices and Custom houses, are to be taken over. The valuation which has been provided for includes the buildings connected with the Custom houses, except those small border Customs buildings, which are of very little moment.

I think £10,500,000 has been estimated as the value of these various properties, and that sum was meant to include the whole of the Customs-houses in the different States. Unless that is so, the Commonwealth Government having taken over the properties of the departments, it seems to me that under sub-section (1) of section 85 of the Constitution, a declaration such as is there provided should have been made. I point that out to the Minister, because I certainly think there has been an oversight. If the Government do not intend to take over the buildings in connexion with this department, or only to take them over for a given time, a declaration should have been made. I am not aware that such a declaration has been made, and I do not think it has, though perhaps the Minister may inform us later on.

Sir William Lyne

- There has been no declaration made, but we do not want two sets of Customs-houses along the borders.

Mr V L SOLOMON

- But I take it that the value of the Customs-houses on the borders is not a great deal.

Sir William Lyne

- In some cases, of course, the value is not great.

Mr V L SOLOMON

- As a general rule the Custom-house consists of a tin and wood shanty.

Sir William Lyne

- The honorable member is wrong there.

Mr V L SOLOMON

- A great number of the buildings are of that kind, and their value can be estimated in hundreds of pounds, and certainly not in thousands or tens of thousands. Under the Constitution, the Commonwealth Government may take over the whole of the properties in connexion with the various transferred departments, and pay to the various States their fair value. Dealing first with clause 44, it seems to me that if the Bill had stopped at that clause there would have been very little matter, either for complaint on the part of the States interested or for discussion in this Parliament. The mode of payment provided under this clause is evidently the true interpretation of what was intended at the time the Constitution was framed.

Sir William Lyne

- I forgot to say that clause 45 does not of necessity come into operation. It only comes into operation

under certain circumstances.

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Mr V L SOLOMON

- It is undoubtedly only a power given. Clause 44 deals with the mode of payment to the States, and that, I think, was the mode anticipated and approved to a very large extent by the Convention.

Mr Glynn

- The Convention never dreamed of handing back big sums of money.

Mr V L SOLOMON

- No ; the arguments of the bulk of the speakers pointed to the intention of the Convention that this Bill should not provide for handing back large sums of money to the various States ; in fact, the States did not want that. The Parliaments of the various States recognised, I think, that the handing back of such large sums - say, for instance, over £1,500,000 for Post-offices, telegraph lines, and Customs houses in South Australia - might lead the State Treasurers not to devote the money to the proper purpose, namely, the reduction of the bonded debt, which, to the extent of probably nearly the same amount, had been incurred for the erection of the buildings. In the case of South Australia, it may be pointed out that it is absolutely easy to ascertain where the money came from which was expended on those buildings. It came from loan moneys, and each individual loan is ear-marked.

Mr Mauger

- That is not so in Victoria.

Mr V L SOLOMON

- It is so in South Australia, though I regret to say it is not the case in Victoria or New South Wales.

Sir William Lyne

- It is mostly loan money in New South Wales.

Mr Mauger

-Does the honorable member say he regrets that it is not so ?

Mr V L SOLOMON

- I regret that it is not so, because it would be much simpler if the States had kept their loan moneys ear-marked, so as to show the way in which the money has been expended.

Mr Higgins

- Suppose the States have not expended the money in public works but for ordinary revenue purposes 1

Mr V L SOLOMON

- That is a point I do not think we need touch on at the present time. I merely point out that in regard to the State of South Australia, if the money were handed back, the only proper and fair course the Government of that State could adopt would be to devote the money to the repurchase of its existing stocks, and the reduction of the bonded debt. I think most of the other States will recognise a similar danger to that which I have indicated. The mode of repayment provided in sub-clause (a) or the still better mode provided in sub-clause (b) of clause 44 seem to me to present a perfectly equitable and wise system of dealing with this rather important question, which involves some millions of money. In some instances, perhaps, the whole of the cost of the works has not been paid out of loan.

