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1901-11-13

Senate.

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

PETITIONS

Senator CHARLESTON

presented a petition from 10,415 citizens and electors of South Australia, praying that the Senate would reject the Matrimonial Clauses Bill.

Senator CLEMONS

(for

Senator Sir Josiah

Symon) presented a petition from 180 Chinese and other merchants and residents of Victoria, praying that the Immigration Restriction Bill should not be made applicable to Chinese entering Victoria under the existing State law.

Petitions received and read.

LEAVE OF ABSENCE

Resolved

(on motion by

Senator Stan-

forth Smith)-

That one month's leave of absence from Parliament be granted to Senator Ewing on account of urgent private business.

COPYRIGHT BILL

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Resolved

(on motion by

Senator Keating)

That leave be given to introduce a Bill relating to copyright.

QUESTIONS

FEDERAL CAPITAL : KANAKA LABOUR: NORTHERN TERRITORY

Senator CLEMONS

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

When is it intended that members of this Parliament shall visit and inspect the suggested sites for the federal Capital? 2. Is it the intention of the Government that the site of the Capital shall be finally determined in the present session of Parliament ? 3. What sites for the Capital have so far been placed under offer to the Government? 4. In view of the number of Government Bills to be introduced, or to be passed in this session, when is it expected by the Government that this session will terminate ? 5. Is it the intention of the Government to afford facilities to Members of Parliament, at an early date, to visit and make themselves acquainted with the tropical regions of Australia, say, from 26° parallel of south latitude northwards, so as to be in a better position than at present to legislate on such matters as kanaka labour and the acquisition of the Northern Territory ?

Vice-President of the Executive Council

Senator O'CONNOR

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

When the state of public business will permit. 2. This can only be answered after the sites are visited. 3. No sites have been placed under offer to the Government, but the following is a list of the sites suggested and in respect of which information has been obtained : - Albury, Armidale, Barber's Creek, Bathurst, Bellingen, Bemboka, Bombala-Eden, Bowna, Braidwood, Buckley's Crossing, Calvert, Carcoar-Garland, Cootamundra, Corowa, Delegate, Don Dorriggo, Forrest Beefs, Glen Innes, Goulburn, Hay, Howlong, Inverell, Junee, Milthorpe, Molong, Moss Vale, Mount Clarence, Murrumburrah, Nowra, Orange (Canobolas), Port Stephens, Queanbeyan, Rylstone, , Sassafras, Southern Monaro (EdenBombala), Tenterfield, Towrang, Tumbarumba, Tumut (Gadara), Wagga Wagga, Upper Murray, Wellington, Wentworth, Yass, Young. 4. impossible to say. 5. In view of the state of public business it is impossible to

answer this question at present.

POST-OFFICE SORTERS

Senator McGREGOR

asked the Postmaster-General, upon notice -

. Were any of the eight junior letter sorters who were promoted over the heads of the senior Letter sorters in the Victorian mail branch of the department members of the Letter Sorters' Association ? 2. Have any of the members of the Letter Sorters' Association received promotion ? 3. Is the Letter Sorters' Association known to or recognised by the department ?

Postmaster-General

Senator DRAKE

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

It cannot be stated whether any of the eight junior letter sorters who were promoted over the heads of the senior letter sorters in the Victorian mail branch of the department were members of the Letter Sorters' Association, as the names of the members of that association are not known to the department. 2. It cannot be stated whether any of the members of the Letter Sorters' Association have received promotion for the reason given in the reply to the previous question. 3. The Letter Sorters' Association has not been formally made known to or recognised by the department.

EXCISE TAXATION

Senator PULSFORD

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

Do the Government care to express any opinion as to whether excise taxation on any commodity arranged so as to discriminate in any way between producers or between manufacturers would be in accordance with the Constitution ?

Senator O'CONNOR

- The Government, following the usual parliamentary rule, do not desire to express an opinion upon any merely legal question.

TUESDAY SITTINGS

Senator ST ANIFORTH SMITH

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

If, in view of the number of important Bills before the Senate, and the desirability of passing Electoral or Franchise Bills this session, will the Government add Tuesday to the sitting days of the Senate ?

Senator O'CONNOR

- If the Government has, as it hopes to have, the assistance of honorable senators in confining debate within reasonable limits, there will be no necessity to sit on Tuesday during the present year. If, however, it should become essential to satisfactory progress to sit on Tuesday, the Senate will be asked to sanction such sittings.

CUSTOMS AND EXCISE REVENUE

Senator PULSFORD

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

What revenue was obtained from duties on intoxicants and narcotics during each of the two years, 1899 and 1900 in each of the six States - 1st, by the Customs ; 2nd, by the excise ; and 3rd, by both together ?

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Senator O'CONNOR

- The information asked for by the honorable senator will be laid upon the table in the shape of a return, and I hope to have it ready to-morrow or the following day.

IMMIGRATION RESTRICTION BILL

Second Reading

Vice-President of the Executive Council

Senator O'CONNOR

. - I move -

That the Bill be now read a second time.

This Bill involves the exercise Of, perhaps, the most important power which is confided to the Commonwealth, a power which is essential to its safety and which must always be exercised by every

free people. I refer to .our right to determine the persons who shall or shall not become members of this community Now, there are many matters of controversy which will arise in the course of this debate, but there are also many points about "which we are all agreed ; and I propose, as far as possible, to eliminate those points, and to confine what I have to say principally to the question which really will be the issue in this House - that is to say, the method in which Parliament will carry out what is undoubtedly the unalterable desire and will of the Australian people. In the first place this Bill deals with the restriction of some, classes of immigrants in reference to which there can be no doubt. It has been the rule, and has been found to be a necessary rule, on the part of almost every nation, to take care that its community is not unduly burdened by the admission of paupers, of insane persons, of persons suffering from dangerous, infectious, and loathsome diseases, of criminals, and of people who carry on immoral businesses. Those are classes of immigrants concerning which it is found desirable to legislate, according to the rules of all civilized people. As to the portion of the Bill which deals with that particular matter, I do not think there will be any ground of difference between us. I may also take it as admitted by universal consent that Australia has determined that this continent shall be for all time preserved as a dwelling-place for the white race. I need not elaborate upon the reasons which have induced us to come to that conclusion. They are obvious. In view of the near proximity of hundreds of millions of Asiatics to this continent, and of the comparatively small garrison of white men who now, and must for many years, occupy it, the unalterable determination of Australia naturally is that the population shall consist of white people only. But the question arises as to how this unalterable determination of Australia is to be carried out. That is really the matter to which I intend to address myself principally in what I have to say to the Senate on the present occasion. The Bill before the Senate adopts the method of excluding coloured aliens by what is called the education test, or the Natal provision. That is to say, it carries out the principle that every community may, without offence to any people, lay down a certain standard of education which it may, if it thinks fit, require in those who may wish to become parts of its community. It may administer the law as it likes - with the utmost stringency or with any laxity which it may think allowable in certain cases - and may do so without offence to any nation, or to any people with whom it has friendly relations. It has been recognised in the history of similar measures, to which I shall refer in a moment - and I think it always will be recognised in the dealings of the civilized world - that that principle is legitimate. The Bill therefore places in the hands of an officer of the Government the right at any time to require any immigrant, no matter who he is, to write out 50 words in any European language, to be ' chosen by the officer.

Senator Clemons

- "Some" or "any" European language 1

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Senator O'CONNOR

- I see no difference between " some " and "any." Any European language - that is to say, it is left to the discretion of the officer, first of all to select the person upon whom he will impose the test ; secondly, it is left to him to choose the European language which is to be adopted as the test ; and in the third place it is open to him to choose any passage - any 50 words - he likes, in order to test the acquirements of any person seeking to become an immigrant. In other words, this method leaves the officer in the possession of the most absolute discretion as to the persons to whom he is to apply the test, and as to the method in which it is to be applied. It enables the test to be made as stringent as possible, and to be carried out in such a way that it will be absolutely impossible that any person, except one of high educational attainments, can be admitted, and can pass the test which this measure prescribes. One element of this provision, which is well worthy, of the attention of the Senate is the ample discretion which is given to the officer who is to carry out the test. That is essential. We are, as it is well known, not proposing in adopting this method of legislation, to in any way interfere with the immigration of either English, Irish, Scotch, or other European immigrants, simply because they cannot read or write. That, would indeed be a departure from the principle of the free admission of all European colonists which has hitherto been recognised, and which has been productive of the best results in many parts of Australia. I believe that the public opinion of Australia would revolt at once Against any suggestion to shut out persons because they do not happen to be able to read and write, whether they are of British ov of European stock. This measure will of course be administered under the direction of Parliament, and under the eye of the press and public opinion. The

Government may be very well trusted to make no departure from the course which has hitherto been followed in throwing open Australia to the immigration of any Europeans who do not come within the classes I have alluded to in the opening portion of my remarks, and that- admission will be just as free as ever it has been. But this method enables the Government to direct its officers to exclude that class of immigrants which the public opinion of Australia has determined unanimously and unalterably shall not become citizens of Australia ; and in regard to that class of persons there can be no question that the test, as applied, will have the effect of excluding every immigrant that it is at all desirable to shut out. I :Lm quite aware that this test would not exclude Indians or Japanese - to take an illustration - of such high educational attainments that they could write out any passage put to them in English, or in any other European language. But we do not intend, and Australia does not desire, to shut out persons of that kind. It would be a relapse from the position which these States have always occupied as enlightened civilized communities, if we were to set ourselves up as shutting out highly educated travellers from those Eastern countries merely because of their colour. Our intention is to shut out the artisan, the labourer, the tradesman of these alien coloured races, and prevent them from settling and forming homes amongst us. That is our object, and I hope we shall never be so illiberal as to seek to prevent from coming amongst us, and viewing our institutions and our civilization, travellers from those Eastern countries, who have sufficient education and acquirements in either English or any other language of Europe to enable them to pass the test. But in regard to the class of aliens that it is intended to shut out - the great body of labourers, artisans, and other persons of coloured races who are the danger to Australia - there can be no doubt that this test will be amply effective. It is not a new test. As I shall point out by-and-by, it has already been effective. It has been tried in many of the States of Australia, and it has been adopted in the colony of Natal, which, perhaps, has suffered in a more acute form than even Australia has from the danger against which we are now proposing to protect ourselves. Therefore, as to the method which is followed, having described it particularly, I do not intend to say anything more now, except that it has proved absolutely effective, and at the same time so elastic that it can be applied exactly as the public opinion of Australia desires, and so as to shut out only those immigrants whom Australia wishes not to become part of our community. There is another method which has already been suggested, and in regard to which my honorable friend, Senator McGregor, has given notice of an amendment. That is, to make it plain on the face of this Bill that no person who is an aboriginal native of Asia, Africa, or the Islands adjacent thereto, shall be permitted to come into Australia. That proposal would- put upon the face of this Bill a direct prohibition against persons so described becoming members of our Australian community. I undertake to say, and I think I shall prove it before I sit down, that that method is not in any way more practicable and effective than the method which is proposed in this Bill. The real issue is this : Shall we adopt a method which has been tried, which can be made effective in regard to the protection of Australia without being offensive to the subjects of any portion of the British Empire, which will not involve the Empire in difficulties, and which will not contain any offence or insult to the allies of Great Britain, or to nations which are friendly with her ? What I propose to do now is to show that the history of this legislation already proves that the direct method of exclusion, which I understand is to be proposed here, and which was proposed, but ineffectively, in another place, is no more effective than the method proposed in this Bill, and is at the same time full of objections on the score of its being offensive to members of the British Empire, on the score of its being offensive to nations friendly with Great Britain, and on the score that it will embarrass Great Britain herself in her relations with her friend and allies in different parts of the world. In 1896 a conference took place between the Premiers of the several Australian States to deal with the influx of coloured -aliens into the different parts of Australia, which was then becoming a more evident danger. Before that time, as honorable senators know, the Chinese were the only race which had been dealt with specifically by legislation. That legislation had been in force for something like ten years, and was practically the same in all the States. It did not provide for the absolute exclusion of Chinese, although it had substantially that effect. The New South Wales Act, which may be taken as an illustration, provided that a ship might land only one Chinese for every DOO tons of her burthen, and that a Chinese should be admitted only on payment of a poll-tax of £100. When the Premiers met in 1896, these stringent provisions in regard to Chinese immigration were in force throughout Australia, and they had proved very effective. The view taken by the conference was that the provisions of the Chinese Restrictions Acts should be applied to all coloured aliens of Asiatic or African birth or origin. The proposal,

which was afterwards embodied in several Acts to which I shall refer very shortly, was - to apply and extend the Chinese Restriction Acts to all persons belonging to any coloured races inhabiting the continent of Asia or the continent of Africa, or any island adjacent thereto, or any island in the Pacific Ocean or the Indian Ocean. That is to say, they were to be applied on the ground of colour and place of origin. In pursuance of the arrangement which was then made, Acts of that nature were passed in most, if not all, the Legislatures of Australia, but they were all reserved for the signification of Her Majesty's pleasure. On the occasion of the celebration of the 30th anniversary of the late Queen's accession to the Throne in 1897, the Premiers of the self-governing colonies were assembled in London, and Mr Chamberlain called them together in conference, to consider, amongst other matters, the restriction of alien immigration, and to discuss the terms of the several measures which had been carried in the different States to further that purpose. To place beyond question the view that was then put before the representatives of the colonies by the British Government, I should like to read a passage from the speech delivered by Mr. Chamberlain on that occasion, which is to be found in a printed document containing the correspondence in reference to and the proceedings at that conference. Speaking of this alien immigration, Mr. Chamberlain said : -

We quite sympathize with the determination of the white inhabitants of these colonies, which are in comparatively close proximity to millions and hundreds of millions of Asiatics, that there shall not be an influx of people, alien in civilization, alien in religion, alien in customs, whose influx, moreover, would most seriously interfere with the legitimate rights of the existing labour population. An immigration of that kind must. I quite understand, in the interests of the colonies, be prevented at all hazards, and we shall not offer any opposition to the proposals intended with that object, but we ask you also to bear in mind the traditions of the Empire, which makes no distinction in favour of or against race or colour, and to exclude by reason of their colour, or by reason of their race, all Her Majesty's Indian subjects, or even all Asiatics, would be an act so offensive to those peoples that it would be most painful, I am quite certain, to Her Majesty to have to sanction it.

After referring to the services of the representatives of the different Indian States who were in England at that time, he proceeded as follows : -

Well, gentlemen, this is a matter I am sure for friendly consultation between us. As I have said, the colony of Natal has arrived at an arrangement which is absolutely satisfactory to them, I believe : and remember they have, if possible, an even greater interest than you, because they are closer to the immigration which has already begun there on a very large scale, and they have adopted legislation which they believe will give them all that they want, and to which the objection I have taken does not apply, which does not come in conflict with this sentiment, which I am sure you share with us - and I hope, therefore, that during your visit it may be possible for us to arrange a form of words which will avoid hurting the feelings of any of Her Majesty's subjects, while at the same time it would amply protect the Australian colonies against any invasion of the class to which they would justly object-.

Senator Dobson

- Is there not a letter which shows that, if the educational test is not effective, it can be made more stringent 1

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Senator O'CONNOR

- That is to be found in a later document. As the result of the representations made at this conference, a Bill on the lines of the Natal Act was introduced in each of the Australian States. The Act -which had gone Home for assent was not proceeded with further. Before I refer to these particular measures I should like to call the attention of honorable senators to another expression of opinion in reference to the Bill passed by South Australia, and sent Home for the Royal assent in 1896, which puts perhaps in a more exact form the objections on the ground of the position of the Empire which were urged by the Imperial Government against the legislation of 1896. On the 20th October, 1897, Mr. Chamberlain wrote as follows to the Government of South Australia in regard to the measure of 1896 -

. I have the honour to acquaint you for the information of your Ministers that the Japanese Government" has made repeated representations to Her Majesty's Government through their Minister at this Court on the subject of the legislation passed by certain of the Australasian colonies for the restriction of coloured immigration.

M. Kato was willing to admit that from a material point of view there was no very great grievance of which Japan could complain.

The actual immigration was very small, and the class of Japanese who chiefly desired to enter the Australasian colonies were exempted by special provision from the prohibitions of the colonial Bills. But the point which had caused a painful feeling in Japan was not that the operation of the prohibition would be such as to exclude a certain number of Japanese from immigrating into Australasia, but that Japan should be spoken of in formal documents, such as the colonial Acts, as if the Japanese were on the same level of morality and civilization as Chinese or other less advanced populations of Asia. This was a matter of sentiment, and the slur cast upon the Japanese nationality was keenly felt by the Government of Japan. The relief which they desired was not the modification of the laws by which a certain part of the Japanese population was excluded from Australia and New Zealand, but the abandonment of the language which classed them with others to whom they bore no real similarity, and inflicted upon the nation an insult which was not deserved.

M. Kato maintained that the provision in the Act passed by the colony of Natal, that immigrants should write out a certificate in some European language, would practically effect the object of the colonies, as only educated Japanese would be able to pass the test, and of these very few would wish to emigrate. This result, he added, would even more certainly be obtained with regard to other Asiatic countries where general education is less advanced than in Japan, and frauds could be prevented by more or less frequent changes in the certificate.

These representations deserve the careful consideration of your Government. As I pointed out at the conference with the Premiers, the provisions of the Natal Act would exclude all undesirable persons, without casting a slur on any race or colour.

If the state of feeling in the colonies precludes the possibility of adopting a measure similar to the Natal Act, I would earnestly request your Ministers to consider whether, so far as British-Indian subjects and Japanese are concerned, the exclusion desired, might not be obtained by a general test such as is provided by that Act.

The reason why I call the attention of the Senate to the contents of that despatch is that, at the conference of Premiers, Mr. Chamberlain apparently dealt only with the objections to the legislation of 1896 on the ground of the offensive words applied to portions of the Indian Empire. This despatch, however, sets out very fully the objection that the language used in that legislation was offensive to a friendly power, and a power whose friendliness is likely to become still more a matter of importance to the British Empire in years to come. I have quoted this despatch at length on the ground that it shows beyond all question that, so far as Japan is concerned, she will be quite satisfied with the adoption of the provisions of the Natal Act. In reference to the Bill mentioned in that despatch, the following cablegram was despatched by Mr. Chamberlain to the Governor of South Australia a month later - namely, on the 20th November, 1897 -

Inform Ministers that Her Majesty's Government will not be able to advise Her Majesty to assent to Reserved Bill, but if legislation on line of Natal Act is passed, you may assent at once without referring home.

So far the position seems to be clearly established by the history of this measure that, while provisions such as those contemplated by the amendment would not be likely to be assented to by Her Majesty's Government - on grounds which have been indicated - a measure for carrying out the same object in the form provided by this Bill would be assented to, and would not be objectionable either to the British Government or to the friendly power to whose objections reference is made in Mr. Chamberlain's despatch. The next step in the history of the matter was that in all the Australian States, with the exception of Queensland, Bills were passed on the lines of the Natal Act. Queensland did not introduce a Bill because, for reasons which I shall explain by-and-by, her attitude in regard to this matter had been somewhat different from the attitude of the rest of Australia.

Senator Higgs

- The attitude of the Queensland Government.

Senator O'CONNOR

- That was the attitude of Queensland. Of course, the Government of Queensland represented the people of Queensland.

Senator Higgs

- No.

Senator O'CONNOR

- I am not going into that question. People looking at the matter from outside assume that the Government represents the people for the time being, and that was the action of the Queensland people through their Government at that time. An Act was passed by Western Australia in, I think, exactly the same form as is proposed here. In New South Wales, Tasmania, and New Zealand Acts were passed on similar lines. The Western Australian Act was passed in 1897, the New South Wales and Tasmanian Acts in 1898, and the New Zealand Act in 1899. In Victoria a Bill on similar lines was introduced, and passed the Assembly twice ; but was on each occasion rejected by the Legislative Council in the Chamber in which we now sit. In South Australia a Bill on similar lines was introduced, but was not proceeded with because, I think, of the defeat of the Government. The Bill was brought in by my right honorable colleague, Mr. Kingston, in carrying out the views which had been practically agreed to at the Premiers' Conference.

Senator Best

- The ostensible reason for the rejection of the Bill in Victoria was that federation was close at hand.

Senator O'CONNOR

- As an incident in the historical view of the matter, the fact that the Bill was introduced in the different Parliaments to which I have referred, speaks strongly as to the view taken at the time by the Premiers of the necessity of carrying out this object in such a way as not only to defend the interests of Australia, but also to avoid embarrassment to the Empire, or offence to any Power friendly to the Empire. There is a slight difference between the Acts adopted in Western Australia, New South Wales, Tasmania, and New Zealand, and the Bill which we have introduced, to which it is worth while to call attention. The Western Australia Act provides for the writing out in the presence of an officer, in the characters of any language of Europe, of a passage in English of 50 words in length, taken by such officer from any British author. Honorable senators will see that there was a limitation that the passage must be taken from a British author, and there is no limitation of any kind in that respect in the measure we have introduced here. In the Acts passed in New South Wales, Natal, and Tasmania the test was the writing out of an application in the form of a schedule attached to the Act.

Senator Sir JOHN DOWNER

- In what language ?

Senator O'CONNOR

- In a European language.

Senator Sir John Downer

- Who was the selector - the applicant or the officer ?

Senator O'CONNOR

- The selection of the language was left apparently to the applicant. In New Zealand also the test was an application in the form of a schedule to the Act. Honorable senators will see the loop-hole which is quite obviously left in any legislation of that land. If we have a set form in a schedule to the Act, and make the only test the writing of an application in that form in some European language, we make it perfectly easy for any person who wishes to prepare for the test to pass it, though he may have absolutely no knowledge whatever of the language used. He may learn, for the purpose of passing the test, just enough of a language to enable him to write out the application set forth in the schedule. That is an objection to many of these Acts to which I call attention, with a view of showing that in the Bill we propose now that loop-hole is closed up, because under this Bill it is absolutely in the discretion of the officer to select any 50 words he likes from any European language. If he has any reason to suppose that the applicant has been getting up any particular form of words, he has an opportunity of testing him there and then in any passage of 50 words that may come into his mind.

Mr CHARLESTON

- He may make the provision prohibitive.

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Senator O'CONNOR

- He may. As I pointed out before, the provision is elastic to such an extent, that nobody but persons of

the very highest attainments might be allowed to come in under it, while, on the other hand, it might be exercised in such a way that persons practically having no education at all might be allowed to come in under it. In dealing with a question I surrounded by so many difficulties, the necessity not only of restricting the immigration of these people, but of doing it in such a way as to avoid offence to friendly Powers, and to other portions of the British Empire, is the justification for the form which the Bill takes. It practically puts it into the hands of the Government of the day, through their officer, to exclude just those aliens whom they wish to exclude, with the power of Parliament and of the public opinion of Australia behind them. There is no other way in which we can effectively carry out all the purposes which have to be served by this legislation, and at the same time do our duty to the Empire. The legislation to which I have referred having been passed in three of the federated States, the next question which properly arises is as to how it has worked. Has it been successful ? It is very difficult to give the exact figures, because before the passing of the Acts, no statistics were kept in regard to any of these people but the Chinese. Figures were kept in connexion with the operation of the Chinese Restriction Acts, and in all the States the working of those Acts was exceedingly successful. That is to say, the number that came in was exceedingly small, and the number who went away, very large indeed, with the result that there was a striking diminution in the number of those people in Australia. In regard to all other aliens, as there was no law excluding them, no figures were kept. Since the passing of those Acts, statistics have been kept in almost all the States, and the figures from New South Wales are very striking, as showing the way in which the Act has operated there. In New South Wales the figures are divided into two sets. First of all statistics of immigration into New South Wales from parts beyond the sea, and during two years and nearly eight months, in which these statistics were kept - from somewhere in December, 1898, until July of this year - there were admitted into New South Wales under the Act, 51 male adult coloured aliens, some twelve women and three children. The report from the officer in charge of that branch of administration in New South Wales is that the Act has been absolutely successful, and that the admissions of coloured aliens have been very few. The officer is the Collector of Customs there, and he says -

Practically there is no influx of Asiatic or coloured passengers into this State from overseas.

The arrivals shown on the accompanying returns were principally from Inter-State ports ; only 51 men, twelve women and three children, having been admitted from foreign places during the two years and eight months the Act has been in force.

Considering the population of New South Wales and the arrivals from overseas of other immigrants, that report is very striking evidence of the effectiveness of the Act.

Senator Higgs

- The Customs officer does not know how many came in at the back door over the border.

Senator O'CONNOR

- I am not dealing with that. The honorable senator will see at once that that involves the other question of how the difficulty was met by the other States of Australia. I am dealing now with the way in which the Act was managed by New South Wales, because it is analogous to the position that will be occupied by every port in the Commonwealth under this Bill. There will be officers stationed at every port in the Commonwealth to administer this Bill as the Act is being administered in New South Wales.

Mr Pearce

- Can the honorable and learned senator give us the Western Australian figures ?

Senator O'CONNOR

- There is a difficulty about the Western Australian figures because of arrangements made there to enable persons employed on the pearling ships to come in under certain regulations, and the statistics are kept in such a way that it is difficult to separate these aliens from others. I am dealing with the case of New South Wales because the figures there are perfectly simple, and the Act relating to the restriction of aliens is administered in the way in which this Bill, if it becomes law, will be administered by officers stationed at all the seaports of the Commonwealth. With regard to the rest of Australia, some light is thrown upon the influx of coloured aliens by the figures supplied in New South Wales, because an account was kept, not only of coloured aliens who sought entrance into New South Wales to settle there, but also of those who passed through New South Wales, and left New South Wales ports en route for other places in Australia.

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Senator Millen

- Do the figures which have been quoted include coloured British subjects, who came in as it were outside the New South Wales Act?

Senator O'CONNOR

- These figures include all the coloured immigrants who came in under the Act, whether under exemptions or not.

Senator Millen

- Forty came in in one batch, and there was a lawsuit over it. They were British subjects.

Senator O'CONNOR

- To what date is the honorable and learned senator referring ?

Senator Millen

- I am not clear about the date, but it was since the Act was passed.

Senator O'CONNOR

- Surely it is improbable that such a number as that would not be recorded. These figures have been very carefully taken by a competent officer. I was referring to the light which the statistics kept in New South Wales throw on immigration into other States. In that period of two years and eight months, during which 51 male coloured aliens were admitted into New South Wales, the total number passing through that State en route to other States was 2,042, including 1,112 Japanese, 508 Indians, 204 South Sea Islanders, 18 Assyrians, and 75 others. It is clear that it was very little use for New South Wales, Western Australia, or Tasmania to have such a law, if in Queensland, Victoria, and South Australia there was no law to prohibit the introduction of these aliens.

Senator Charleston

- Not in Queensland ? I thought they had a treaty with Japan.

Senator O'CONNOR

- I shall deal with the case of Queensland separately in a moment, but there was no law dealing with the introduction of coloured aliens - of course apart from Chinese, who stand on a different footing - in Victoria, South Australia, or Queensland.

Senator Glassey

- Where do most of the people go who pass through New South Wales?

Senator O'CONNOR

- To Queensland. The significance that is to be deduced from the figures I have quoted is, that where the Act is administered as it has been in New South Wales, the number of coloured aliens who come in is comparatively trifling. It also shows that where no such Act exists it is impossible to restrict or restrain, or even to form any idea of the amount of immigration of coloured people that must go on, and that if in any State this immigration goes on without restriction, the effect is felt through every State. It is useless for any State to attempt to restrict this immigration unless the restriction obtains in every State. The object of this Bill is to make uniform throughout Australia the law which has been successfully in force in three States. The case of Queensland deserves special attention. It has adopted the policy of allowing the influx of Pacific Islanders under certain legislation, and in regard to Japanese, it has adopted, in certain respects, the terms of a treaty between Japan and Great Britain. In regard to other aliens besides Japanese, Queensland has no law dealing with their restriction. There is absolutely nothing in the position of Queensland and Japan to prevent this legislation. Queensland was the only colony which gave its adherence to the treaty negotiated in 1896 and 1897 between Great Britain and Japan. One clause provided that any colony of Great Britain might, if it thought fit, give its adhesion to the treaty on such terms as might be arranged, and Queensland, by a protocol, which was signed between Great Britain and Japan on the 16th March, 1897, took advantage of the treaty. But in that protocol there was a special provision that laws, ordinances, and regulations regarding trade, immigration of labourers and artisans, police, and public security, were excepted. It left both Japan on the one hand and Queensland on the other perfectly free to make such laws and ordinances as it thought fit in regard to those matters.

Senator Higgs

- Was there not a provision that the Japanese should be placed on the same footing as the most favoured nation ?

Senator O'CONNOR

- Probably there would be as regards trade, but that has nothing to do with the social position of the Japanese, and would have no effect in regard to what I am pointing out, and that is that if Queensland had to deal with this question to-day there is nothing in its relations with Japan which would prevent the passing of a law absolutely restricting the immigration of labourers and artisans into that State. Besides that there is no arrangement of any kind between Queensland and the Japanese, but a method of working, a modus vivendi as it were, was arrived at between the two Governments shortly after the signing of the treaty to this effect, that no artisan or labourer from Japan was permitted to enter Queensland, except under a passport from the Japanese Government, and that Government undertook to issue no passport for that purpose unless Queensland had, first of all, authorized its issue. So that Queensland kept in her own hands the regulation of the admission of Japanese labourers and artisans, and with regard to the Japanese, who did not come within that class, apparently very few of them were admitted, and those few were admitted only under a passport.

Senator Charleston

- Could a Queenslander go into Japan except on the same conditions ?

Senator O'CONNOR

- I do not know, and we have nothing to do with that.

Senator Higgs

- He had the same right.

Senator O'CONNOR

- I should think that he would have the same right, but I do not wish to wander away from the point. Is there anything in the relations between Japan and Queensland which would prevent this Parliament from passing this legislation ? I frankly admit that although I feel strongly that this is a measure which ought to be introduced at once, yet I think equally strongly it is the duty of the Commonwealth to regard with the most scrupulous care the honour of any State which had entered into an obligation before federation was effected. If Queensland had entered into any obligation which it would have been in honour bound to observe, then the Commonwealth would be equally in honour bound to observe it. But there is no reason why Queensland should not have passed this legislation, and there is no reason why the Commonwealth should not pass it, and the treaty which exists in regard to other matters expressly permits legislation of this kind. In addition to that, if there is any difficulty in regard to persons other than artisans or labourers there is power to denounce the treaty after twelve months' notice in writing. After twelve months' notice, given by the Commonwealth or by Queensland, whichever might be the proper authority to do so, the treaty would come to an end. That completes a statement of the condition of things in Australia, and it does seem to me that we should deal with this matter, not in a spirit of hostility to any class of aliens, but as a measure of high importance to Australia. We should deal with it from the point of view of Australia, and take care that it is protected, but at the same time not lose sight of the fact that we are a part of the British Empire, and that its interests should be conserved so far as they can be conserved, consistently with justice and right and effective dealing with Australian interests. It is because that can be done - and that has been done under the legislation which exists - we feel that we are on safe ground when we ask that the Commonwealth Parliament shall extend to the whole of Australia the legislation which has operated effectively, so far as Australia is concerned, in the restriction of alien immigration, and which has been satisfactory both to Great Britain and to the friendly power, on whose behalf she made representations to us in 1896 and 1897. The next matter to which I think it right to call the attention of the Senate, is a communication which repeats and emphasises the position of Great Britain, India, and Japan, in regard to a measure which was passed by the Queensland Legislature in 1900, to amend the Sugar Works Guarantee Acts of from 1893 to 1900. One clause of the Bill provided that; -
No aboriginal native of Asia, Africa, or the Pacific Islands shall be employed by any company to which any advance has been or may hereafter be made, under the provisions of the Sugar Works Guarantee Acts 1893 to 1900, in or about any sugar mill or permanent tramway owned or worked by the company.
I have read these words because they are practically identical with the amendment of which notice has been given by Senator McGregor ; that is putting plainly on the face of the measure a prohibition on the ground of race and colour. The Queensland Bill was reserved, but the Royal assent was not given for the

reasons which are set out in a despatch by Mr. Chamberlain, dated 14th May, 1900. I need not read it all, but after referring to the nature of the Bill and to the clause which I have read, Mr. Chamberlain goes on to say-

Senator Higgs

- I should like to hear it all read.

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Senator O'CONNOR

- I will read that portion which I think really material, and the honorable senator can read the rest of the despatch himself -

His Majesty's Government fully appreciate the motives which have induced the Government and Legislature of Queensland to pass that particular provision of the Bill now under consideration, but they feel, nevertheless, bound to take objection to that provision on two grounds. In the first place it embodies a disqualification based on place of origin - i. e. , practically a distinction of race and colour. Any attempt to impose disqualifications on the base of such distinctions, besides being offensive to a friendly power, is contrary to the general conceptions of equality which have been the guiding principle of British rule throughout the Empire. Disqualification by educational tests such as are embodied in the immigration laws of various colonies -

That is, those measures in force in the various colonies I have referred to - is not a measure to which the Government of Japan or any other Government can take exception in behalf of its subjects ; and if the particular tests in these laws are not regarded as sufficiently stringent, there is no reason why more stringent and effective ones of a similar character should not be adopted. But the disqualification for certain employments on the sole ground of place of origin is a measure to which any Government concerned may reasonably object ; and in the present Bill the aboriginal natives of two continents, and of the Pacific Islands, are disqualified solely on that ground. In the second place, besides being contrary to the general policy on which the British Empire is based, the Bill is objectionable as embodying a provision which is peculiarly offensive to Japan, a power with which His Majesty's Government is, and earnestly desires to remain, on friendly terms. It not only excludes Japanese from certain employment ; but in excluding them it places them in the general category of Asiatic races, without any consideration being paid to their state of civilization - a proceeding which is not agreeable to the Japanese Government, as the consul at Townsville stilled in his letter of the 7th J November, 1899, to the Chief Secretary. I may further point out, with regard to the position of the Japanese in particular, that there is no danger that labourers of that race will swamp white labour in Queensland, owing to the arrangement as to immigration, which I presume now to be in force, communicated to me by Sir S. Griffith's despatch, No. 100, of the 11th October last. I earnestly trust that your Government will give the arguments set forth above their most careful consideration, and that they will either agree to leaving in abeyance the present Bill, or substitute for it another not containing a provision to which His Majesty's Government feel bound to take exception, on grounds both of principle and policy.

There, again, we have a statement that the provisions which are already contained in the Acts in force in various States of Australia, and which are the provisions of this Bill, are not objectionable to the British Government, and are not offensive to the friendly power which had been objecting ; that any legislation on these lines, if those tests are not sufficiently stringent, may be adopted ; and that precautions may be still further extended as long as they are extended on those lines. This puts the matter upon the basis upon which I put it previously, that every State has a right to say what shall be the standard of education of those who wish to become members of its community, and has the power to adopt any enactment which follows those lines.

Senator Higgs

- Are not the Japanese taking exception to the test proposed by this Bill?

Senator O'CONNOR

- I do not know what that remark refers to.

Senator Higgs

- Has not the Japanese consul objected to the educational test ?

Senator O'CONNOR

- The Japanese consul has taken objection in certain letters, to which I do not intend to refer ; but I may

say at once that what we rely upon is the understanding which had evidently been arrived at between Great Britain and the Japanese Government at a time when those other Acts were in force". Those Acts have now been in actual operation for two years without objection either from Japan or Great Britain. AVE think that we are perfectly safe in following legislation which has previously been adopted, and which has been in force during that time. But we cannot give effect to every objection that may be taken by a Japanese consul, or any other official of Japan. We have to do what is reasonable ; and we think we are acting reasonably when we conform to the views of the Japanese Government deliberately expressed at the time these matters were previously under consideration. In view of the fact that these Acts have been in operation without objection, I think we have gone quite as far as is reasonable in the direction of concessions to the feelings of any friendly power.

Senator Clemons

- But this Bill does not exactly follow the Natal Act, to which the Japanese Government offered no objection.

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Senator O'CONNOR

- We have followed the general lines of legislation laid down in the four Acts which have been in force in Australasia. We have to do what is fair and reasonable, and we think that it is fair and reasonable to follow those provisions in a general way, and to follow the spirit of the Act of Natal. I do not care whether this Bill follows the Natal Act in the exact letter or not. We, at any rate, are quite satisfied that the British Government themselves consider that this measure would cause no embarrassment to them and no offence to the Japanese Government. We feel quite satisfied that we are doing everything 20 x that is necessary and reasonable in considering the interests of the Empire and in giving heed to the susceptibilities of a friendly power in following the lines which are pointed out in the despatch of the 14th May last. In reference to that particular despatch, I should like to refer to a matter which has been the subject of discussion in another place. it was assumed there - no doubt for purposes of party warfare - that in some way or another the Prime Minister had accepted the dictation of Mr. Chamberlain in his despatch accompanying the despatch which I have just read ; and that that was the reason for the introduction of legislation in the form which has been adopted. I wish to say, in reference to that criticism, that the despatch to the Governor of Queensland which I have read was enclosed in a despatch to the Governor-General of Australia by Mr. Chamberlain, on the 14th May. That covering despatch was in the following terms : -

I have the honour to forward, for the information of your Excellency's Government, copies of two despatches which I have addressed to the Governor of Queensland relative to the reserved . Bill of the Legislature of that State entitled - -"A Bill to Amend the Sugar Works Guarantee Acts 1893 to 1895." I trust that your Government will join with His Majesty's Government in deprecating legislation of the character of the provision in that Bill, to which His Majesty's Government have felt bound to take exception.-

That was sent to the Prime Minister by the Governor-General on the 20th June, 1901. On the 24th June, Mr. Barton wrote this minute : -

Minute to His Excellency intimating that I am quite in accord with the principles and the policy laid down in the two despatches of which copies are transmitted, and that this Government does not contemplate the proposal of any legislation likely to conflict with the views which the Secretary of State has expressed. As a matter of fact, at that time this Bill had been drafted. That fact has been referred to by Mr. Barton, and his statement is further borne out by the report of a deputation received by the Prime Minister on the 31st May - that is, some three weeks before. On that date, Mr. Barton received a deputation of representatives of the northern parts of New South Wales respecting the interests of the sugar industry there. He told those gentlemen that a Bill dealing with alien immigration, as well as a Bill dealing with kanaka labour, was being drafted. I do not know whether any such use will be made in this House of the despatch from Mr. Chamberlain as was made of it in another place; but these dates speak for themselves, and I should hope that in a House such as I am addressing at the present time no such clap-trap as that could be used with any effect. The reason for this legislation is apparent on the face of it. This is the only line of legislation of this character which will enable the Commonwealth to do its duty thoroughly - to do its duty to Australia in regard to protecting it from this alien immigration of an

objectionable character, and at the same time to do its duty in regard to our relations with the Empire, which the Government feel certain every Australian wishes to be preserved. We have to work out our destiny under conditions that are always changing, under conditions which some day may possibly put the interests of Australia and those of the Empire in adverse contrast. That time has not yet arrived, and we hope that it will be long before it does arrive. We are members of the Empire, and we take all the credit, advantage, and pride of that connexion. At the same time, that position has obligations which we cannot disregard. We are bound to pay respect to the position which the British Government take up in this matter, and if we can effect the same object as regards the protection of Australia from alien immigration by following out a course which has already the approval of Great Britain, which gives her no embarrassment, and which, causes no offence to a friendly power, I say that we should do so, rather than take another course which we know, from what has previously happened, will be regarded as offensive by a friendly power, and will embarrass Great Britain. And for what purpose should we take that course ?