Mr Mauger

- That does not matter.

Mr V L SOLOMON

- It does not matter much, but it may be urged by some of the States that they have a right to deal with this money as they choose ; and the mode suggested in clause 45 - or rather I should say, the power given there to deal with the matter in an entirely different way - seems to me very dangerous.

Mr Higgins

- What is there unfair in clause 45 ?

Mr V L SOLOMON

- The provision for dealing with the repayments by reducing the amounts payable for compensation, and by charging the States in proportion to population.

Sir William Lyne

- It does not follow that that clause will be enforced.

Mr V L SOLOMON

- It does not follow, but I contend that if we allow clause 44 to stand there is no necessity at all for clause 45, which I do not think was originally in the Bill as introduced.

Sir William Lyne

- No, it was not.

Mr V L SOLOMON

- I think clause 45 was introduced by an honorable member in another branch of the Legislature, and was not originally contemplated by the Government.

Sir William Lyne

- It was introduced to provide a means, if section 89 of the Constitution required payment on the basis of population.

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Mr V L SOLOMON

- After a pretty careful consideration of section 89, and of the debates in the Convention on this very subject, I am certainly inclined to think that that section did not contemplate for a single minute repayment to the States, in proportion to population, for properties taken over in connexion with transferred departments. I will endeavour to put as clearly as I can my reading of that section. It is provided, first of all, by section 87, that for ten years after the establishment of the Commonwealth, of the net revenue of the Commonwealth from duties of Customs and of excise, not more than one-fourth shall be applied annually towards Commonwealth expenditure. That is the section known as the Braddon blot, and it was put in, not with a view of indicating to the Commonwealth Parliament that there was any idea that one-fourth of the Customs revenue of the various States should be expended by the Commonwealth Parliament, but as a maximum limitation. I am sure that honorable members will agree that that was the idea in connexion with the new services. I have a distinct recollection that, at that time, the estimate for the new expenditure of the Commonwealth was something about £300,000 per annum. It was provided that, as a mode of keeping accounts, each State was first of all to be credited with the Customs revenue derived in that State and with the revenues from the various departments of that particular State taken over by the Commonwealth, and was then to be debited with the expenditure in connexion with each of those departments, and in addition to that was to be debited with its proportion of the new expenditure of the Commonwealth. The new expenditure included the cost of the Commonwealth Parliament, the Judiciary, the Inter-State Commission, and other new departments which only came into existence by reason of the establishment of the Commonwealth. In connexion with the transferred departments, it was clearly laid down that the system of bookkeeping to continue for a period of ten years was to be such as would allow the accounts of each of the States to be kept separately. Each State was to be credited with its revenue from the Customs, the Post-office, and from the various departments transferred, and was in turn to be debited with its expenditure; whilst, when it came to the new departments, each State was to be debited with a proportion of its expenditure, per capita of its population.

Mr Glynn

- Does not that cover all expenditure?

Mr V L SOLOMON

- I do not think it does. I cannot imagine for an instant that it was ever contemplated that the States were going to hand over their properties in connexion with the various departments, and were then going to have the whole amount pooled, and be credited in proportion to their population. As far as my recollection goes there was no suggestion of such a course being adopted during the whole of the debates at the Convention. If the Postal department taken over from any State includes buildings worth a million pounds, the interest at 3½ per cent, being £35,000 per annum, while that State is credited with its revenue from that Postal department on the one hand, it is debited with the expenditure of the department on the other, and it will also have to be debited as part of the expenditure on that department with the interest on the cost of those buildings during the bookkeeping period, as provided under the Constitution.

Mr Piesse

- Interest also being credited to the State.

Mr V L SOLOMON

- Precisely. It is taking money out of one pocket and putting it into the other so far as the State is concerned; but there is this difference: that the State has been relieved of that million of money for which

the Commonwealth becomes eventually responsible.

Mr Glynn

- Who is to pay that money eventually ?

Mr V L SOLOMON

- The Commonwealth.