Senator Stewart

- What about Canada and the Japanese 1

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Senator O'CONNOR

- No doubt the honorable senator refers to the case of British Columbia. I know no more about that case than does any other honorable senator who has read the newspapers, but it appears to me that the significance of what took place depends altogether on the wording of the measure which was reserved for His Majesty's assent. We do not know what that wording was. It may have followed the provisions of the Act of 1896, or it may not. However, I have not regarded that as a matter of any importance, because it seems to me that there is quite sufficient material before the Senate to enable us to decide the course which any legislation such as is involved in the amendment is likely to lead to. I have put before the Senate at some length - but I hope not at unnecessary length - all these facts and considerations, because it appears to me that we are now about to take an exceedingly important step. We are about to exercise a very important power, and I hope that that power will be exercised with due regard to our obligations from every point of view. We have obligations to Australia which must be discharged. If I thought for one moment that we should not be discharging those obligations by the adoption of this educational test, I should be the last to ask the Senate to consent to it. But it has been proved by experience, and it is evident on the face of these proposals themselves, that they are and must be effective for keeping out of Australia all those aliens whose entrance into the Commonwealth is likely to be objectionable. In addition to that, if we follow the lines which have been laid down already with the consent of the British Government, and without objection on the part of any friendly power, we shall be carrying out effectively what we wish to accomplish, and at the same time we shall be preventing that embarrassment to the Empire which it is certainly our duty to avoid. Why, if Great Britain were only an ally - a friendly power - if we were absolutely independent, working out our own destiny in our own way, would we disregard the appeal which has been made to us not to embarrass the British Empire ? If Japan were a friendly power, and we were an independent State working out our own destiny in the far East, as Great Britain is doing now, would we refuse to listen to the suggestion that if we can effect our object in a way that is inoffensive to that power, we should do so? In either instance, setting aside the question of the Empire altogether, regarding Japan only as a friendly power, regarding Great Britain - with her millions of Indian subjects whose susceptibilities have to be considered - only as a friendly power, I say at once that it would be a mere reckless and wanton abuse of the powers which we possess to safeguard our own community if we exercised them in such a way as to be needlessly and unnecessarily offensive. How much more then should we regard this request in dealing with Great Britain, which may be placed in a position in which the friendship of Japan will be a matter of the utmost moment to the whole Empire. The issues of conflict in the far East affect us, not only as members of the Empire ; they affect us directly, and will affect us in the future perhaps still more directly. Are we to exercise our powers now as a free people ? We are practically an independent people, because the tie which binds us to the mother country is really a nominal tie. It rests upon affection, common interests, and community of sympathy and race, and if at any moment any of these factors were to disappear, there could be no doubt that Great Britain herself would be just as glad to let us go our own way as we should be to pursue that way. She would place no obstacle in the path. But, standing in the relation which we occupy to Great Britain, it is our duty

now to exercise our powers in a way that will give to Australia what she wants, but which will not, at the same time, needlessly offend any power friendly to Australia, nor embarrass the Empire of which we form a part, and of whose history and career we are all so proud.

SenatorPULSFORD (New South Wales). - I rise to deal with this matter with a great sense of responsibility.

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Senator Pearce

- Newly assumed.

SenatorPULSFORD.- No. The attitude which I take up this afternoon is that which I have taken up in regard to this question ever since it has been before the people of Australia, or, at all events, since 1888, when Sir Henry Parkes introduced his Chinese Exclusion Bill in the New South Wales Parliament. I then raised some objections through the press to the course taken by Sir Henry Parkes. I did not then, nor have I since argued in favour of the free admission of all races into Australia. I know full well that such a course is not desirable, and that it would be fraught with evil to the white races, and to the coloured races themselves. Therefore while I have objected to the course which has been pursued legislatively in this direction it has not been because I desire to make Australia the home of races which could not properly mingle together. In 1897 when the New South Wales Parliament passed their Immigration Restriction Bill I placed the following protest upon the protest book of the Legislative Council : -

Protest. - Immigration Restriction Bill. -

The following protest was lodged with the clerk and signed before the rising of the House this day. . . .

Because, if carried into law, the Bill will operate in an offensive, arbitrary, and underhand way.

Because, so far as the bulk of Asiatics are concerned, the object of the Bill could be readily obtained by open and friendly negotiation through Her Majesty's Government.

Because, though intended as a means to exclude coloured races only, it could be used at any moment for the exclusion of European, of American, of British, and even of Australian people, who could not successfully-pass the test.

Because the test is not, and cannot be clearly defined, and even a fine scholar may be rejected for .a slight inaccuracy.

Because it ignores Imperial interests.

Because it ought to be dealt with by a Federal Parliament.

Edward Pulsford.

Legislative Council Chamber, Sydney, 7th July, 1898.

I have read that protest in order that I may show the Senate, many of whose members are necessarily not conversant with the view I have taken on this matter in the past, that I have considered the question very seriously, and that I have from first to last dealt with it in a spirit of earnestness. During the federal campaign the gentleman who is now Prime Minister of Australia reproved on one occasion certain opponents of federation for what he described as " scuffling on the steps of the temple." The phrase was one that attracted some attention. It seemed to indicate that when federation arrived matters would be dealt with in a way that would be creditable to a new country, and that would be for the welfare of all the world. I suppose we must now consider ourselves to be in the temple of federation and, surely, therefore, we may look for Bills to be inspired by the highest and noblest of motives,, and drawn so that they will be free from offence to the hundreds of millions of our fellow subjects who inhabit India, and the hundreds of millions of subjects of friendly nations. It is because I feel, that the Bill which is now proposed for our acceptance does not meet in this respect the necessities of the times that I move the following amendment : -

That all the words after "That," line 1, be omitted, with a view to insert in lieu thereof the following -

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

I cannot at this juncture of our career forget the history of Asia. I cannot forget that in bygone centuries our ancestors in Great Britain were naked savages, and that the history of the empires of Japan and China runs back some 3,000 years.

Senator Higgs

- Hear, hear ; so does that of lions and tigers.

Senator PULSFORD

- I am very glad to hear that interjection, because it shows at once the class of opposition that I have to meet.

Senator Higgs

- I was only showing how logical the honorable senator was.

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Senator PULSFORD

- It stamps at once the class of some would-be Australian wisdom. I cannot forget that the coloured people of the world number something like 1,000,000,000 out of a total of 1,500,000,000. I cannot forget that Asia is a country containing not only a vast population, but the means of providing them with food, and containing a civilization of its own of a very remarkable and lasting nature. Therefore, in view of the difficulties with which we are met to-day, I say that it becomes us to carefully weigh every factor. It is necessary for us to remember that for century after century China and Japan asked nothing from the rest of the world save that they should be left alone. They were not anxious to be interfered with by the white races. But by force of arms, at the mouth of our cannon, and with the swords of our soldiers, the white races forced an entrance to their countries, and wrung from reluctant peoples rights of trade and residence. Now it seems that those principles, to which we objected when exhibited by the inhabitants of China and Japan, are to be adopted largely by us, and that we expect those nations to quietly acquiesce in their adoption. Senator O'Connor has referred to the position of Japan, and I shall have to do likewise. The Senate may remember that last week I inquired whether the Government would lay upon the table of the House any correspondence that had taken place between the Government and the Japanese Consul. The answer was that the correspondence, so far as it was not confidential, would be laid upon the table.

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Senator O'Connor

- The question related to the other correspondence besides that which the honorable senator mentions. It related to the correspondence between the British Government and the Commonwealth Government, and also between the Japanese Government and the Japanese Consul.

Senator PULSFORD. - Yes. Correspondence with the British Government likewise. I will refer in the first place to some papers that were laid on the table on 12th July last. They show that on the 3rd of May the following letter from Mr. Eitaki, Consul for Japan at Sydney, was written to the Commonwealth Government : -

Sir, -

I have the honour to address you on the subject of alien restriction, especially in view of proposals for legislation intended to be brought before the Parliament of the Commonwealth of Australia. The friendship that exists between the Empires of Great Britain and Japan leads me to suppose that your Government would not willingly take steps calculated to wound the feelings of the people whom it is my privilege to represent.

The Japanese belong to an Empire whose standard of civilization is so much higher than that of kanakas, negroes, Pacific Islanders, Indians, or other Eastern peoples, that to refer to them in the same terms cannot but be regarded in the light of a reproach, which is hardly warranted by the fact of the shade of the national complexion.

My Government recognises distinctly the right of the Government of Australia to limit in any way it thinks fit the number of those persons who may be allowed to land and settle in Australia, and also to draw distinction between persons who may or may not be admitted. Corresponding rights belong to the Empire of Japan.

As Japan is under no necessity to find outlet for her population, my Government would readily consent to any arrangement by which all that Australia seeks, so far as the Japanese are concerned, would be at once conceded.

Now, this is the point which I wish to impress strongly upon the Senate : The Japanese are ready and have been ready for years to make treaty arrangements by which everything that Australia can want may be at once conceded. The letter continues -

Might I suggest, therefore, that your Government formulate some proposal which, being accepted by my Government, would allow of the people of Japan being excluded from the operation of any Act which directly or indirectly imposed a tax on immigrants on the ground of colour ?

I have the honour also to remind you that the import and export trade between Japan and the Australian Commonwealth has already assumed important dimensions and is rapidly growing, as a reference to statistics will prove. And the Japanese Government has subsidized the line of steamers which run between Japan, Hong Kong, Manilla, and the Australian ports.

I append to this letter extracts from letters written to the Government of New South Wales, which may make the position as regards the Japanese clearer.

He then gives the following two extracts from a letter addressed on the 24th November, 1897, to the Right Honorable G. H. Reid by Mr. Nakagawa, who was then Japanese Consul : -

Permit me to say that, so far as Japan is concerned, New South Wales has no reason to fear alien immigration. The Japanese Government does not wish to lose any of its subjects, and, so far as the people themselves are concerned, they are under no necessity to emigrate, as may be judged from the fact that wages have nearly doubled within the last three years, consequent upon the marked development that has taken place in many industrial pursuits.

Then on the 16th May, 1899, Mr. H. Eitaki, who had succeeded Mr. Nakagawa as consul for Japan, wrote to the Right Honorable G. H. Reid, and from that letter the following extract is given : -

My Government, I am sure, will be quite ready at any moment to give any assurance, or to enter into any suitable arrangements for controlling immigration to New South Wales, and they do not wish it to be believed for a moment that they have any thought or wish to promote Japanese immigration to your shores or elsewhere.

Surely those are distinct assurances from the Japanese consuls that Japan is prepared at any time to enter into suitable arrangements which will give to Australia all that Australia wants so far as Japan is concerned. I shall read some further extracts from the letter written in November, 1897, to the Right Honorable G. H. Reid by Mr. Nakagawa -

Although I am without instructions on the point I do not hesitate to say that the Government of Japan will be quite prepared at any time to make an arrangement by treaty or otherwise that will practically secure for New South Wales, so far as Japan is concerned, all that the proposed legislation can secure. I may draw your attention to the fact that Japan has shown in several ways a desire to promote the most friendly relations with Australia. That you may judge how far New South Wales is benefiting already, and is likely to benefit in the future, I put before you the following particulars : - 1. Japan has wholly removed the duty on wool. 2. A subsidy of £70,000 a year is being paid to secure regular steamer communication with

Australia. 3. The Nippon Yusen Kaisha, the company running the mail steamers, owns 70 steamers, and is now building eighteen new ones, six of the latter, each from 3,000 to 4,000 tons, being intended for the Australian mail trade. 4. The steamers of the mail line are docked and repaired in Sydney, and coals, stores, &c., are purchased here. The one company, the Nippon Yusen Kaisha, are even now spending in Sydney at least £25,000 per annum. Japan is already taking fair lines of New South Wales wool tallow, timber, lead, &c. In conclusion, I desire to express my most earnest hope that nothing will be allowed to occur calculated to check the development of the commercial intercourse of the two countries, and to destroy the friendly feeling that now exists in Japan towards New South Wales.

Then I have copies of some correspondence which has passed at a later date than that referred to by Senator O'Connor. On the 11th September in this year, the Japanese Consul wrote as follows to Mr. Barton : -

Sir, -

I have the honour to address you again on the subject of the Immigration Restriction Bill now before the House of Representatives. I should like you to understand dearly that my object in writing now is to try to remove some of the difficulties which a misunderstanding as to the attitude of the Japanese nation may have created. An impression appears to exist in some quarters and to find voice in certain sections of the

Australian press, that Australia is in danger of an influx of Japanese immigrants. I have already endeavoured to show that this impression is altogether erroneous, and in support of this position I have been requested by the Minister for Foreign Affairs in Tokyo to bring under your notice some clauses of the Japanese Act passed in 1890, and amended this year, 1901, for the regulation and control of emigration and the protection of Japanese emigrants. Under this Act it is provided that no Japanese may go abroad without first applying to the Government in writing for permission to do so, and his application must be accompanied by a guarantee, signed by two or more responsible sureties for the good conduct of the emigrant while abroad. On the receipt of such an application, the Government may grant a pass-port, provided that it is satisfied as to the character of the applicant, the position of the sureties, and also that there is no danger of the emigrant's presence being in any way offensive to the people of the country whither he intends to go.

Could any country offer to make arrangements in a more conciliatory or satisfactory manner I need not read the next two or three clauses of the letter, but in referring to the Bui, the Japanese Consul goes on to say -

In this connexion I would respectfully ask you to refer to the extract from my letter to the Right Honorable G. H. Reid, of 16th May, 1899, which I enclosed in my letter of 3rd May last.

The extract reads as follows : -

My Government, I am sure, will be quite ready at any moment to give any assurance, or to enter into any suitable arrangements, for controlling immigration to Australia.

There, again, the statement is emphatically put forward that Japan is ready to make arrangements - You will see, therefore, that should the Commonwealth Parliament desire any further limitation of the immigration of Japanese to Australia the means are at hand to accomplish that with a maximum of satisfaction to all parties concerned, and at the same time with an avoidance of the friction and irritation which might be caused by the passage of an Act framed under a misapprehension as to its necessity. Again, on the 16th September, Consul Eitaki writes as follows to Mr. Barton : -

Sir, -

I trust you will pardon me for addressing you so soon again on the subject of the Immigration Restriction Bill now under consideration by the Federal Parliament. But I am sure you will admit that the importance of the issues involved, not only to the Australian Commonwealth, but also to Great Britain and Japan is great enough to constitute a sufficient reason for my action. Since I wrote to you last I have received a copy of the proposed amendments upon the original draft Bill, and in that portion of the debate which took place on the 12th inst., as reported in the Sydney press of the 13th, some observations were made by several speakers referring so directly to the Japanese as to compel me to take official notice of them.

The PRESIDENT

- The honorable senator will not be in order in reading extracts commenting on debates in the other House of the Legislature, of this session at all events.

Senator PULSFORD

-Not in an official letter from the Consul of Japan 1

The PRESIDENT

- No.

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Senator PULSFORD

- There is some reference in this letter to education in Japan, and the Consul says- - -

In Japanese schools and other educational establishments the most approved European methods are adopted, and the most important works on science, literature, art, politics, law, &c., which are published in Europe from time to time, are translated into Japanese for the use of students. Thus a Japanese, without being acquainted with any other language than his own, is frequently up to a very high educational standard in the most advanced branches of study by means of a liberal use of these translations. I cannot imagine any sufficient reason why the Japanese language should not be regarded as upon the same footing with, say, the Turkish, the Russian, the Greek, the Polish, the Norwegian, the Austrian, or the Portuguese, or why, if an immigrant of any of the nationalities I have mentioned may be examined in his own language, the same courtesy should not be extended to a Japanese. But if, in spite of all the representations that have been made upon this subject, and the alternative suggested, it should

become clear that the Australian Commonwealth Parliament has decided to frame an important Act, specially directing its operation against a friendly nation and without sufficient justification for so doing by any existing circumstances, it will become a necessity for my Government to make the strongest possible protest in the proper quarter.

The Senate will therefore observe that there is a very considerable difference in the view entertained by Japan as submitted by Senator O'Connor and as stated in this correspondence. On the 20th September the consul wrote again to Mr. Barton. But the ruling given by the President precludes me from reading the bulk of it. I must, therefore, read only the concluding words -

I have the honour to point out that the extract from the speech I have quoted above makes it clear that my requests that the Japanese might be treated in the same manner as the European nations have not been of any avail, and that the Bill is unmistakably and professedly aimed at the Japanese, upon grounds which must form the Subject of the strongest possible protests should it be passed.

On the 24th September the Prime Minister wrote to the Japanese consul as follows : -

I have the honour to acknowledge the receipt of your letters of the 11th, 16th, and 20th inst., on the subject of the effect of the Immigration Restriction Bill now before Parliament, so far as Japanese are concerned. I need scarcely say that your representations are receiving the fullest consideration of the Government.

In these few curt words the head of the Government acknowledges the receipt of three important and somewhat lengthy letters. I shall now read a copy of a letter addressed from Sydney, on 5th October, by the Consul for Japan to His Excellency the Governor-General -

I have the honour to inform your Excellency that during the discussion upon the Immigration Restriction Bill in the Federal House of Representatives, I communicated with the right honorable the Prime Minister, expressing the hope, by direction of my Government, that the Commonwealth Parliament might see its way clear to avoid legislating in such a manner as to make distinctions affecting the Japanese on the grounds of race and colour. My communications, however, were not fortunate enough to produce the desired effect ; inasmuch as the educational test decided upon is racial, pure and simple. In addition to this, the subsequent insertion of the word "European" in an amendment on the clause which provides for the imposition of penalties on masters and owners of ships emphasizes the intention of the Bill to make racial distinctions. And there has since been passed through both Houses a new clause in the Post and Telegraph Bill stipulating for "white labour only" in all Government mail contracts and agreements.

I draw the attention of the Senate to the concluding paragraph of the letter -

I have received a cable from His Imperial Japanese Majesty's Government, stating that they consider that the two Bills named, clearly make a racial discrimination, and requesting me on that account to express to your Excellency their high dissatisfaction with those measures.

In view of this communication to His Excellency the Governor-General, it is quite impossible for Senator O'Connor to succeed in persuading the Senate that the Government of Japan will view with anything like satisfaction the Bill which he asks us to pass. On the 10th October the private secretary to His Excellency acknowledges the receipt of the letter I have read, and states that it will be forwarded to the Commonwealth Government for their consideration. When we come to look at the Bill, what do we find ? Five distinct classes of people are to be excluded by paragraphs (b) to (j) of clause 4 - the pauper, the idiot, the diseased, the criminal, and the immoral, and to these are to be added the Asiatic. Is it possible for any self-respecting people to see themselves allied in a legislative measure with the criminal and the wicked in this way without feeling that they are insulted, and that they have not been treated in the way in which all civilized communities desire to be treated? Paragraph (a) of the clause was very clearly explained by Senator O'Connor. An officer of the Customs can select the person to whom the test is to be applied. He can select the European language in which he is to ask the immigrant to write out a sentence, and he can select the sentence. If any Japanese of superior attainments should present himself the case could easily be met by asking him to write out a sentence in some obscure language of Europe. The matter is to be left entirely to the discretion of an ordinary Customhouse officer. The whole of clause 4, as we can see by referring to clause 15, will be governed by regulations. The Governor-General may make regulations empowering officers to determine whether any person is a prohibited immigrant. So that clause 4, with all its sub-clauses, is to be administered by regulations which the Government are to frame, and which are to be put into force without reference to Parliament. The Act for the exclusion of Asiatics

was passed in New South Wales in the form Senator O'Connor has described Under one of the regulations, the Custom-house officers were distinctly told that they were to apply the test to only coloured people. That was so gross a breach of the Act that on my drawing attention to what had been done it was admitted that the regulation was ultra vires, and it was withdrawn, but of course the withdrawal was only in name. The Customhouse officers know very well when and how they are to apply the test. We must remember that the administration of this clause is to be governed by regulations, in the framing of which Parliament is to have no hand. If there were any doubt at all as to the persons to whom the Bill is to be applied, it is removed utterly by a proviso to clause 10, by which people of European race or descent are exempted from certain penalties which otherwise might be collected. There is no question but that the Asiatic, hundreds of millions of our fellow subjects in India--

Senator McGREGOR

- The honorable senator is very proud of his fellow subjects it appears ?

Senator PULSFORD

- I am. I look upon the whole of the inhabitants of Asia as my friends. I am perfectly willing that they should be called my friends, and I hope so long as God gives me breath that I shall have the courage to stand up for what I consider to be right for them, as I shall stand up for what I consider to be right for myself and for any other person.

Senator Higgs

- Why does not the honorable Senator go to India ?

Senator PULSFORD. - I shall go to India, and read a short extract from a book by the Brothers Younghusband, entitled, The Relief of Chitral.

There is one little incident which should be recorded and remembered, for the principle it illustrates is the secret of our rule in India. It has been said that Lieutenant Fowler was wounded. Now, awaiting him in the plain at the foot of the hillside up which he had been climbing, was his pony. A steep hill, 1,000 feet in height, had to be ascended on the way back to Reshur, and it might have been supposed that Fowler would have mounted his pony and ridden upon it. But there were also some Sepoys wounded ; and these, in Fowler's opinion, had to be looked after before himself. So he mounted a Sepoy on his pony and walked himself. It is not to be wondered at, therefore, that when the native soldiers saw their officers ready to make such sacrifices for them they should be willing to follow them anywhere and stand by them to the last, as, indeed, these very soldiers were now called upon to do.

It is only a little incident, but I have read the extract to show the spirit which animates British rule in India, so that the Senate may judge how very different is the principle which animates this Bill. I doubt very much if there exists in Australia a proper sense of the duty of sacrifice on the part of Australia as well as on the part of Great Britain. In 1899, when the British Government found itself in want of increased revenue a further duty was imposed on wines, and immediately there was an outcry from Australia that the increased duty which was entirely a revenue duty would affect the trade. A meeting of the Agents-General took place in London; the Chancellor of the Exchequer was waited upon, and representations were made so strongly that the British Government gave Now, what is being done in Australia, to-day? We have a Tariff brought in which the Treasurer claims will reduce the imports by £5,000,000.

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The PRESIDENT

- Does the honorable senator think that that has anything to do with this Bill ?

Senator PULSFORD.- Yes, sir, I think it has, in this way : I have pointed out that when Great Britain imposed some duty which affected Australia, this country protested ; but now that Australia is proposing to limit the importations of Great Britain, that country has not raised its voice, and has never attempted in the least degree to influence the opinion of the Legislature of the Commonwealth. I contend that there is on our part some lack of appreciation of our position as a part of the British Empire, and that we ought to be prepared to make some such sacrifices as Great Britain made in her concession of 1899 - a concession which, I think, was quite unnecessary, but, having been asked for by Australians, was made by Great Britain with little ado. Therefore, Great Britain has some right to look to us now to make sacrifices, if necessary, and to pause lest we legislate in a way that will cause trouble all round. There are various ways in which what is required by this Bill could be brought about. One is by direct treaty. I have

given evidence that Japan is ready, and has been ready for years, to make a treaty by which her subjects would be precluded from entering Australia. It is, I am sure, quite possible to make a similar treaty with China; and I am satisfied that arrangements could readily be made with His Majesty's Government in regard to the inhabitants of India. Another way in which this matter could be dealt with would be by giving permission to immigrants from those eastern countries to come to Australia for only a limited number of months. That would allow of the admission of those persons whom Senator O'Connor said he was willing to admit, but who have no power to come in under the Bill. It would permit to come to Australia travellers and merchants who would not require to stay longer than a few months; whilst, at the same time, it would preclude those whose only desire in coming to Australia would be to remain here as inhabitants. There are various ways in which this matter can be satisfactorily arranged if we set ourselves earnestly to work to bring it about. I believe that every member of the Senate has received a letter signed by a number of Indian residents of Victoria. That letter is worth reading. I will not take up the time of honorable senators by quoting the whole of it, but I recommend honorable senators to pay attention to what it says.

Senator Charleston

- I hope the honorable senator will read it. It will then be inserted in Hansard, where the public can read it. Senator PULSFORD. - The following is the letter : -

We, the Indian community resident in Victoria, beg respectfully to bring the facts contained in this letter under your favorable consideration. We trust that if our arguments are just and honorable, then that you will lend us your assistance in a matter which is of vital importance to our welfare.

At the start of this letter we wish to ask - "What is the difference between an Indian and any other member of the British nation?" As you are well aware, during the whole of the past century we have been members of the nation, and under British rule. We are proud to be under the wise and merciful rule of the British Government, because we know that there is no other in the world which is so good ; but we cannot understand how it is that our own Government now wish to separate us from herself, and to put us as strangers along with the outside nations of the world ; especially it is very painful for us to be put along with the Chinese, who are a defeated and dying race. Nobody knew before this what were the relations existing between the British Government and ourselves, but considered that all people under British rule (especially those who do the bulk of the fighting of the Empire) formed part of the British nation. But now it is shown to all the nations of the world that we are separated by the will of the British Government, as shown in the action of the Commonwealth Government in separating us from the nation and putting us amongst the outside peoples of the world in the Alien Immigration Bill.

We respectfully ask - "What does 'alien' mean?" If it means "outsider," we would ask - "Who has the right to call the Indian people outsiders?" We have proved ourselves to be such valuable subjects of the British Government that all the nations of the world are jealous of Britain, and are anxious to get possession of India, and have us under their rule ; especially Russia, of whom we have heard through our fathers that she wants to get us, but she cannot put her teeth on India, because the Indian people are obedient and faithful to the British Government : and we have always been proud to state that we form part of the great British nation. As has been proved no later than the present Chinese war, the Indian people are anxious to give their blood wherever the British Government has asked for water.

That is a figurative eastern expression, and it is a very powerful one. The Indian people are willing to give their blood whenever the English Government ask for water.

We cannot all be soldiers to the Empire, but as has always been proved, whenever the Government has asked for men to fight, and if necessary to die for the Empire, we have responded to the call, and the Government have always had more men offer than have been required. Facts like these speak louder than words. We would also beg to remind you that after the battle of Colenso, when the Government were asking for volunteers here, the Indian subjects of the lying in Victoria were willing and anxious to go to the front. Many of us are old soldiers, numbers of us have medals, and those who are not soldiers have members of our families in the army ; but as we said before the Government does not want us at present, neither is there room for us in the army : but it is an established fact that we are ready whenever we are wanted. We are, therefore, greatly pained that there is so much talk about a white Australia. Is it our fault that the Almighty God made us of dark-coloured skin, and are we (who are part of the Empire) to be east off, and put along with the Chinese and Japanese, whilst there is no mention made of the Germans, Russians, French, Italians, or members of other outside nations ? Have the outside nations given and

done more for the British people than we have given and done v Do the Members of Parliament consider the justice of this side of the question ? In any war which has taken place has it been the quarrel of the Indian people with some one else or the quarrel of the British Government with some one else? Yet we have always willingly done whatever fighting was asked, and have gladly borne all the hardships of same, because we have always understood that we were members of and helping the British nation.

Senator Higgs

- Some hard up journalist must have written that !

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Senator PULSFORD

- Never mind who wrote it, it is the signatures that tell.

If we are members of the British nation, then why should we be denied equal rights with any other members of same ? Other members of the British nation can go wherever they like and do whatever they please within the limits of the British dominion. Why should this right be denied us ? Is it just that the bargain be all one sided ?

Then there is another Eastern allegory -

Suppose a father has a number of sons but one of them is not so handsome as the others, but he is their equal in manners and obedience, and he is always anxious in every way to please his father, even to the giving of his life or the life of the members of his family. The father is pleased with his son, because his manner shows care to please, thoughtfulness and obedience, but the other brothers, through some motive which has the appearance of family jealousy, do not like him to come into their houses, although they require and keep the right to do whatever they like in his house. We don't think this is fair Although the Government seem to. We do not wish to prolong this letter but trust that you will consider the main feature, as we are all anxious to know how it is that we, who are members of the British nation, are denied equal rights with any other part of same, and are separated and put outside with others who are not members of that family. We respectfully beg that you will give this letter your favorable consideration.

This letter is signed by a priest, by two or three soldiers, and by ten other Indians.

Senator Pearce

- Did they sign it themselves, or mark their signatures?

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Senator PULSFORD

- The priest and one other have signed it, but the others have marked their signatures. This letter should appeal to us. Certainly it appeals to me. I have already admitted that it is our duty to restrict the immigration of Asiatics, including Indian subjects, into Australia, but I cannot bring myself, in the face of appeals like that, and in the face of the knowledge I have of India and of Asia generally, to do anything in the insulting and brutal way proposed by the Bill which the Government have introduced to our notice. During recent years, we know that Japan has come with a rush to the front. If we have the instincts of British people at all we ought to rejoice to see a country rise in the scale of civilization, increase in power, and improve its position in the world. Let us also consider what is possible with regard to the much more populous country of China. Sir Robert Hart has lately published an article in the Fortnightly Review, which was referred to in the Sydney Morning Herald, in a paragraph which I will quote. Sir Robert Hart, as members of the Senate know, is recognised as probably the greatest authority on Chinese matters in the British Empire. The Sydney Morning Herald said -

Sir Robert

Hart returns this month to his task of endeavouring to place his unrivalled knowledge of China at the service of the Western student and statesman. It will surprise some of his readers to be told that it is a mistake to suppose that Stagnation is the rule in China. The Censorate, he says, is continually calling attention to lapses from what is right in administrative practice and official conduct. But the governing mind is divided between the conservative and the progressive schools of thought.

He has a great faith in the future of China.

Against her will, he says,
she must become a Military Power.

She will emerge healthy, strong, and experienced, he predicts, and she will have forced upon her the best

military strength, the best arms, the most suitable drill, the highest education, and soldiers in such numbers as population permits and circumstances require. Regarding the literature of China he has much to say. The educated Chinaman, he says, is a mine of intellectual wealth. Foreigners who study the language become enamoured of it, and wish for several times man's three score and ten years to revel in the millions of books, and read what they have to say on every conceivable subject.

Sir Robert

relates how as long ago as 1858 a Chinese friend told him how a book 2,000 years old described something like the phonograph being in use 1,000 years before. His information deals with the habit of thought of the Chinese, the influence of the Confucian cult, the processes of government, the extra-territorial attitude of foreigners, and other matters respecting which his long residence in China eminently qualifies him to speak.

Surely honorable senators can look ahead and see what is possible with regard to China. If Japan, with her population of 40,000,000, has been able to come to the front in the way she has done, what kind of a power is China, with her 400,000,000 ' of population, likely to become when she has awakened thoroughly to western ideas? I think it becomes us to look ahead, and to secure the lasting friendship of these people. We should do our utmost to help forward every country in Asia. It has been the proud boast of the Englishman that all nations, however weak or oppressed, have friends in the British race. Surely we are not going to do anything to dim that lustre, which is part of our heritage ? I have heard people say that the Commonwealth ought to interfere, and prevent any other power from taking possession of any of the islands of the Pacific. What are we to do ? Are we going by this Bill to make Australia a country different from that which we desire, and not a country whose beneficence should help So strengthen all the little islands of the Pacific? Are we going to make Australia a country that will be a kind of nightmare, and which will, by such a Bill as we have before us, put a curse upon the people of the Pacific? Surely we are not going to do anything like that? Surely we should not send missionaries from Australia to the islands of the Pacific, and then when native teachers pass through Australia on their way to New Guinea put them practically in quarantine? As a matter of fact, that practically has been done already. Native teachers on their way to New Guinea from the South Sea Islands recently, had to pass through Sydney, and I believe some arrangement had to be made to keep them under lock and key while they were there. Surely we can rise superior to such actions ? Surely we can carry on the attributes and characteristics which have made our nation great; which have made Great Britain the great country that she is to-day in the northern hemisphere ?

Senator O'Connor

- Great Britain has not had 400,000,000 of Asiatics within a week's sail of her shores.

Senator PULSFORD

- I am willing to admit that the position of Great Britain is different from what it is in Australia, and that the English people have something to learn. The people of Great Britain do not understand the circumstances under which Australia is legislating to-day. But let us be fair to both sides. If Great Britain is willing to help us, let us be reasonable and not ask her to put too great a strain on her desire to do what is right and to assist the nations of the East. We know that Japan is a country which has progressed immensely in many ways. She stands in the front rank as a military and naval power, and she is coming to the front in other matters. I will not trouble the Senate with details showing the progress which is taking place in that country - the development in her banking resources, the increases in her railways and manufactures. Japan is, indeed, becoming a great power. Another matter must also be remembered. Some years ago, when commercial distress fell upon Victoria, agents were sent from this State to Japan and to other Eastern countries in order to stimulate trade relations with them. Having made such arrangements, are we to say now that trade shall not be carried on? On this point let me show the Senate the result of this ridiculous system. According to the Evening News of the 12th inst. -

A leading firm in Japan has written to a merchant in Wellington (N.Z.) (writes a Dunedin correspondent), expressing a desire to obtain regular supplies of wool, hides, flax, certain kinds of timber, and other New Zealand products. The firm is a manufacturing one, doing business on a large scale, and some of its goods are sent to New Zealand. It was proposed to send two or three representatives to the colony to arrange for shipments, and the principals asked if any restrictions would be placed on these representatives. This latter question has been referred to the Premier, who has replied that each

Japanese agent would be required to pay £100 as poll tax, but this sum would be refunded when each completed his business and sailed on his return journey.

Is not that contemptible ? Does it represent the system which we want to see adopted in Australia ? I have been much struck with the concluding words of the speech delivered by the Governor-General at the Mayor of Melbourne's dinner a few days ago. He brought his address to a close with words such as are used every day, one might say, on the public platform, and I would not quote them if there could be any question in regard to them. Speaking of Australia he said -

He prayed that her people might take a broad and liberal view of the responsibilities and duties which the functions of Empire imposed upon them. He prayed that, in common with all sections of the British race, Australians might prove a bulwark for liberty, for Christianity, for peace, for goodwill towards mankind. These words express the sentiments held by all of us. Let us see that, in our legislation, we do not pass measures contrary to those sentiments. I have to thank the Senate for the kind hearing given me. I feel that the subject is very much beyond my powers. It calls for the eloquence of- a Demosthenes, and it needs all our earnestness. I have given my earnest attention to it, and what I have lacked in logic or in eloquence in putting the question before the Senate I ask honorable senators, by their own good sense, to supply. I ask them to give to the amendment which I have moved their most earnest and careful consideration, so that the legislation which we may pass on this subject will be that of which Australia shall never have cause to be ashamed.

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Senator PEARCE

- I agree with the Vice-President of the Executive Council as to the seriousness of the position in which we are placed by this piece of legislation, which will perhaps affect our relations with other parts of the Empire, and the relations of the Empire with other parts of the world. If I might presume to do so I should like, at the outset, to congratulate Senator O'Connor upon the very able and temperate speech with which he introduced this Bill, and upon the very independent tone which characterized his remarks when dealing with the question as it affects Australia. With the remarks made by Senator Pulsford I can have no sympathy. While I think we may all claim to be just as Imperialistic as he is, our duty to the Empire must commence at home. We should be false to the Empire if we passed legislation which would have the effect of lowering the standard of civilization in Australia ; which would have the effect of filling this continent with people inferior in every sense to its present inhabitants and inferior to those whom we hope to see coming here in greater numbers in the future. We owe a duty to Australia and that duty demands that we shall not allow a racial admixture which would have the effect of deteriorating the Australian in every way. Any one who has seen, or who knows these Asiatic peoples, must admit that the admixture of the Asiatic and European races is fatal to the Europeans, fatal to their standard of morality, and fatal to their civilization. We have seen such an admixture in India. With what result! Is it not a fact that the Eurasian, the product of the admixture of the European and the Asiatic, is despised as inferior to both ? Is it not a fact that the Eurasian in India is inferior to the native Indian, and to the European as well? Have we not seen the fatal effect of the race admixture of a coloured and a white people in the United States ? Do we not know that the greatest problem the people of the United States have to face is this very problem of the coloured race intermingling, mixing, and living amongst the white race? If the people of the United States in the early days of their history could have foreseen what that problem was going to be, they would have taken far more drastic measures than we are proposing to take at this period. They would have taken such measures as would not only have stopped any further influx of coloured people to their shores, but would have deported from their shores the coloured people who were there at the time when slavery was abolished.

It seems to me now that the only cure for that difficulty in the United States is the deportation of those coloured people, and there are men in the United States of public standing who are at the present time advocating such a drastic and extreme course. When we know this how can we adopt the position Senator Pulsford speaks of, and propose to allow this stream of coloured people to continue, and to allow this admixture of the races to continue without any supervision 1

Senator Pulsford

- I do not, and I never have proposed that.

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Senator PEARCE

- Or under any restrictions other than those which shall be totally effective. I desire to say that the objection we have to these aliens coming here is not purely industrial. I know that the protest coming from the labour party is regarded merely as a protest due to their looking upon this only as an industrial question - that they object to the Asiatic because he works for less wages as a rule than the European. That is a minor objection ; it is not the chief objection. The chief objection is entirely racial, and it is also the most powerful objection. If we were to object to them simply on industrial grounds we should on the same grounds have to object to the introduction of machinery. It has a tendency to displace labour. It has also a tendency, to a certain extent, to cheapen labour, and if we objected to Asiatics because they displaced or cheapened white labour, to be logical, we should have to object to machinery on the same ground. We do not object simply upon those grounds. I say that is one of the effects of their being here, but we object to them also because their standard of civilization from every standpoint is different to ours, and because the effect of their intermingling with other nations is fatal to the national character. A great deal is said at the present time as to the superiority of the Japanese over the other Asiatic races. On this subject I should like to quote an opinion coming from the Dominion of Canada, where, as we know from their press, they have had to face this question, and where they have passed legislation in the Province of British Columbia respecting Chinese and Japanese particularly. The Chief Justice of the Dominion of Canada, who cannot be said to be prejudiced upon the question, says that -

Ifc is a menace to Canada to have large numbers of Japanese living in Canada under a law which excludes them from having any part in legislation affecting their property and civil rights.

That, sis coming from a person holding high office, who is not prejudiced upon the question, but who looks upon it from a national stand-point, is an authority which should have some weight with those honorable senators who are at present inclined to favour the Japanese in contradistinction to other Asiatic races.

Senator Playford

- That only shows that if they are there they should have the same rights as other people. It does not say anything against them as a people.

Senator PEARCE

- Does it not assume that for some sufficient reasons they are denied equal rights, and that being denied equal rights their presence is a menace and a danger %

Senator Playford

- It assumes that they are fit for equal lights.

Senator PEARCE

- I do not think that construction can be put upon it. We have to look to the methods for carrying out our wishes in this matter, and, as Senator O'Connor very powerfully pointed out, we must work along the lines of least resistance. We must if possible attain our end without raising any difficulties or complications within or without the Empire. It seems to me that that is the question we should apply ourselves to. I come to the consideration of this question with an open mind. If it could be shown that the end we have in view could be attained by an educational test, I should be prepared to accept it, in view of the documents to which Senator O'Connor has referred. But from the experience we have had of this Act in Western Australia - and I shall quote the figures presently- -it is apparent to me that that is not an effective means of dealing with this question.

Senator O'Connor

- That might be due to the administration of the Act.

Senator PEARCE

- That is my chief objection to this Bill. It depends so much upon the administration. It is not a question of total exclusion. The proposal permits these races to come in if a certain educational test can be passed ; but if instructions were issued to the Customs officer that these people were to be totally excluded, there would be nothing left to his judgment and discretion, and he would have no choice but to exclude the races referred to in the Act. I can give some figures which show the results of this Customhouse administration of an Act similar to this Bill. We have in Western Australia an Imported Labourers' Registry Act, which provides that Asiatic labourers may be brought into Western Australia under a bond to be returned to their homes at the expiration of twelve months. Those who introduce them are liable for the

sum of money necessary to return them by sea, and they have also to provide two sureties that they shall be returned. That would seem to be stringent enough, and if the Customs administration were satisfactory, there should not be any of those labourers in Western Australia at the present time, except those who are still under agreement. But what are the facts I called for a return, which was laid on the table of the Senate, and was ordered to be printed on the 28th August, showing the number of Asiatics imported into Western Australia under the Imported Labourers Registry Act, the number returned to their own country under the Act and the number of agreements at present in force, and renewals of agreements in force. The return covers the period from 1894, when the Act came into force, to August, 1901. The number imported was 567, the number returned was 32, and the number of agreements and renewals of agreements in force was 109. That leaves a balance of 426 labourers who were imported under the Act, who were not returned under it, and whose agreements were not renewed.

Notwithstanding that the administration of this Act was left with the customs officials, and those who imported the labourers were under a bond to return them, that bond being backed by two sureties, out of a total of 567 imported, 426 appear to have violated the Act and to have been allowed to do so by the customs officials of Western Australia.