Mr Glynn

- Which means the people,, per head of the population.

Mr V L SOLOMON

- It may be that ultimately, years hence, the population will, have to pay in proportion to the number in each State, but only when the principal is paid. In the meantime, for ten years, the interest on the debts of the States will have to be paid by the States. For instance, in New South Wales, if the transferred properties amount to £3,000,000, that State will have to be debited each year with the interest upon that £3,000,000, whilst she is credited also with the revenue from the transferred departments. There is another mode in which the matter might be dealt with. Instead of taking over a proportion of the debts, it is perfectly competent for the Federal Government either to float a loan, which would enable them to pay over the whole of the cash value of these various properties to each State ; or, on the other hand, to issue bonds bearing a rate of interest to be agreed upon to the amount of the gross aggregate value of the whole of these properties, and to pay each respective State the value of those properties in such interest-bearing bonds.

Mr Glynn

- Why borrow when the Constitution enables the Government to do what is proposed ?

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Mr V L SOLOMON

- I am only putting the various ways in which it can be done. Personally, I am absolutely in favour of the system which was undoubtedly the idea of most of the members of the Convention that framed the Constitution Bill. The idea was as set forth in clause 44 of the Bill, paragraph (6), that the Commonwealth should become responsible for a proportion of the debts of the States, estimated by an actuary, equivalent to the values of the properties taken over. I do not know whether I have made myself as clear as I might have done had I delayed my remarks until I had had a little more time for seeing the remarks of the Minister in print, and could have dealt with them more fully. At the same time I did not want to waste the time of the House by pressing for an adjournment at an earlier hour of the evening. Probably my few remarks will enable others to comment upon the question later on, and I shall have an opportunity when the Bill is in committee of dealing much more fully with the clauses.

Debate (on motion by Mr. Glynn) adourned.

ADJOURNMENT

Coloured Aliens in the Civil Service. - Ventilation of the Chamber. - Australian Troops in South Africa. - Pacific Islands Labourers Bill.

Motion (by Mr. Barton) proposed -

That the House do now adjourn.

Mr V L SOLOMON

- I wish to refer briefly to an answer given to me to-day by the Minister in charge of the Postal department in reference to the employment of Asiatic aliens in the Postal and Telegraph department in the Northern Territory. I am quite aware that these men were employed for some time before the department was taken over by the Commonwealth. On many occasions I have endeavoured to put a stop to the practice, and I trust now that the attention of the Government has been called to the matter, that that which I was unable to do in the State Parliament will be done readily by the Federal Government.

Mr Barton

- Does the honorable member know the capacity in which these persons are employed?

Mr V L SOLOMON

- They are employed as assistant line men, cooks, office boys, and in various other capacities. A great many more were employed for some years, but continual driving at the South Australian authorities led to the dismissal or removal of a number of them. I trust that the Government will take an early opportunity of dispensing with the services of all Asiatics who can be dismissed. At the same time I would ask the Prime

Minister to look into the question as it affects the Customs department.

Mr Barton

- I shall ascertain the exact particulars in regard to all the departments that have been transferred.

Mr. HIGGINS(Northern Melbourne). May I add to the numerous troubles of the Prime Minister by pointing out that he might see whether there is not some means of improving, even temporarily, the ventilation of this chamber. One of the greatest evils a debating body can suffer from is that of not having fresh air. I think the Prime Minister must have felt, as visitors even have felt, that the air in this chamber gets vitiated very quickly. There is a kind of device for raising the hair of those who sit on the extreme back bench, but I must say that it does not seem to purify the air. I am quite sure that a little expenditure would be well repaid in the good temper of members and in the clearness of the ideas expressed by them.