Senator Playford

- There is no parallel between the two Acts.

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Senator PEARCE

- I am showing how defective is the administration of Acts of the character of this Bill when left in the hands of customs officials. I shall quote presently the number of Asiatics admitted into Western Australia since the passing into law of the Immigration Restriction Act, referred to by Senator O'Connor, and I can show that the number imported under that Act, or rather in spite of that Act, proves that the Immigration Restriction Act is evaded in the same way as the Imported Labourers Registry Act.

Senator Best

- Evaded by whom? Is it the laxity of the administration the honorable senator refers to?

Senator PEARCE

- Yes, the laxity of administration. I can give the figures in connexion with the Immigration Restriction Act of 1897, for the eight months ending 31st August, 1901. Previous to that time no record was kept of the different nationalities passing into our ports, but for the eight months preceding the 31st August, 1901, a record was kept.

Senator O'Connor

- Is the honorable senator quoting from a Western Australian parliamentary paper?

Senator PEARCE

- Yes, from the monthly statistical abstract issued by the Registrar-General of Western Australia, and compiled up to September, 1901.

Senator Playford

- Do the figures relate to the number imported under the Imported Labourers Registry Act?

Senator PEARCE

- Under the two Acts, but I think I shall be able to show that of the numbers given it was not possible for more than 100 to have been introduced under the Imported Labourers Registry Act. During the time mentioned, there were 496 Asiatics imported into Western Australia, and during the whole year to the 28th August, 1901, there were only 109 agreements entered into by Asiatics coming in under the Imported Labourers Registry Act. These people must enter into agreements, and the number of agreements given may include agreements with persons entering during the year, or renewals of agreements with persons from previous years, so that the 109 might be cut down to at least 100. That number taken from the 496 would leave 396 Asiatics who came in under the Immigration Restriction Act despite the educational test.

Senator O'Connor

- Does the honorable senator know how many of those were persons who returned from beyond the State, but who had already been naturalized in the State?

Senator PEARCE

- That factor enters into it also of course, but I should say that the proportion was not a very large one.

Senator O'Connor

- That shows the difficulty of using those figures, and that is why I felt I could not use them.

Senator PEARCE

- The argument used by the Government in another place, and which I am endeavouring to refute, was that these 496 did not come in under the Immigration Restriction Act, but under the Imported Labourers Registry Act, but the returns which, upon my motion have been laid upon the table of the Senate, clearly show that not more than 109 at the outside came in under the Imported Labourers Registry Act. I can say from my own experience that of the 396 to which I have referred, those who came in under exemption as persons who were returning to the State must have been very few, and by far the greater number of the 396 must have come in under the Immigration Restriction Act, and whether they came in after passing the test or through laxity of administration, of course, I am unable to say.

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Senator Best

- The Western Australian experience is exceptional as compared with that of the other States.

Senator PEARCE. - It is because Western Australia is in an exceptional position, being nearer to the Asiatic countries than other States. And, in addition to that, Western Australia has had a prosperous period during the last few years, and on that account has been more attractive to immigrants than the other States. I very much regret that the return asked for by Senator De Largie, showing the number of persons who passed the educational test under the Immigration Restriction Act of Western Australia, has not been laid upon the table, though it was called for some two months ago. That would have given us all the information we desire, and I think that if the Government were anxious to prove their Bill to be all they claim for it, they might very well have pressed the request for that information, and have endeavoured to have laid it upon the table in time for this debate. We are deprived of that information, and the only conclusion that can be come to from the figures that I have quoted is that the Act in Western Australia has failed in keeping out the Asiatic races. Now let us see what the figures mean. The total immigration for the eight months to which I have referred was 496 Asiatics, and 22,313 whites, or one Asiatic to every 46 whites. I believe that the Attorney-General has given the number of people of coloured races in Australia at the present time at about 80,000, and the number of white people at 3,170,000; so that in Australia we have a proportion of the coloured races to the white population of 1 to 370. And yet under an Immigration Restriction Act, similar in character to that now introduced by the Government, people of the coloured races are coming into Western Australia in the very much higher proportion of 1 to 46. These are significant figures, to which the Senate should give serious consideration before it agrees to the measure proposed by the Government. There is one other question we have to remember. I dare say that all honorable senators have had sent to them a pamphlet issued by Mr. Cole, of Melbourne, which advocates the admission of coloured races to Australia, but which contains ample material to justify us in considering the advisability of passing a more stringent measure. On page 3 he says that education is compulsory in Japan, and then he goes on to say -

The English language is making great progress, and is also being taught in the schools. English is being taught everywhere. English is the language of commerce and of the Government offices. English has been made obligatory in the common schools of the country.

If education is compulsory, and English is taught in the common schools, what must follow? Within a few years the Japanese will be as conversant with the English language as are the English themselves. If we are met with the assurance that they may be tested in some European language, is it not reasonable to believe that a great proportion of them will be familiar with other languages of Europe? And is it not also reasonable to assume that we have not many Customs officials who are acquainted with other languages of Europe? I can conceive that it will be very easy for the Japanese or any other Asiatics to imitate a European language sufficiently well to pass the bulk of our Custom-house officers. I do not think that the Custom-house officer will be a very competent judge of efficiency in a European language unless it happens to be the English language. While the Bill provides that European languages may be applied, the result will be that recourse will be had to only the English language. When similar strides in English education are being made in China, and a great proportion of the Indians can read and write the English language, where is the effectiveness of the proposed test?

Are we going to stultify ourselves? We have been sent here to legislate for a white Australia, and to take the most effective means to achieve that object. Yet we are asked to prescribe a test which the Japanese,

Indians, and a great number of Chinese will be able to pass with the greatest ease. The Senate should pause and seriously consider the question before it refuses to the people of Australia that which they demand - a white Australia. I give the Government every credit for sincerity, but, in my opinion, they have not given this question that consideration which it deserves ; otherwise they would never have brought in a Bill of this character. I believe that the amendment of which notice has been given by Senator McGregor will be passed. I regret that the Government have placed themselves in such a position that they will have great difficulty in accepting that amendment. I contend that the measure they advocate will be totally ineffective, and that, even if it should be passed, within a year or two it will have to be repealed. We shall have to re-open the subject, and all the irritation caused by the passing of a compulsory exclusion measure will be revived with double force. There will be a constant agitation throughout the Commonwealth for the repeal of the Act; the country will not be satisfied until it gets total exclusion of coloured aliens. I would ask the Senate if the position of the British Empire is secondary to that of the United States. Did the United States hesitate when it wished to exclude these races from its territory ?

Senator Fraser

- The United States is not in as difficult a position as we are in.

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Senator PEARCE

- The United States is in an exactly similar position. It is just as much embroiled in the Chinese trouble as is the British Empire, and it has on hand, in the Philippines, a war similar to that which the British are waging in South Africa. Senator Fraser gives me a splendid analogy when he compares the position of the United States with that of Great Britain. The cases are on all fours, and if our connexion with the Empire is worth anything, we should be able to put into legislative language that which we mean. If we mean to exclude Asiatic races, we should be able to say so, and, if necessary, to have the power of the Empire at our back to support that legislation. If it does, not mean that, what does the connexion with the Empire mean to us ? If we think that for the well-being of Australia it is necessary to exclude all Asiatics, and the connexion with the Empire is worth anything, it ought to be at our back to enforce what we say, and what our legislation enacts. We have doubtful testimony as to whether this legislation is effective or not. On the other hand, we have the testimony of the Chinese Consul-General for the United States, who says that, in so far as the Chinese are concerned, its exclusion laws have been effective. When we are doubtful as to the effectiveness of this law ; when we know that the exclusion laws of the United States have provoked no protest from Eastern nations, and have been effective, surely we in Australia ought to be allowed to legislate in the same manner? It is the only safe way to deal with the question. I notice that this Bill repeals the Immigration Restriction Act of Western Australia, but not its Imported Labour Registry Act, which was passed in 1894, and re-enacted with some alterations in 1897. I wish to know whether it is not necessary to repeal that Act, seeing that the Bill repeals the other Act.

Senator O'Connor

- The repeal is not necessary. If this Bill covers the same field of legislation as the Western Australian Act does, it will prevail ; and if it does not, it will have no effect.

Senator PEARCE

- I am perfectly satisfied with the assurance of Senator O'Connor. I pledged myself to vote for the total exclusion of coloured races, as a means of bringing about a white Australia. I know that other honorable senators have given a similar pledge. I cannot by any stretch of the imagination believe that the Bill will be effective in that direction. I have shown that similar legislation has miserably failed in Western Australia, where it has been in force for some time. We know that, in connexion with the question of raising international complications, the telegram, as it came to us in the press, was that the British Columbia Bill specified an educational test, and that although it was directed against Chinese and Japanese, it was vetoed, not at the suggestion of the Colonial-office, but at the suggestion of the Dominion Government. That, I contend, should not be held over our heads as a threat that any similar legislation we may pass will be vetoed. I sincerely trust that that threat will not be used. I was very glad to observe that Senator O'Connor did not use the language of Mr. Secretary Chamberlain, in the nature of a threat, that if provision were made for total exclusion the Bill would be hung up or vetoed. I hope that honorable senators will not allow themselves to be thwarted in the pursuit of their object because of that threat being uttered in other quarters. I contend that if the British Government hold to the sentiments towards Australia

which are indicated in the despatches of Mr. Secretary Chamberlain, they will be very loath to veto the first important Bill which is sent Home for the Royal signature. I cannot believe that, having intrusted us with such a splendid measure of self-government as is contained in our Constitution, one of their first acts will be to veto the first Bill of vital importance reserved for the signification of the King's pleasure. I trust that if the amendment of Senator McGregor is carried, the Government will rise to a sense of their responsibility to the Australian people, will recognise that the Senate has behind it the mandate of the people, and, accepting that mandate, will carry the Bill into law in so far as any action of theirs can do it. I shall be very much disappointed to find the Government, for fear of any taunt being thrown at them that they have changed their position, hanging up the Bill or taking any action which would result in its being vetoed. I sincerely trust that no motive of that kind will prevent any honorable senator from acting in what he believes to be the best way to carry out the mandate he received from the electors to vote in favour of a white Australia.

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Senator HARNEY

- I congratulate the leader of the Senate on the very excellent aspect he gave to what I must call a very deplorable case. I cannot support the Bill, and, without for the present saying that I shall support the amendment of which Senator McGregor has given notice, I shall say that, while both the Bill and the amendment seem to aim at the same thing, the securing to us of a white Australia by henceforth excluding all coloured aliens, there is this merit in the amendment - that it frankly and straightforwardly sets out what is meant ; and there is this demerit in the Bill - that it not only is silent as to the true ground of exclusion, but it sets up a ground that is not genuine, and that is not intended to be acted upon. Any one reading clause 4 would think that our objection was to those who were unable to write 50 words of a European language. It is a matter of common knowledge that that is not the objection - that, to put it in round terms, the objection is to the colour of the skin. Senator O'Connor has followed in the footsteps of those who had charge of the Bill in another place, and he has been forced, in justification of the course he is taking, to give expression to some most extraordinary sentiments. He has said that the Bill "is to be administered with an ample discretion " ; that " we are adopting legislation not to interfere with the English, Irish, or Scotch, or with the European, because they cannot read or write " ; that " it is not intended to shut out Asiatics " ; that it is "so elastic that it can be adapted to admit anybody who is desirable." Those are his exact terms. I took them down as he uttered them. Now, sir, the Government have placed themselves upon the horns of a dilemma. If this Bill is to be honestly administered I venture to say, following the remarks of my honorable friend, Senator Pearce, that it will be entirely ineffective ; and if it is not to be honestly administered, the Government are asking the Senate to participate in a scheme which will involve themselves and future Governments, and this Parliament, and all the Australian people, besides hundreds of petty officers in the service of the Commonwealth, in the practice of a gross and wilful piece of chicanery. Let the Government make their choice. Do they intend to administer this Bill fairly and impartially, or is it to be made effective by this process of " wise discretion " backed by ample power ? If this is their intention I agree with the Vice-President of the Executive Council that the Bill can be made quite sufficient to secure all they desire. What are the provisions of this extraordinary measure ? It requires that an immigrant may be asked to write 50 words in a European language. If, therefore, the Government desire to admit the Irish, or the Scotch, or Europeans however ignorant, all the administrative officers will have to do will be by a " wise discretion," to set a passage of which notice has been given already, or to set no passage at all. If on the other hand we intend by a " wise discretion " to keep out those who would not be, in our opinion, beneficial to us - not merely the ordinary Japanese, but the most highly educated and accomplished person - what will the Government have to do? All they will have to do will be to select some European language that this individual knows nothing about, and to require him to write out a passage in that language. If that is the method proposed by the Government - and I am now addressing myself to the method only by which this kind of legislation is to be made effective - then what about the high and noble policy, as I have heard it described elsewhere, that we were to have initiated at the commencement of our new nation ? Personally I pretend to no hyper-sensitive morality, to no sanctimonious prudishness, but I certainly do emphatically say that on no pretext whatever, and on no grounds of expediency however meritorious, could I be found voting for any such measure as this, to be administered in such a way. It is at all times a most

extraordinary thing to ask any Parliament to legislate by means of dissimulation and of false pretence. There is no use in bolstering up the Bill by plausibility such as my honorable and learned friend can command. It is a false pretence to say that we exclude upon the pretext of ignorance, when we know very well that in truth and in substance, and in fact, we exclude because of race and colour. And this course, at any time reprehensible, becomes in my humble opinion ten times worse at the instance of this Parliament. Here we are - and we are never tired of saying it - a new Parliament, convened under new circumstances, in our inaugural session. We are engaged, not only in applying the ordinary principles of Government to the ever-recurring, ever-varying matters which come before Parliament, but, in a literal sense, in laying down the principles which are to guide us throughout our career. Are we to be told under these circumstances that the very first chapter of the very first volume of our statutes in our first session is to bear evidence of being a piece of disorganized dissimulation ? Is it to bear the impress of falsehood ? If that were to go forth to the world, it would instil into our legislation and administration a principle of weakness and decadence which would utterly dwarf us in the estimation of those whose respect we should seek to win in the future. I believe that the Senate is with me when I say that nothing which is honorable and according to high policy needs concealment. If it is unwise for us to pass such a law, let us not do it.

If it is dishonorable, let us throw it aside. But if it is not these things, and it cannot otherwise be wise and desirable, then why are we afraid or ashamed to speak out our minds ? This Bill is justified, in the words of my honorable and learned friend, by saying that we must not offend the Japanese - that we must not be discourteous to the appeal which is made to us by the Secretary of State for the Colonies. " For my part, I have no disposition to offend any nation, or to be discourteous to the Colonial-office, which I believe in its relations with us has been exceedingly kind and considerate. Nor - do I think it is necessary to be either. But if it were necessary, I for one should say " Ten thousand times rather let there be offence and discourtesy towards others, than anything unworthy in our own conduct." AVE have been told, not by the Vice-President of the Executive Council, but in the public papers, that we must be diplomatic in our action. I always understood diplomacy to be a delicate handling of men and of matters. I certainly did not think that diplomacy was so " elastic " - in the language of my honorable and learned friend - as to cover open, acknowledged, written, statutory deception ; and that is what we are* asked to assent to in this Bill. But if we adopt the truly diplomatic course by carrying out the language of the Bill, then we are landed upon the other horns of the dilemma, because such a course would be totally ineffective for attaining the object which Ministers have in view. In order to deal with the question fairly, let us assume that those words, "wise discretion" and "elasticity," and other kindred expressions, are all withdrawn, and that this measure is to be administered fairly and honestly towards every one. Let me then call the attention of honorable senators to the question of whether it will be effective for the purpose in view, and whether there is any justification for our supporting such a measure. It has been suggested that this is only a copy of kindred Acts that have worked well already in Australia. My honorable and learned friend, the Vice-President of the Executive Council, has acknowledged that he is not supplied with figures that will enable him to sustain that statement. But Senator Pearce, in his very clear address, has quoted some figures which I should like to hear answered. He tells us that 496 Asiatics have entered Western Australia since the Immigration Restriction Act was passed in that State. And then he tells us that of these only 109 entered that State under the Imported Labourers Registry Act. That leaves a balance of nearly 390. I quite agree with Senator Pearce that only a very small part of the 390 represent those who were previously in Western Australia, and who had left and returned to that State. That shows how ineffectively the Act works in Western Australia. Yet in that Act there is a much more stringent provision. It requires that the applicant for admission shall not only be able to write 50 words in English, but also in any other European language. They have to prove their quality not only by knowing English, but also by writing and translating the selected sentence, into any other European language that may be prescribed. Yet that provision has not been effective against the immigration of Afghans there.

Senator Dobson

- Is the honorable and learned senator sure that the Act requires that to be done ?

Senator HARNEY

- It requires that the test must be that the intending immigrant shall write a passage of English, and translate it into any European language.

Senator Best

- It is a passage taken from a British author, which must be written in any language of Europe.

Senator HARNEY

- The intending immigrant must first know English, and must then know all other European languages, and then must be capable of translating English into any of those languages. But it seems to me that the question is not one of what has been done during the past few years, when this Act has been in force. The real question for us is as to the future. What is likely to happen henceforth under such an Act as this would be 1 We must bear in mind our geographical position. I, like Senator Pearce, have obtained a document written by a Mr. Cole, and I have certainly derived a considerable amount of benefit from reading it through, as the author puts some facts and principles very effectively, but from a point of view different to what he intended.

Senator O'Connor

- What side is that ?

Senator HARNEY

- Against the Bill.

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Senator Best

- Is the honorable and learned senator in favour of the amendment?

Senator HARNEY

- Senator Best should not be in such a hurry, because before I say whether I am in favour of Senator McGregor's amendment or not, I should like to make certain qualifications.

Senator O'Connor

- I should like an answer to the question, because Senator Pearce quoted from Mr. Cole with the object of supporting the opposite conclusion.

Senator HARNEY

- Practically the same conclusions were drawn by Senator Pearce, because the data I am about to give I derive from no other source than Mr. Cole's pamphlet. We first of all have to consider the position of Japan. Japan is a country within a few days' sail of Australia, having a population of 45,000,000, which is rapidly increasing; a country, too, which has distinguished itself beyond any other country on the face of the earth for the rapidity of acquisition of its inhabitants, and for their faculty for imitation. I take from Mr. Cole's pamphlet a quotation from an article published by a Japanese writer in the Nineteenth Century in the year 1891. He says -

In 1858 Japan was an obscure country, almost unknown to the rest of the world, and her Government a (now obsolete) feudal system. The foot of man or horse supplied the place of mail train, telegraph and telephone ; the back of beast or the shoulder of man was her only means of land transport; her people went about the streets armed with swords, and no sign of western civilization could be detected in her social or political life..... Thirty-two years have passed away, and in the interval our country has seen a great and glorious revolution, followed by a period of social and national progress which is unprecedented in the annals of the world.

We all agree to that. If we entertained any doubt it would be dispelled by what was shown by Japan during her war with China. All Europe, however reluctant, has to recognise in Japan a nation in the forefront of civilization. The Japanese are equal to us in the arts of government, in naval and military matters, in science and manufacturing progress. What has led to this marvellous leap from utter darkness, if we are to credit this article, into the fullest light ? It is the fact that some 50 years ago Japan having been humbled in some trade negotiation with America determined to copy the European nations. So successful has she been that, although less than 50 years ago, she was numbered amongst the barbarous nations of the world, she stands to-day almost unsurpassed. How long will a country, that in this short space of time has overtaken us in the arts of government and of science and of manufacture, require to enable her people to pass the test proposed by this Bill? "Oh," said Senator O'Connor, " the Japanese will not try to pass it. The people are not anxious to come here." Are they not ? Let me call the attention of the Senate to another point.

Senator McGregor

- It was Senator Pulsford who said the Japanese were not anxious to come here.

Senator HARNEY

- Then I apologize to Senator O'Connor. I learn from the pamphlet, to which I have referred already, that there is only one-eighth of Japan that is arable, and that the density of population is such that 2,500 people to the square mile are to be found there.

Senator Staniforth Smith

- That pamphlet is unreliable.