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Mr PAGE

- I wish to draw the attention of the Minister for Defence to a report relating to the court martialling of an Australian soldier in South Africa. In the Age of Saturday last a foe simile was published of the order made by a court martial against a member of one of the Victorian contingents. I do not look upon this as a Victorian affair. I regard it as an Australian matter. I have been a soldier myself, and I can quite understand the feelings of the irregular troops that are serving in South Africa today. When I was serving in South Africa from 1877 to 1881, the troops raised locally were called irregulars. They were not subject to the same laws and regulations as the Imperial troops except in regard to loot. For the committal of crimes for which an Imperial soldier would be flogged, these irregulars - consisting of the Natal Field Horse, the Diamond Field Horse, Brabant's Horse and others similar to those in Australia - were subjected to heavy fines. After being fined once or twice, they were liable to be expelled not only from the force, but from the colony. Of course I have only the testimony of the Age, but knowing what I do of militarism, and the manner in which court martials are conducted, I think it gives a fair and square account of what took place. The Minister for Defence and many honorable members will doubtless meet me with the argument that we must not put too much faith in newspaper reports. All that I have to say in regard to that is that it is quite possible that but for the exposure made by the Age, no one in the Commonwealth would have known of the incident. I consider that the punishment which has been meted out to these men who went to South Africa to yield their lives, if necessary, in the cause of the Empire, is altogether unjustifiable. During the last three or four months we have heard a lot of screeching about what the Australians have done. I should like to have the gentleman here who called these troops " white-livered curs." If I had him in this chamber for five minutes I should show him whether they are white-livered curs or not. These men are defending the fair name of our Commonwealth, and for an officer to make use of such an expression is an unwarrantable insult. When they were wanted as scouts and for regular work it was all right; but now that it is desired to make policemen of them - and they are doing police duty now - they are not good enough. They have never disgraced themselves like a lot of those who have been sent out to South Africa from Great Britain. We know that one General has alluded to the City Imperial Volunteers, about whom so much fuss was made, as being always in the way.

Sir JOHN FORREST

- They are the honorable member's countrymen.

Mr PAGE

- Never mind about my country. Australia is my country now. So far as my countrymen are concerned, they are quite able and willing to take their own part. I am taking the part of those Australians who are languishing in gaol for committing a crime which they considered was not an offence at all. When they were confronted by this gentleman in gold lace and jingling spurs, these soldiers, being used to the nomadic life, and the free and easy way of Australians, as I hope they will be always, objected to his insults. I happen to know the overbearing manner of some of these British officers. It is bad enough for an Imperial soldier that he is bound to obey and that he is brought up in such a strict disciplinarian manner. If I had committed the same act as that with which the court martial dealt, I should have expected to be shot. As an Imperial soldier no doubt I would have been shot. When the Australians first arrived in South Africa, however, Lord Roberts stated that in regard to discipline they were not to be treated in the same way as Imperial soldiers, and I cannot see why, as soon as he left the country, Lord Kitchener and the rest of his officers should have forgotten that fact. I see by the Herald that Major McKnight is expected to

arrive here about the 10th or 12th inst., and I shall be quite satisfied if the Government promise to go thoroughly into the matter and to do their best, if they cannot secure a pardon for the Victorian soldier who has been sentenced to ten years' imprisonment, to at least have him sent back to Australia. According to the Age, he is now languishing in an English prison. Major McKnight took down the words to which this soldier and others of his contingent objected. I have in my possession a letter from a man who has served with the Australian troops in South Africa, but does not know the individual in this case. He states that Major McKnight took down the words that were used by the officer in question. Brigadier-General Beatson stigmatized them as a " fat damned lot of wasters." That is a fine expression for an officer to use. During my whole military experience I never heard a general express himself in such terms to a private soldier. Later on he called them " a white-livered lot of curs." Then the men resented this, and Steele, who was one of those who resented it, seems to have been made the scape-goat, while the officer has escaped scot free.

Mr Glynn

- Did he not have to apologize ?