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Senator HARNEY

- Let it be unreliable. If it is only half true it justifies me in saying that the teeming millions, who are so densely packed there, must find an outlet, and that in view of the fact that they are so learned in the art of cultivating the soil, they can find no more agreeable outlet for them than that afforded by the adjacent continent of Australia. We have learnt from the quotation read by Senator Pearce that they are already turning their attention to the English language, and that it will not take them a tenth part of the 40 years in which they have become uppermost in all other things to fit themselves to pass the test in this Bill, provided that it is honestly and impartially administered. If it is administered to the incoming Japanese in the same fair spirit in which it will be administered to Irishmen and Scotchmen, then 1,000,000 of them will be able to pass the test at once. If it is not to be administered with even-handed justice to Scotchmen and Irishmen and Japanese alike, let us erase it altogether from our records ; let us refuse to put it on the statute-book, where it would serve as an everlasting exposure of our dissimulation. In addition to Japan we have to consider the Indian nation, which is only eight or ten days' sail from us. There is a population there of 300,000,000, increasing at the rate of 1,000 per day, and which increased by 200,000,000 during the fifty years in which the population of Australia increased by only 2,000,000. Are not those people desirous of coming here? Are they not already under the educational guidance of England? Are there not thousands of schools in existence throughout India which are devoted principally to the teaching of the English language and the inculcation of English customs and habits ? Already 20,000,000 of these people can read and write. What protection will this test be, if impartially and honestly administered, against the 20,000,000 already possessing this knowledge, and the 50,000,000 who will possess it within the next few years ? Again, we have China a few days sail from our shores. There we see the enormous population of 400,000,000 - a quarter of the human race. Of Course it may be said that the Chinaman's eyes are still closed, and that we have nothing to fear from him. True; although China knew civilization long before we were heard of, it has made no advance since the time of Confucius. But the Chinaman is racially and instinctively the same as the Japanese, and if Japan has been able to do so much within 40 years of her awakening, why should not China arise also like another "feather'd Mercury " under the same influences which have brought Japan from utter barbarism to foremost civilization. Already there are signs that this great giant is about to arise. Already there are indications that her people are recognising the errors of the past and turning their eyes upon Western habits. From the moment that they direct their superabundant energies towards the acquisition of our language and our methods, they will be no less backward in the race they proceed to run than the Japanese have been. The only other people to whom I shall refer are the people of Java and the Pacific Islands. There are 30,000,000 of these, and we know that all their tendencies towards civilization are in the direction of copying English models and learning the English language. Now, taking the total, we are partially surrounded by peoples numbering 800,000,000 - half of the human race - every day coming nearer and nearer to a knowledge of our language and habits. They are all greedily casting their eyes upon the millions of uncultivated acres in this vast continent of ours, and yet we are asked seriously to exclude these people by a language test, which, if properly applied, is not worth a snap of the fingers, and which can be made effective only by hauling us down to the contempt of those very people whom we are trying to exclude. It has undoubtedly come to the knowledge of this Senate, and it was said in another place, that the Government itself does not expect this measure to be thoroughly effective.

Senator O'Connor

- Who said that ?

Senator HARNEY

- It was said both by the Prime Minister and by his lieutenant, the Attorney-General, when the Bill was first introduced. I saw it published in the newspapers.

Senator O'CONNOR

- I have never seen it. The honorable and learned senator is mistaken.

Senator HARNEY

- The expression was used that this Bill was one of a chain of measures.

Senator Playford

- Yes j the Pacific Islands Labourers Bill is the next link.

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Senator HARNEY

- The statement was made that if this measure did not prove effective for the purpose in view, then other measures would be passed, until, in that way, we ultimately excluded these people. If this is one of the chain, what, may I ask, is going to be the last link of that chain ? Is it to be absolute prohibition ? If it is not, then we are being gulled by a set of half measures which are going to lead to nothing. If the last link is to be absolute prohibition, why should not the first link be so? We are in the initial stage of our legislation, and now is the time. It is said we must be very careful when dealing with the Japanese, because even at the present moment, the British Government may find it necessary to obtain their assistance for some national purpose. The position is this : Great Britain to-day expects to require the assistance of Japan, but perhaps in a few years she will have actually entered into an alliance with Japan. Will it not be still more difficult then to do what we desire without offending that nation ? Will the future either lessen the susceptibilities of the Japanese, or relieve the British Government from the desire to conciliate that nation which they now possess? Are not all the tendencies the other way ? Can any one examine this subject without coming to the conclusion that the future, instead of diminishing, will greatly increase the difficulties. I have been rather puzzled by the action of Senator O'Connor in endeavouring by a kind of patting up of the subject to show that it was necessary for the Government to do something in this way ; that really the Government intended to absolutely exclude these people, but could not do so at once. What is the justification for this roundabout method? What are the reasons that are given for it? It is said that we must not offend the Japanese. I do not want to offend them, but the Bill, as drawn originally required that the test should be in the English language. Had it stopped there, I could have well understood some of the subjects of the Mikado saying - " It is only natural that these, being English colonies, should say, Our trade is to be done in the English language, all our interests will be in the English language, and we do not want any one here who is not able to carry on intercourse with us in that language." But the Bill provides now that the test shall be in some European language. Unless I am suffering from an hallucination, the Bill, instead of studying the susceptibilities of the Japanese, creates the very invidious distinction that we desire to avoid. It provides that no one shall come here who is not presumably a European, because we cannot suppose an Asiatic to be versed in the European languages. Is not that saying in another way - " You Japanese must stop out." Apart altogether from the question of language, is it not childish for the Government to think that the fervour of this debate will not burn through and shrivel up the thin policy contained in the Bill. The Bill, Hansard, and the press are equally public. The Bill says to these aliens - " Stop out ; because you cannot write 50 words in a European language." But Hansard says - "We are keeping you out because we consider that you are an inferior people, and, moreover, our Government think you are such fools that you will be humbugged by the thin device resorted to in the Bill."What a noble and ingenious piece of legislation it is. The insult, grave and big and deep, is put in Hansard, and the piece of plausibility is placed in the Bill itself. I think it is we who are dense, and not the Japanese.

Senator HIGGS

- What would the honorable and learned senator provide ?

Senator Fraser. - The honorable and learned senator is not yet in office.

Senator O'Connor

- He is in the happy position of a free-lance just now.

Senator HARNEY

- And free-lances are most useful in any House. Where there are a number of free-lances, the Government will be particular with their armour. We have often heard the expression - " Don't judge cigars by the picture on the box," but I think it is an expression which not even the most ignorant country bumpkin who had never been in a cigar shop would pass with scorn. Yet the Government asks these

highly intelligent people, the Japanese, to judge what they are giving them by the picture they put upon the Bill? Do they think that they will not open the box and look into Hansard and into the press, especially when we all know that the consul for these very people is listening to our debates, and is watching the very packing of the box we are to put this picture on? Do honorable senators think these people will not look into it? Is it not clear that when Mr. Chamberlain threw out the suggestion for dealing with these matters by the language test he never thought the thing would be torn about and debated in the way in which it is being debated now? He would not have been so absurd. He must have thought when he gave this hint to the State Government that we would do this thing in the way he suggests and make no noise about it. I am sure Mr. Chamberlain would be the last man in the world to suggest that we should appease the susceptibilities of the Japanese by putting into the Bill a suggestion that they were not being hit at, at the same time accompanying the Bill with debates in which, without any equivocation at all, we assert the very insult which Mr. Chamberlain intended that we should not offer.

Senator Drake

- Did he not know that we had a Hansard?

Senator HARNEY

- He knew that we had a Hansard, but it was expected, I assume, when that suggestion was made - and it appears to have been made at a convivial gathering in celebration of the Queen's jubilee - that it would never be used as it has been.

Senator Best

- Was the Queensland letter a convivial letter, too? Because there the same thing was re-asserted.

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Senator HARNEY

- I shall give honorable senators my view of the Queensland letter. There is a vast distinction between this legislation, when proposed by a State and when proposed by the Commonwealth. The State has no power whatsoever to deal with British subjects. Whatever be the colour of their skin, it cannot exclude them. But did not Mr. Chamberlain and the authorities at the Home - office read that section in our Constitution which gives us the absolute power to exclude people, whether they are British subjects or not.

Senator O'Connor

- Which section is that?

Senator HARNEY

- Section 51, and the sub-sections dealing with immigrants and immigration without any qualification. When Mr. Chamberlain objected to the clause in the Sugar Works Guarantee Bill, it was because it was put forward by a State. He may have thought that he would like the legislation to be framed in the mild Natal way, and that his refusal to accept the Bill passed by the State might be taken as a friendly hint by the Commonwealth Government not to take such a course of action as would induce him to advise a refusal of the Royal assent.

Senator Dobson

- The honorable and learned senator has not dealt with Mr. Chamberlain's great objection, that there are 280,000,000 of fellow subjects who belong to coloured races.

Senator HARNEY

- What was intended by the Colonial-office was that a Bill should be brought in excluding by the language test, a suggestion being thrown out at the same time that it should be administered strictly in a loose way. But it never was meant that the Government should state that they intended wrongfully to administer the law, and if the Secretary of State had known that he would never have made such a very foolish suggestion, because it can not be of much advantage to put the plausibility on the face of the Bill and the insult in the Hansard which accompanies it. But, apart from the representations which were made by Mr. Chamberlain, I understood that one of the advantages to accrue to Australia from federation was that its voice would have a fuller, firmer, and less equivocal sound than had the voice of a single colony. I apprehend that we need have no anxiety as to the Colonial-office refusing the fiat that is necessary for the Bill, and surely if it does, it is better for us to face the music than by procrastination to raise fresh difficulties and have to fight out the matter some years hence. If the method which has been adopted by the Government will not fail to give the offence they wish to avoid; if it creates the very invidious

distinction that we are most anxious not to make, would the plain and simple truth give more offence than the Bill gives, or give any offence at all ? If we were to say manfully in the Bill, as Senator McGregor says in his amendment, that we object to the admission of any aboriginal native of Africa or Asia, would any more offence be caused ?

Senator Higgs

- The honorable senator would not vote for that amendment.

Senator HARNEY

- If the amendment said that the Asiatics were a low, sordid and unworthy people it would give offence ; but does it necessarily say so ? does it even presumptively say so ? I think not. We must remember after all that life itself is a race, and when competitors in a race object to a newcomer is it because they think him a laggard or inefficient ? Is it not because they fear his superior skill ? Is there, therefore, anything derogatory in our saying to the Japanese or other nations, "We shall not allow you to compete with us. We do not mind Europeans, because they are all of the same stock, with kindred instincts and manners. Their habits of thought are alike, and their conditions of life are no lower; their endurance is no greater ; their agility or skill is no better than our own ; but we will not have you. You have the advantage of an older civilization ; you have acquired habits of industry and frugality. You are very adaptable in your methods."

Senator Dobson

- Who is insulting Japan now ?

Senator HARNEY

- I am not insulting Japan. We can say to Japan without offering any insult, "We object to you competing with us, not because you are not good enough, but because you are too good."

Senator Higgs

- Could they not see through that ?

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Senator HARNEY

- I believe that vanity and egotism are quite as strong in the east as in the west. If we were to put the plain, unvarnished truth into the Bill, it would be regarded by the Japanese in the way I have suggested, and they would say - "These English are a narrow, conservative, uncouth race, not half as noble or as high as we are, but so long as we are put in the category of exclusion on the ground of our great industry and frugality, and our conditions of life being lower, we see no insult, and we leave those wretched English to their wretched colonies." I am perfectly certain that that would be less offensive to them than a Bill which tells them in plain terms - " Stop out because you cannot pass a test," when, in fact, they know that that is a mere thin veneer, covering an insult we have not the manliness to state.

Senator Drake

- Move an amendment to that effect.

Senator HARNEY

- An amendment will be moved to that effect. I shall vote against the Bill as it stands, and in favour of the Bill as it is to be amended by Senator McGregor.

Senator Charleston

- That is the only logical position the honorable and learned senator can take up.

Senator HARNEY

- It does not necessarily follow that I shall do so after all, because I might say - " The Bill itself is bad, but the amendment is worse." I might say that logically, but I do not say it. Before committing myself, I wish to make some reservations, not with the view of qualifying the vote I shall give, or of minimizing the views I shall express, but for the purpose of preserving the consistency of my conduct, having regard to a previous utterance made by me, and preventing misconception in the future. I do not intend by my vote to pledge myself to support the present Pacific Islands Labourers Bill. I might be compelled, in consistency, to vote for ultimate exclusion, but for the preservation of a great industry, a degree of gradual exclusion has been provided by the Government, and I wish to keep myself open to object both to the degree of exclusion and to the manner of exclusion provided for in that Bill. The second reservation I wish to make is that in my opinion a white Australia does not mean white passenger ships or white mails.

Senator Clemons

- We decided that it does.

Senator HARNEY

- May I digress to point out what did occur to me as most extraordinary and anomalous conduct on the part of the Government in that respect.

The PRESIDENT

- I do not think the honorable senator ought to refer to the debate on a Bill which has been passed.

Senator Best

- Is the honorable and learned senator in favour of a white Australia?

Senator HARNEY

- I am.

Senator O'Connor

- According to his idea of it.

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Senator HARNEY

- I would try and make Australia white, while the Government would allow Australia to be as speckled as cultured black men could make it, and yet make the ships bringing them here perfectly white. That is a curious absurdity. Every tendency of my mind and disposition is against this and all similar exclusions. For a long time it did seem to me to be ungenerous, bigoted, narrow for us to arrogate to ourselves a superiority over all the Asiatic peoples, who knew a high state of civilization while our ancestors were in a state of barbarism that brought down the contempt of the legions of the Roman Empire less than 1,800 years ago. And my view in this respect has been somewhat accentuated by my recollection that we are never tired of boasting of our being participants in the British Empire - an Empire which owes a great portion of its wealth, and most of its strength, to the variety and vast number of its communities, most of which are to be found in Asia. But, notwithstanding that, when I come to consider how I should cast my vote and discharge the duty, which, as a representative, I owe to Australian feeling, I am satisfied that I ought strenuously to oppose any further admission of Asiatics or Africans to our shores. Many a good cause has been lost by bad arguments, and for some time I found myself in the opposite camp by reason of the grounds on which a white Australia was advocated. We were told that these people were ignorant, sordid, immoral, that to touch them would contaminate the noble Briton. I have no sympathy with those arguments. I am not prepared to admit, and certainly I am not disposed to base any arguments on the admission, that the Asiatic peoples are inferior to us in any respect, morally, intellectually, or physically. But admitting their equality, even their superiority, I still say that we should keep them out. The question is after all, not one of degree, but one of kind. They are totally different from us, root, branch, and fibre. We possess a certain language, stature, and complexion, certain manners and habits of thought and action. These have come down to us as the heritage of many generations. They are endeared to us actually and traditionally, and whether better or worse, we as patriots should think them the best in the world. How can we hope to retain the type of humanity they represent if we allow an admixture of people who, in all these respects, are fundamentally different, and the admixture I refer to is a free and unrestrained association, such as would carry with it the right to intermarriage, and to participate equally and fully with us in our social habits and our political institutions. The strongest advocate of the view I am now putting forward could not, with the slightest hope of being listened to by any man with a grain of common sense, assert for one moment that Australians would ever permit these alien races to form one of them as people of their own race do. If we could not have a free and unrestrained association - how could we? - our prejudices and sentiments would not allow it, and prejudices and sentiments are facts in politics - we had better have no association at all. Do we not see in America, where the coloured people are nominally of the same standing with people of our own race, that they really never have assimilated, and that the two races are now like oil and water in one vessel?

Senator Charleston

- Because the black people were originally a servile race in America.

Senator HARNEY

- Does my honorable friend Senator Charleston intend to argue that we could ultimately receive these coloured people into our bosoms, as we would people of our own race? What I am trying to show is that a free and unrestrained association in the fullest sense of the word is an absolute impossibility in the

future. That being so - since we cannot give them that - in fairness to ourselves, and in fairness to them, let us give them nothing - in fairness to ourselves, because it would be a continual menace to have in our midst bodies of foreigners who, having no share in our social and our political life, were out of sympathy with our Government, and, therefore, always disposed to upset it and jibe at its operations ; and in fairness to them, because the boycotting and jibe slighting and the disabilities that would of necessity be theirs would only engender in them thoughts of bitterness, create in their minds feelings of unhappiness, and be a fruitful source of discord between our Government and theirs, with which we should wish to be on terms of amity. Senator Dobson has asked me if I would place our fellow subjects of the Empire on the same footing as other coloured races. I have considered the matter very carefully, and am bound to say that I should. I listened with great interest to the pathos contained in the letter signed by several Indians that was read to the Senate by Senator Pulsford. I feel the force of all he urged. Those Indians are our fellow subjects ; they owe allegiance to the same King ; they fought for us in our wars ; they are our great safeguard against Russia in defending India upon the Afghan frontier] they have freely offered to take up arms for us in our war in South Africa. Is there not, therefore, something disloyal - something that would involve the Empire in grave trouble - in placing any slight upon them ? All that I have fully considered; and my answer to the letter that has been read by Senator Pulsford is this : " We acknowledge all you say. We sympathize with it. We recognise your loyalty and your usefulness. We cherish your good wishes, and shall always be glad of your assistance. We recognise you as good partners in all international affairs. But our spheres of action and activity must lie apart. In the interest of each of us, it is better so. Our tempers do not suit. We would not destroy the alliance that exists between us, but we would say that we recognise, in the language of the Divorce Court - looking at the amiable face of Senator Dobson reminds me of this very unamiable subject of the Divorce Court - " that because of the incompatibility of our tempers, it is better that there should not be too great a proximity between us, lest it should disturb our otherwise happy relations."

Senator Dobson

- Do not libel my Divorce Bill. We have not got as far as incompatibility of temper.

Senator HARNEY

- Is not that in the Bill?

Senator Dobson

- I hope not !

Senator HARNEY

- I thought that in the minds of some honorable senators the bonds were attenuated down to the degree that would be covered by that very elastic expression - "incompatibility of temper." I may be wrong. Is there anything unfair, however, in our legislation saying that?

Senator Dobson

- I should hope so !

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Senator HARNEY

- Is there anything in it derogatory to the Indian subjects of the Empire ? Does not every man know that there are partners in business who during the occupations of the day are most thoroughly loyal and mutually helpful, and yet are unable to sit over the same fireside without squabbling ? Surely for such persons it is better in the interests of their businesses and themselves that they should not share the same hearth. I take up the same position with regard to our Indian fellow subjects. "We want to have them as partners in international affairs. Let us fight - let us legislate - let us trade to our mutual advantage. But let us make them strangers to our domestic concerns. And, after all, why should the British Empire be dragged in to justify our not having a white Australia ? What is the British Empire ? It is only a grand confederation. And is not a confederation such that each of the parts retains for itself its own social and political entity ? Why, then, should the Empire be dragged in to make the colours run into one another? The Empire is naturally piebald - why not keep it so ? Why blend the colours ?

Senator Clemons

- Why make them brindled?

Senator McGregor

- Or tawny !

Senator HARNEY

- Or a cross between tawny and brindled ! By doing so we would only destroy its character without adding to its strength. Before I conclude, let me make a couple of observations upon certain arguments used in this pamphlet headed " A White Australia Impossible," and signed by Mr. E. W. Cole. One of the arguments he adduces is that a white Australia is a physical impossibility. He bears out that argument by printing a shaded globe.

Senator O'Connor

- -With Cole's Book Arcade in the distance !

Senator HARNEY

- I do not see that ! His argument is that we never can make a white Australia, because the rays of the sun, which in the past have darkened the human race in diminishing degrees from the equator to the poles, will continue to do likewise in the future ; and that therefore Australia, by reason of her geographical position, must, generation after generation, be developing people of a dusker hue, and that it will be impossible for us to have even a continuous colour amongst our own people on this continent. My answer to that very ingenious argument is this. I do not deny the proposition, nor do I think it is necessary to do so; but it is no argument against exclusion. It is a mere play upon the expression "a white Australia," because although we now object to people who have a certain colour, our objection is not to the colour itself, but to the characteristics which accompany the colour. And though centuries of a tropical sun may tan the features of our children, still if they emanate from the same stock, it cannot alter the essentials of our race. What argument is it, then, to speak of the change that the sun will make, and which we cannot fully foresee in the dim and distant future ? The fact that there will be a deeper hue in the complexion of those persons who reside upon this continent does not matter so long as we retain the habits, manners and traditions, and all those things which go to make and to endear us to the British Empire. It is also stated in this pamphlet that we shall never be able to hold out against the awakening and the growing strength of the hundreds of millions of people who lie close to us, and that we had better, therefore, receive graciously, and at once, those who ultimately will come here in spite of us. My answer to that is - let us trust to the future and to the strength of the Empire of which we form a part. If this inundation must come, it will be none the less disagreeable invited, than forced upon us. Let us ward it off as long as we can, and let us do so by arguments that will create no offence, and that go no deeper than saying - " We are patriots, who like the class and the race which generations have made, and we wish to retain that race and class." That can give no offence ; and then if in the future we are inundated by these aliens, we have all the temporary advantage until that time comes, and no greater offence will have been given when it arrives. I thank the Senate for listening to me so patiently. I have adduced some arguments that justify me, I think, in voting against this Bill, and in favour of Senator McGregor's amendment.

Senator Dobson

- Will the honorable member vote for the second reading, then ?

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Senator HARNEY

- No. I shall vote against the Bill as it stands, as being, in my opinion, fraudulent, delusive, and incomplete; and the only ground upon which I shall accept the measure is upon the elimination of clause £, and the substitution of the amended clause of which notice has been given by Senator McGregor. I hope that I have now made myself clear. I wish to say that because I have always expressed and always shall feel very strong sympathy with Asiatics, I have very reluctantly felt obliged to take the course that I now indicate. Although all the arguments that I have addressed to the Senate may not appeal to honorable senators, I am sure that there is not one of them incompatible with loyalty to the Empire, with patriotism to Australia, or with - a matter which weighs greatly in my mind - a broad, and generous, and sympathetic appreciation of the millions of my fellow subjects owing allegiance to the same King, and to the hundreds of millions outside of them, who, although they owe to him no allegiance, are still members of the same species, and, I am sure, toil as faithfully as any one of us in the fulfilment of the parts that are allotted to us all in this vale of struggle.

Senator HIGGS

- I am sure we are all very glad to hear Senator Harney state, after very much pressing, that he is in favour of the total exclusion of natives of Asia and Africa. I am very sorry that he has qualified that

declaration in favour of a white Australia by stating that he is willing to allow an extension of time to those employers who wish to have Kanaka labour continued in the Commonwealth for some years to come.

Senator Glassey

- The honorable and learned senator has not definitely committed himself.

Senator HIGGS

- He definitely committed himself by stating that he was going to vote for an extension of time.

The PRESIDENT

- I do not think the honorable senator should discuss the Pacific Islands Labourers Bill at the present time.

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Senator HIGGS

- I am anxious to refer to that matter, because the attitude taken up by honorable senators on the Opposition benches seems to be somewhat inconsistent. It is an attitude which may give some of us considerable concern when endeavouring to secure a white Australia, not only by the exclusion of Asiatics, but by keeping out Pacific Islanders and other aliens of that character. We must look to the future, as Senator Harney has said. I must say that I am disappointed with the Bill before us. Senator O'Connor stated that the provisions having been cast upon the Natal Act, would prove to be absolutely effective, just as the Natal Act had proved effective. I hope to show that not only has the Natal Act been ineffective; but that the Alien Restriction Acts, which have been passed in the various States of the Commonwealth, have also proved ineffectual. Some honorable senators, like Senator Pulsford, have said that we shall make a very great mistake if we do anything to offend either the Japanese, the Chinese, or the Hindoos. I take up the ground that we have a perfect right to conduct our own affairs in our own country to the best of what we consider to be our ability. While doing so we shall be in perfect accord with any steps which may be taken by Japan or China to exclude us from those countries. No one who has paid any attention to the question of the coloured races will attempt for one moment to despise either the Japanese or the Chinese. Whatever may have been our opinions, and the opinions of others before us, regarding the people of those countries, we are compelled to admit that the Japanese are a very clever, skilful, and artistic race, and that they are very rapidly taking a prominent place among the nations of the earth. I do not go so far as Senator Harney, who has said that the Japanese are abreast of the nations of the earth, and that their civilization is equal to our own. As a matter of fact it is not. The civilization of Japan at the present moment is many generations behind ours; but the Japanese Government appear to be willing to learn, and there can be no doubt that they are adopting British methods. The Japanese, however, will have to go a very long way yet before they approach our standard of civilization. It is because they are behind us in so many respects that we wish to keep them out of Australia. The Japanese have imitated the Russians and the Germans, in endeavouring to acquire a knowledge of art and industry in every possible way. We are quite willing that they should acquire all the knowledge to be gained throughout the world. But let them put that knowledge into practice in their own country, and let them keep out of Australia the thousands of their own poor countrymen who, if unrestricted, would come into this country and compete unfairly with the white races. The Japanese have, in very eloquent language, objected, through their consul, to our proposed legislation. But the Japanese Consul, and those who are associated with him, must have a knowledge of their own history. The Japanese were not so particular in their methods of dealing with Europeans in times gone by. They absolutely excluded Europeans from their country, and did so in a way that was not so delicate as that which we propose in dealing with them. They brutally massacred Europeans, and threw many people into the sea because they professed the Christian religion. That took place in the seventeenth century, and for many a long day after the Japanese succeeded in exterminating the barbarians, as they called them, and in suppressing Christianity there, Japan was a sealed book to the outer world. She remained a sealed book until about 30 years ago. The Japanese must remember the methods which they adopted in dealing with Europeans in days gone by. If they do, I venture to think they will not object to the terms by which we propose to bring about their exclusion from this continent. Some honorable senators have spoken of the friendship which Japan entertains for England at the present moment. Japan seeks the friendship of England because Japan is opposed to Russia. No doubt Russia would desire to acquire control of China. That is what the Japanese want, and England desires as far as possible, to share in China's commerce. It is for those reasons only that there is any sympathy between the two peoples. There is no crimson thread of

kinship responsible for this friendship. Money, trade, and commerce are at the bottom of it.

Senator Fraser

- Is it not quite right that it should be so?

Senator HIGGS

- I venture to say that the nations of the earth generally are too much occupied in the effort to find new markets for their commerce, instead of attempting to make themselves happy in the territory which they possess. The great mistake which some of the nations appear to be making is in thinking that they can go to a country like China and successfully carry on trade there, to their own profit, for any length of time. It will not be very long before China will have her own manufactures. She is building them up at the present time, and it will not be many years hence when by means of her hordes of cheap labour she will be able to compete successfully with England.

Senator Fraser

- She will still want our raw material.

Senator HIGGS

- The honorable senator must know that the resources of China are equal to those of any country. All that she requires is to give up some of her old superstitions. It is necessary that her people should give up the idea, for instance, that if they dig down some 30 feet or more into the earth they will let the spirits up. They are fast giving up some of their old superstitions, and when they do so completely, where will Great Britain be in the competition? Where will her markets be? I think the day is fast arriving when the nations will have to be satisfied with the territories which they possess, and endeavour to find an outlet for their productions in their own countries and among their own peoples.

Senator Charleston

- When we do that we shall be in the same position as China is to-day.

Senator HIGGS

- I know that some honorable senators who interrupt are strongly in favour of free-trade. They do not care where goods come from so long as they can obtain them cheaply. It matters not to them whether the goods are manufactured by the greatest slaves in the world as long as they secure them.

The PRESIDENT

- I would ask the honorable senator not to enter into the discussion of that question now.

Senator HIGGS

- I am led into it by the interruptions of honorable senators, who, like Senator Gould, become white Australians only when they are likely to put the Government into a hole.

Senator Sir John Downer

- I am afraid the honorable senator is helping them.

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Senator HIGGS

- The honorable and learned senator should not be too sure on the point. So far I have cast my vote always in the way I thought justifiable. I am sure the honorable senator must give me credit for being able to see through the political tricks of some honorable senators, just as they see through the political tricks perhaps of honorable senators in the labour corner. To come back to the attitude of the Japanese towards Europeans it is not so very long since the cry of "Death to the Barbarians" was a very pronounced cry in Japan, and I doubt very much whether it is entirely suppressed yet. Honorable senators know that when the Japanese cry "Death to the Barbarians," they mean death to Europeans, British, and Australians who may be in the treaty ports. Of course, that cry has ceased to a very large extent, and if there is anything taking its place it is a system of boycott which is carried on in Japan against the British and Europeans in the treaty ports and which is no doubt as successful as any legislation we might propose would be in keeping out the Japanese and other aliens.

Senator Charleston

- In what respect?

Senator HIGGS

- The honorable senator must know.

Senator Charleston

- I have been there many times ; I ought to know.

Senator HIGGS

- The honorable senator must know that amongst the Chinese and Japanese there are secret societies, the bonds of which are quite as effective as anything we may pass by our legislation.

Senator Charleston

- Not more so than our own trades unions.

Senator HIGGS

- Evidently then the Japanese and Chinese are stronger trades unionist than the white people 1

Senator Charleston

- They are our brother unionists at that rate.

Senator HIGGS

- The honorable senator may be willing to join the Chinese or Japanese unions, but while I have no wish at all to say anything in disparagement to the capacity of the Japanese, I object to them coming here in large numbers to compete with our white Australians. I want them kept out of the country, and while I am willing to vote for their total exclusion, I am quite prepared that they shall take a similar attitude towards us in their own country. I think it is only right that if any Japanese wish to visit Australia as travellers, to stay here for a limited time to inquire into our affairs, and carry away any knowledge they may be able to gain of us here, they should be permitted to do so. But I object to their taking up their residence in this country and competing with our own countrymen. Senator Harney said that the Japanese were equal to us ; but let us refer to the conditions under which they carry on their work in Japan, and we shall find that they have a very great deal yet to learn in the way of civilization before they can bring themselves up to our level. The condition of the hands in the factories in Japan is similar to the condition which existed some 60 or 70 years ago in England. Children were then employed twelve hours a day, and were housed in buildings where the system carried on was that half of the hands worked twelve hours during the day, and the other half twelve hours during the night. Those who worked in the factories at night took the beds vacated by those who worked during the day. Senator Gould is desirous of claiming some particular credit for the free-traders in connexion with this kind of thing. He interjects that the protectionists were responsible for it, but I venture to say that the most prominent of all amongst the British employers who were engaged in sweating the children of England in this way were free-traders. Why, did not John Bright himself object to the curtailment of hours of labour by Act of Parliament 1 Let me read an extract from a book published by Pierre Leroy Beaulieu, a French economist, who travelled to a considerable extent in Japan, China, and Siberia, and investigated the condition of industries in Japan. He speaks of these factories, and he did not investigate the condition of the industries as a labour reformer. He is a cold, philosophical economist, rather inclined, if anything, to sympathize with those who desire to employ labour for a great number of hours, and at a very low rate of wages. He says - Nothing can be more interesting than a visit to one of these great match factories in Japan, which exclusively employ women and children, the latter sometimes under Six 3'ears of age. Wages when compared with those of Europe are very trifling, the highest average being 15 sen. or about 3 3/4d. per diem.

Senator Sir Frederick Sargood

- What year was that %

Senator HIGGS

- The book was published in 1901, and I think the author was through Japan in 1900, or in 1899.

Senator Millen

- Is he describing the conditions as they prevailed in that year 1

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Senator HIGGS

- He is describing the conditions as they exist at the present time, and all the authorities I have been able to come across, including the commissioner sent by the United States Government to investigate the condition of industries in Japan, agree in the main with what he states in this paragraph -

Some of the girls get a little more for pasting on the labels, which require considerable skill, and the women who put the matches in the boxes are paid 4Jd. Very clever workwomen, who, by the sheer delicacy of their touch, are able to tell to a match without the trouble of counting them how many go to a

box, are paid 7d. per day. Some objection has been made to the employment of so many infants, but the mothers do not seem to object, for in the first place the children add a farthing or so to the general fund, and in the second they are able to keep them about them, which no doubt saves them much anxiety. The same condition of things will be found described in books relating to factory legislation in the old country.

Senator Charleston

- Does the honorable senator mean that a similar condition of things exists in England ?

Senator HIGGS

- I mean to say that the condition of things existing at the present time in the factories of Japan is very similar to the condition of things existing some 60 or 70 years ago in England, prior to the passing of the various Factories Acts. Now we come to China, the people of which country are, of course, the second people to be interfered with by this Bill. Many persons who occupy high positions in the literary world have a very poor opinion of the Chinese, and one of them, Henry Norman, in a preface to the book from which I have been quoting, *The Awakening of the East*, by Beaulieu, states -

China remains the same. Her rooted hatred to the foreigner, her treachery, her lies, her sickening cruelty, her utter inability to reform herself, to eradicate corruption, to form an army or a navy - to be, in a word, a nation - remain precisely the same as they always have been.

All the evidence goes to show that that opinion is an extravagant one. There is no doubt about the hatred of the Chinese for the foreigner, as shown by the Boxer movement. That was a political and religious movement which had for its aim the extermination of all foreigners in China, and which was patronized by all classes, from the Empress Dowager downwards. It was a legitimate movement no doubt from the Chinese point of view, just as legitimate as the movement of those who say that they want Australia for the Australians. Every country has the same national cry - China for the Chinese, Italy for the Italians, America for the Americans. I cannot blame the Boxers for their attempt to govern China in their own way. They find our people coming there, adopting very unfair methods of trade; they find them grasping, they find all their worst features exhibited, and really we cannot blame the Boxers. Let any honorable senator who thinks that the Boxers are people of a low order of humanity take up some of the manifestos they issued and he will see that they are entitled to every consideration. I admit that, from our point of view, the cry of "Exterminate the foreign devils," is to be deprecated; but if we were of their country, brought up in their institutions, and we saw a determination on the part of European nations to enter China and divide it, giving a portion to Russia, a portion to France, a portion to Germany, and so on, I venture to say that we should be members of the Boxers' society. By the way, I was very much amused in Brisbane some time ago, to notice that a Chinese missionary, referring to the Boxers, said, "They are dissatisfied people; allee same labour party." This gentleman, Mr. Henry Norman, says that China will never have an army or a navy, and will never become a nation, but any one who reads the accounts of the late war with the Allies, must admit that the Chinese have made great advances since the time when they were so disastrously beaten by the Japanese. They now have the most modern weapons. They have succeeded in getting instructors who are making them very well qualified in matters of discipline and drill, and some of the men-o-war's men who went to China from South Africa and were present at the battles which took place in China, said that the fire of the Boer guns at Ladysmith was merely child's play to the artillery work performed by the Chinese. All this goes to show that none of us can attempt to despise either the Chinese or the Japanese. We must recognise that they have those qualities which when properly educated will serve to make them a great nation. We recognise that, but surely we need not tremble and be craven-hearted because of a fear that the Japanese or Chinese may in retaliation for our proposed legislation attempt to invade our territory. I do not think that if we passed the most drastic legislation in the world the Japanese would ever have time for such an undertaking. They are too much occupied with their old enemy - Russia.

Senator O'Connor

- No one has suggested that.

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Senator HIGGS

- I do not know that any honorable senator who spoke this afternoon has taken up an attitude of that kind, but I know that some honorable senators who object to our exclusion of aliens, have pointed out that

Japan is one of the foremost military nations of the earth, and that we cannot afford to offend her. Senator Pulsford seemed to have an idea that the Chinese are very friendly towards Australia and its people. A petition was presented to the Senate today from Chinese residents in Victoria asking that their race should be excluded from the operation of this Bill. I hope that honorable senators will not run away with the idea that there is any friendship between China as a whole and Australia. The author of China and the Allies - A. H. Savage Landor - who appears to be a very courageous man, accompanied the allies, and took a number of pictures and wrote up a great many descriptions of what was taking place in China. He gives an excellent account of the Boxer, or volunteer unionist, movement. This is his opinion of the Chinaman -

In the Imperial Palace - although Sir Claude Macdonald, British representative at Peking, reported to the contrary - there existed even before that time, not fear of, but encouragement and friendliness towards the Boxers; the Empress Dowager, with Prince Tuan and a number of foreign-hating Manchu princes, believing firmly that the moment had come when the Chinese could at last either kill or drive into the sea every foreign devil. It must ever be borne in mind that this notion is, and will always be, firmly rooted in every Chinaman's mind. The higher he is in official position, the deeper is his feeling of contempt and hatred for foreigners. One hears reports that the Chinaman admires our civilization, that he is in amazement at our inventions, that he will one day be as civilized as we are - that is to say, when he has learned enough. And so the Chinese will be. He will strive to purchase machinery, guns, and ammunition. He will gladly learn how to work them, and when he does, he will do it well. But this will only be in order to learn how to fight us; and to have his revenge for what he considers, probably with justice, as our offences. He will never rest content until, no matter at what cost to his nation in human life, in money, suffering, and humiliation, no matter what blows may have been dealt him, he can one day stand up fiercer than ever, and strike back a harder blow at us than any he has received.

Senator Charleston

- The honorable senator could not expect him to write without prejudice under the circumstances.

Senator HIGGS

- I have only read the first volume of his book. He opens that volume with this statement -

The aim of this book has been to give a record of events as they occurred, and to avoid national or personal prejudice.

Inasmuch as the general tone of the volume bears out that statement, I believe that every word is true.

Senator Playford

- He is very fair towards the Japanese.

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Senator HIGGS

- He gives them very high praise for their courage, and for the work they did in suppressing the rebellion in China. I now come to the Hindoo, whom Senator Pulsford has championed in a somewhat pathetic speech to-night. Not only he, but other honorable senators have spoken of the Hindoo as a fellow subject, and deprecated any legislation which might hurt his feelings, or disturb the relations of the British Government with that country. We should endeavour to understand what is the real feeling, of these Asiatic peoples to our country and our civilization. In his book, Asia and Europe, Meredith Townsend states that he has made Asiatic affairs a life-long study, and he gives a very good idea of what the opinions of the Indians are regarding Britons and the British Empire and Europeans generally. At page 26 he says -

To the external world, one-half of Asia appears to have become European. In reality, however, neither Russia nor Great Britain has as yet exercised any "influence" upon the millions she has conquered. In the north, the tribes are only held down by Russia, would rebel in a moment if they dared, and show no sign of accepting either her civilization, her ideas, or her creed. In the south, Great Britain has enforced a peace which has produced manifold blessings, but she has neither won nor converted any large section of her subject populations. There is no province, no tribe, no native organization in India upon which, in the event of disaster, she could rely for aid. After nearly a century of clement Government, there are not 10,000 natives in India, who, unpaid and uncoerced, would die in defence of British sovereignty. The moment it became known in 1857 that, owing to the shrinkage of the white garrison, the enterprise was possible, the most favoured class in the peninsula, the Sepoys, sprang at their rulers' throats, and

massacred all they could reach, without either mercy or regret. The war lasted three years. . . . The British remain masters, but beneath the small film of white men who makeup the Indian Empire, boils or sleeps away a sea of dark men, incurably hostile, who await with patience the day when the ice shall break, and the ocean regain its power of restless movement under its own laws.

I am sorry that Senator Dobson, who is a very strong Imperialist, is not here, because he was one of the most enthusiastic in defence of our fellow subjects, as they were called, in the British Empire. The writer goes on to say -

The Asiatic, believing as he invariably does, that his social system is divine, is content with it, clings to it, and resents interference with it with a passion that leads to bloodshed wherever bloodshed is possible. He is aware, keenly aware, that white government sooner or later involves revolution in his social system, and he hates it with an undying hatred, such as an Irish peasant feels for the "agent" who may some day evict him, and who meanwhile levies rent. . . And it must be remembered that the European shares this feeling of separateness completely. Whatever the cause - whether, as he himself thinks, antagonism of colour, or, as I think, difference in permanent ideals - the effect is the same ; the European cannot merge himself in the Asiatic without a sense of degradation, which is almost invariably followed by its reality. . . . They (the Asiatics) know that their only chance of victory is. to kill the whole white people out. The obnoxious race will never make terms, never merge in the population, never be anything but rulers, and therefore if their rule is to terminate, they must be exterminated.