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Mr PAGE

- No, not according to the letter I have received. He said he would not apologize. According to that letter, Major McKnight said, " Very well, sir, I shall make a note of this and report you to the proper authorities." Whether that was done or not I do not know, but from my knowledge of military methods I am quite sure that if Major McKnight's note was brought before the proper authorities it was promptly pigeon-holed, and there will be no redress for Steele. Knowing this, all I ask is that some effort shall be made to sift these statements and find out whether they are true, because if this man has been convicted upon evidence such as we have seen in the Age, and such as I have before me in this letter, I consider it is monstrous. All I ask the Prime Minister to do is to collect as much evidence as he can on the subject and let us know the truth of these statements ; and if he thinks that there is any need for intervention he shall try to get this poor fellow out of gaol as soon as possible.

Mr MCDONALD

- I understand the Prime Minister is prepared to let honorable members have copies of the Pacific Islands Labourers Bill to-night. If it is not possible to get them to-night before the House adjourns, I hope an effort will be made to let us have them in the morning, because a mail leaves to-morrow afternoon for Queensland, which it will be necessary for us to catch if we wish to avoid delay in sending copies of the measure to the north.

Mr. BARTON(New South Wales Minister for External Affairs), in reply. - If the honorable member will allow me, I may say that we have made arrangements about that. It was represented to us by the authorities of Queensland that it would be acceptable to them to receive a number of copies of the measure. The Postmaster-General seconded that request, and I have promised to send about 120 copies to Queensland by the first mail. I think those copies have just been received, and are in my room at the present time.

Mr Watson

- I would suggest that those copies should now be distributed to honorable members. The copies required for Queensland can be provided in sufficient time for to-morrow.

Mr BARTON

- I have not the least objection to that being done. As to the question raised about the ventilation of this chamber, I am sorry to hear, there are so many complaints about it. It has been rather cold this winter, but on the other hand it is very cool in summer. That is one thing to be said in its favour. When we sat here in the Convention we had nine days of hot winds, and this chamber was then the coolest place in Melbourne. I hope honorable members will remember that sometimes it may be the best place to sit in. The matter will be looked into, but of course no structural alterations can be made in the building without due consultation with the persons to whom it belongs. As to the matter raised by the honorable member for Maranoa, it is my intention to collect such information, and as much information as I can, upon the subject. He will forgive me if I say that I cannot undertake to base my belief on this matter wholly on newspaper reports. Those who have official responsibilities must await more authoritative information than is conveyed in a newspaper report. Newspapers are no doubt most useful ; but at the same time the

varying statements which appear through these channels cannot be accepted as definite evidence upon which we can act; certainly no Government can act upon them. What I propose to do is to make inquiries. I do not suppose that the honorable member for Maranoa will think that any of these men were subjected to any treatment which a British soldier would not have been subjected to, or that in the method of trial they were treated in any way other than as British soldiers. Having taken the oath of allegiance and fully enlisted, they became subject to the Army Act and the Articles of War, which were applicable to them as to everybody else. Consequently, as the honorable member has said, had he or I done the same thing, we might have been subject to the same sentence. We do not know anything about this matter absolutely, until we get the official information which may be forthcoming. That I have already asked my right honorable friend the Minister for Defence to procure at the earliest possible moment. Until we see exactly how matters stand, the House will agree with me that we may render ourselves, perhaps, ridiculous if we take premature action. So far as the action of these men is concerned, I am perfectly willing to believe that it may have been some passing ebullition of temper, and that they may have been too severely treated. We do not know anything about that, but it is quite possible it was so. We know, also, that however much men may be endeavouring to do their duty as officers, they, too, are subject to fits of temper at times, and may give provocation to those under them. At the same time my honorable friend will, I am quite sure, be the last to say that the private soldier is to be the judge of his general or to overrule his authority.

Mr Page

- No, I do not say that.

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Mr BARTON

- I am quite sure the honorable member will not say anything of the kind. I am quite sure also that he will agree with me that what we have to do is to get definite information and await the result.

Mr Fisher

- Suppose they resent your inquiries?

Mr BARTON

-I do not think information will be refused.

Question resolved in the affirmative.

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22:20:00

House adjourned at 10.20 p.m.