That is the attitude of mind of the major portion of the subjects as they are called of the Indian Empire towards the British. "When Mr. Secretary Chamberlain said that Her late Majesty would be very much pained to have to consent to any legislation of the kind concerning her Indian subjects, I think that sympathy was very much misplaced. In fact, I doubt whether Her late Majesty ever had the matter very prominently brought before her. Probably Mr. Chamberlain meant that he would be pained to have to consent to any legislation of the kind. But when it is said that His Majesty will be pained, to have to consent to any legislation of the character we propose, let us see what the Imperial authorities have already agreed to in the Natal Act, which has been quoted as effective by Senator O'Connor -

No Indian native may land in Natal except under contract ; neither must he serve any employer other than the one to whom he shall be Plotted by the Protector of the Hindoos or Indian immigrants on his arrival in Natal. This contract is binding for five years. Once in the colony he is not permitted to leave it again without a licence, and no licence is granted " until he shall have completed a residence of ten years within the colony." At the end of the five years' contract the free British subject may, with the approval of his Protector, hire himself to a new master for a period of not less than two years, the wages for which period shall be 16s. per month for the first year, 17s. per month for the second year, 18s. per month for the third year, 19s. per month for the fourth year, and 20s. per month for the fifth and each succeeding year. Honorable senators will be able to gauge the quality of the sympathy which the Imperial authorities have had for the Indian subject when they are willing to bind him down so that he shall not receive a wage f more than about 5s. per week.

Further, no Indian may go abroad in the streets of Natal without a badge showing whose servant he is. If found without a badge he is lodged in gaol. No Hindoo or native African may exercise the vote, engage in trade of any kind unless he can prove his ability to keep suitable books in the English language. No coloured person can hold prospecting licences, diggers' claims, mining leases, or other mining holdings. No Indian may walk the streets after dark, and may only use the middle of the road - side- walks not being for him. An Indian who is not in service must pay £3 a year for a badge. He shall not be entitled to a licence to carry on any trade or calling, nor shall he be entitled to acquire land in leasehold, freehold, or otherwise, or to exercise the franchise, or to be enrolled as a burgess of any borough, or on the roll of any township ; and any licence of franchise which may have been acquired in contravention of this Act Shall be void.

These particulars were embodied in a return laid on the table of the House of Commons in the year 1900, showing the restrictions which the Imperial authorities had agreed to be placed on these our fellow subjects. This afternoon Senator O'Connor said that the Natal Act had been absolutely effective. I have here an article published in the NineteenthCentury, of February, 1901, entitled the "Economic Outlook in the Transvaal." The writer refers to this particular Act. He says -

The Government of Natal has been forced b)' public opinion to protest against the claim of the Indian

Government that Indians, being British subjects, are entitled to live in any part of the Empire on the same conditions* as white British subjects. Following in the wake of the indentured coolies, a superior class of Asiatics settled in the colony, and started trade operations. The effect of this Indian immigration to Natal has been to ruin many of the small English traders, and the better class Asiatics have now obtained a monopoly of most of the East African trade. The Imperial Government will no doubt insist upon Indian subjects having equal rights with white men, but the future federal States of South Africa will, I believe, defy the Home Government as did New South Wales.

Senator Dobson

- Who is the author of that article 1

Senator HIGGS

- It is signed by Mr. Arthur B. Markham.

Senator Playford

- He does not say that the Natal Act has been a failure.

Senator HIGGS

- The Act has certainly been a failure.

Senator Dobson

- What has become of the protest - anything ?

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Senator HIGGS

- This article was written in February of the present year, and I have not seen anything further regarding the fate of the protest. But I have seen in the newspapers a statement that Canadian legislation containing the educational test was objected to on the ground of probable offence to Chinese and Japanese, and that that objection had been taken by the Imperial authorities. The writer in the Nineteenth Century states that the effect of the Indian immigration to Natal was harmful.

Senator Playford

- That was before the Natal Act was passed.

Senator HIGGS

- Honorable senators will recollect that, when Mr. Barton was before the country during his federal election campaign, he told us that a friend of his from Natal had urged him, whatever he did, to keep the Hindoos out of Australia ; and I venture to think from what this writer says that this Bill of the Government will permit the better class of Asiatics to come into Australia, as the better class of Chinese have come, and successfully compete against white storekeepers.

Senator O'Connor

- The gentleman Senator Higgs refers to was Mr. Moore, a member of the Natal Government ; and he at the same time told Mr. Barton that the Natal Act had been completely effective. The Indians referred to in the article quoted entered South Africa before the passing of the Natal Act.

Senator HIGGS

- Senator O'Connor referred to a section of the Sugar Works Guarantee Act, passed by the Queensland Parliament, and disallowed by the Imperial authorities because there was a clause in it prohibiting the employment of Asiatics in the mills. He stated that the Imperial authorities objected to the clause as being opposed to the policy of the British Government, inasmuch as it excluded persons on the ground of race and colour.

Senator Playford

- If we allow them to come in we must treat them like men.

Senator HIGGS

- But the honorable senator knows that the object of a section of that kind was to keep out the Asiatics who were being engaged in the sugar industry and in the mills to a greater extent than in any other occupation throughout the State.

Senator Playford

- To prevent them getting work when they were in the country was the unfair part of the provision.

Senator HIGGS

- These Asiatic were only brought into Queensland to work in the sugar mills. Our idea was to prevent them being employed, and therefore to prevent them being introduced into the country.

Senator Playford

- They should be prevented from coming into the country, but once they are in the country, they should be allowed to earn their living honestly.

Senator HIGGS

- It is a very strange thing that the Imperial authorities should have objected to the insertion of that section. My own impression is - and I am sure that other Queenslanders agree with me - that the Imperial authorities objected to that section, not because it was contrary to the traditions of British Government, but because interested parties in Queensland were able to get the ear of the Governor and of the Secretary of State for the Colonies. At the time that the Sugar Works Guarantee Act was passed, several other Acts were passed dealing with the construction of railways, and containing the very same section. Yet those Acts were allowed.

Senator Playford

- That was very inconsistent.

Senator HIGGS

- It is quite true. It only shows that the King, or Her late Majesty, had too much to do to deal with details of this kind. The Sovereign has to rely upon the Governors and certain other officers ; and if certain parties in a State have political influence enough they can get the ear of the Governor and of the Secretary of the State, and can bring about a veto upon any legislation we pass. Poor private railway Bills contain the following section : -

No aboriginal native of Asia or of the Pacific Islands shall be employed by the company in or about the construction, maintenance, or management of the tramway, or subsidiary works referred to in this Act, or in or about any of the mineral lands, under a penalty of £1 for each such person for every day during which such person is employed.

These Acts were passed last year. The amended Mining Act of Queensland of 1886 also contains the following sections. Section 5 says -

No miner's right issued to any Asiatic or African alien shall either when originally issued or by way of subsequent endorsement may be made available for any new gold-fields.

Then section 6 is as follows : -

No consolidated miners' right shall authorize the employment by virtue thereof of an Asiatic or African alien upon a new gold-field.

So that while it has not been the practice of the Imperial authorities to object to Australian legislation on the grounds set forth it appears to have been the practice of those authorities to give way to certain interested parties in Australia who have had influence enough to sway them.

Senator Keating

- Were those Bills reserved for the Royal assent?

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Senator HIGGS

- I do not think that the private railway Bills were reserved for the Royal assent, but the Governor, who gave his assent to these Bills in the name of Her late Majesty, knew of the Sections contained in them. It would, of course, be through the Governor that the request would be made to the Imperial authorities to disallow the Sugar Works Guarantee Act, because it contained a prohibition of Asiatic labour. I feel very strongly about the interference of the Imperial authorities with any legislation that is passed in our legislative halls. When we speak of the approval or disapproval of His Majesty the King, we know very well that, in all probability, the King has not sufficient time to consider the proposed legislation. He is too much engaged in endeavouring to learn what his duties are, and in attending social functions, to bother very much about this part of the world. He has to accept the advice of his Cabinet, and I venture to say that his present Cabinet in no way represents the majority of the people of England. It is a Cabinet supported by a Parliament elected upon a property qualification. There is no "one-man-one-vote" about the Parliamentary elections in England, Property and money exercise a very great influence in the election of members of the House of Commons. Many millions of our fellow subjects in the old country have not the right to a vote.

Senator McGregor

- Send a contingent.

Senator HIGGS

- As Senator Stewart remarked the other day, it would not be a bad idea for the democratic labour party in Australia to send a contingent of labour men to the old country to enlighten the people there as to the way in which we conduct our business, and to urge them to bring about reforms. I am strongly of opinion that if the Imperial authorities refuse to assent to the legislation which we pass with the object of securing Australia for the white races, we should act as the people of Melbourne and the people of Tasmania have done in the past. Apparently, the people of Melbourne are very loyal ; indeed, to some of us who come from Queensland, their loyalty is almost overpowering. But when any one comes between them and their just desires, they are able to work up a very enthusiastic agitation. Years ago, when the policy of the Imperial authorities was to make Australia the dumping-ground for the convicts and all the refuse and scum of the old country, what happened ? When it was proposed to land ship loads of convicts at the port of Melbourne, the people rose up and said " We shall not allow them "to land." When it was proposed to land convicts in Tasmania, in spite of the representation of the people of the State, the Tasmanians said they would not allow them to land. The ship with the convicts on board was in port, but such a storm was raised, and the attitude of the people was so menacing, that the captain saw fit to take his cargo elsewhere.

Senator Playford

- Where did he take it?

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Senator HIGGS

- He took it to Sydney, where another demonstration was made. It was only the firm attitude adopted by the people at the places I have named, that led to the stoppage of the system of sending convicts to this country. If they had adopted the spineless attitude which some honorable senators would have us take up now, because Mr Chamberlain, or some other duly elected person, says that it pains him very much to object to our legislation, convicts would have been coming here up to the present day. I ask honorable senators to take up the stand adopted by one of the greatest statesmen which this country has ever produced - the stand taken up by Sir Henry Parkes, in 1888, in connexion with the immigration of Chinese. When he speaks of this proposed legislation being absolutely effective, Senator O'Connor should recall the speech made at that time by Sir Henry Parkes. In 1888 there was a great influx of Chinese into New South Wales. Several ship loads arrived in Sydney harbor about the middle of that year. Sir Henry Parkes was; Premier of New South Wales at the time - and, in passing, I might say I am sorry he did not live long enough to become Premier of the Commonwealth. Had he lived, undoubtedly he would have filled that office. At the time I have mentioned a poll-tax of £10 was imposed on Chinese landing in New South Wales, but that was insufficient to keep them out, and Sir Henry Parkes brought in a restriction Bill containing more drastic provisions. He proposed in the New South Wales. Legislative Assembly that the standing orders should be suspended to permit of the passage of the Bill through all its stages in one day. That Bill was carried in spite of the opposition of a few persons - a few persons possessing extraordinary sympathies in certain directions are to be found in every assembly - and they did what they could to upset this measure. I do not desire to take up the time of honorable senators to a greater extent than is necessary, but it seems to me that this is the most important question which has come before the Australian people during their history. I want, by a reference to the speeches -which Australian statesmen have made in the past, to infuse some courage into honorable senators, who are somewhat timid, and who fear to give offence to the Imperial authorities. I am sure honorable senators will admit that Sir Henry Parkes was-

Senator Glassey

- One of the sturdiest politicians Australia has yet seen.

Senator HIGGS

- Not only that, but he was one of the most loyal to the British Empire. In discussing the question of Chinese immigration in his book Fifty Years in the Making of Australian History, he prefaced a report of his speech on this subject by these words, which are to be found at page 474- -

Persons who in a new country have to do with the administration of Government, or the making of the laws, however disinclined they may be to pander to any class, are nevertheless bound to study the peace of society, and the contentment of all classes. It is mainly because the influx of Chinese, or of persons of

any other inferior nationality is a disturbing cause to social peace and contentment that it should not be tolerated. No advantage to employers, no convenience to a limited number of citizen's can compensate for loosening the consanguineous ties which bind a State together. If we may speak of statesmanship, there is yet another and a higher ground of objection. In founding a free State no nationality or class should be considered whom we are not prepared to admit to all our franchises, to all our rights of property, all our privileges of citizenship, all our social usages and trusts, not excluding intermarriage. The existence of a servile or degraded class is incompatible with the safe possession of national liberty. At page 477 appears a report of the speech made by him in moving the second reading of the Bill. I shall not quote it in full, but take from it only those passages which appear to me to have a direct bearing upon the question before us. He said -

In moving the second reading of this Bill, I disclaim any attitude of even aversion to the Chinese people settled in this country For a generation - long before some of the men who are listening to me took any part whatever in public life - and at all times, I have opposed the introduction of Chinese upon these, as I conceive, national, and to a large extent, philosophical grounds. I maintain that in a country like New South Wales it is our duty to preserve the type of the British nation, and that we ought not for any consideration whatever, to admit any element that would detract from, or in any appreciable degree lower, that admirable type of nationality. Now, I would like for a moment, to examine the ground on which I stand. I contend that if this young nation is to maintain the fabric of its liberties unassailed and unimpaired, it cannot admit into its population any element that of necessity must be of an inferior nature and character. In other words, I have maintained at all times that we should not encourage or admit amongst us any class of persons whatever whom we are not prepared to advance to all our franchises, to all our privileges as citizens, and all our social rights, including the right of marriage. I maintain that no class of persons should be admitted here, so far as we can reasonably exclude them, who cannot come amongst us, take up all our rights, perform on a ground of equality all our duties, and share in our august and lofty work of founding a free nation. It is on this very intelligible, this solid ground that I, at all events have been adverse to the admission of Chinese.

When certain shiploads of Chinese arrived in Sydney harbor, Sir Henry Parkes refused to allow them to land, although he knew that in doing so he was doing something that was illegal.

Senator Glassey

- He had no Act of Parliament behind him.

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Senator HIGGS

- He had not the warrant of an Act of Parliament, but he knew that he had the warrant of the people of New South Wales behind him. Speaking of this matter he said -

You tell me about obedience to the law. You tell me that because I occupy the great place which I am permitted to occupy in this country that I am to set an example of obedience to the law. I say, in reply, that there is one law which overrides all others, and that is the law of preserving the peace and the welfare of civil society. Would you talk about a technical observance of the law if a plague was stalking in our midst - if a pestilence was sweeping off our population - if a famine was reducing the members of our households to skeletons ? Why, a Government that stood in fear for the technical observance of the law in any such case as that would be swept away, and deservedly swept away. ... Is it a safe, a wise, or a tolerable thing for us to have nearly 60,000 - I mean in all the colonies - of these men, belonging to an alien race, out of tune with us in faith, in law, in traditions, in everything that endears life - to have 60,000 of these men with no natural companions in the midst of society ? Must not that be a thing to be deprecated, to be lamented, to be resisted by every man who wishes well to the social fabric of this new country ?

In the course of his speech he went on to describe the delays which occurred in the negotiations with the Imperial authorities in regard to the proposed legislation. Weeks elapsed before the New South Wales Government could obtain any reply from the Imperial authorities, and when they got an answer to their cablegram it was of such a character that it really meant nothing. The effect of the reply was that the Government were negotiating, and that Her Majesty's Government fully recognised the strength of feeling that prevailed: Sir Henry Parkes went on to say in reference to his action in stopping the landing of these Chinese -

Now, if any person supposes that we have acted thoughtlessly or hurriedly or without due regard to all the

consequences he is woefully mistaken. In this crisis of the Chinese question, and it is a crisis, we have acted calmly, with a desire to see clearly the way before us ; but at the same time we have acted with decision, and we do not mean to turn back. Neither for Her Majesty's ships of war, nor for Her Majesty's representative on the spot, nor for the Secretary of State for the Colonies, do we intend to turn aside from our purpose, which is to terminate the landing of Chinese on these shores for ever, except under the restrictions imposed by the Bill, which will amount, and which are intended to amount, to practical prohibition.

There are two points in that speech to which I wish to draw attention. The first is the fact that Sir Henry Parkes, in order to preserve New South Wales for the white race, was prepared to defy the Imperial authorities, and to defy Her Majesty's ships of war. The next point is that he thought, as the Vice-President of the Executive Council now thinks, that his restrictive legislation would be practically prohibitive. But if Sir Henry Parkes were alive to-day he would have to admit that the restrictive legislation of New South Wales, although it meant a poll tax of £100 on every fresh Chinaman that came into that State, has proved abortive, and has not succeeded in excluding the Chinese. The statement has been made repeatedly that the Natal Act and the various Immigration Restriction Acts throughout Australia have been absolutely prohibitive. But what does Mr. Coghlan say upon this very point?

These stringent regulations have had the effect of greatly restricting the influx of this undesirable class of immigrants ; but it is to be feared that the census of 1901 will disclose the fact that the Restriction Acts have not been so effectual in shutting out the Chinese from Australia as the shipping returns of the colonies would lead one to suppose.

I say that the Government should amend the Bill, in order to bring about the exclusion of Asiatics in a more direct and emphatic way. If the Imperial authorities, as some of the members of the Cabinet seem to fear, disapprove of the provisions of the Bill framed in such a way, because they might give offence to China or Japan, it should then be the duty of the people of Australia to follow the example of Sir Henry Parkes, and organize to refuse to allow Chinese or Japanese to land. I would suggest, if the Imperial authorities disallow legislation of this kind, that those of us who are in favour of a white Australia should band ourselves into a society, having for its object "Australia for the Australians." We should organize in every city, town, and village throughout this Commonwealth, and I venture to think that we should be able to raise an agitation which would not only induce the captains of the ships to take their cargo elsewhere, but would very soon bring the Imperial authorities to their bearings. We should very soon bring the Imperial authorities to realize the true position of affairs, and grant us their approval of legislation which would prove thoroughly restrictive. I hope that honorable senators, like our friend Senator Fraser, who is ultra loyal, I believe, will not run away with the idea that in giving expression to these sentiments I am at all disloyal to the British Empire, to which we are all so proud to belong. I want to state my position in that regard very clearly. I hope I am absolutely loyal to the King, and while he is King of England--

Senator Playford

- And while the honorable senator gets his own way !

Senator HIGGS

- And absolutely loyal to the people of Great Britain, although I may not support a British Cabinet who choose to advise the King to disapprove of our legislation. I hope I am absolutely loyal to the people of Great Britain from whom I sprang.

Senator Stewart

- Has the honorable senator any doubt about it ?

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Senator HIGGS

- There is no doubt in my mind, but I am anxious that honorable senators shall not have any erroneous impressions regarding my attitude towards the great people of the old country. I am satisfied that if ever a majority of the people of the old country get the same chance of expressing their opinions as the people of this country have had, through the ballotbox, there will be very a different attitude taken up by the Imperial authorities with respect to legislation of this kind. I am sure there is nothing that the people of Australia could desire which would not be granted by an Imperial Cabinet selected by men elected to the House of Commons on a basis of one adult one vote. Having placed my position clearly before honorable senators, I hope the Government will see their way to make this Bill of an effective character. If the

Government insist and can succeed in putting this Bill through in its present form, and, if as I believe, the restrictions will prove ineffective, it will then be their duty to take the whole of the responsibility. They know very well that they have a mandate from the people of Australia to bring in and pass a total exclusion Bill, and if having had an opportunity to pass legislation of this kind they fail to avail themselves of it, I think they will have forfeited the confidence of the people of Australia, and should be turned out of office.

Senator MACFARLANE

(Tasmania).I should just like to say that I am a little surprised at the position taken up by the Government. It is within our knowledge that in another place they are introducing a measure to add 350,000 black men to our Commonwealth. I do not know how that legislation is going to work in with this Bill.

Senator Drake

- New Guinea will not be a part of the Commonwealth. It will be a territory.

Senator MACFARLANE

- It will be a territory attached to our Commonwealth. It will be under our Government, and not under the disabilities this Bill will impose. It seems to me that in the first Parliament of our young nation a Bill of this character ought to be justified by necessity. When it is necessary we certainly ought to consider it, but I have looked in vain to the reasons submitted by the Vice-President of the Executive Council for any proof of urgent necessity. The honorable and learned senator gave none. Some honorable senators consider that they have a mandate from the people to press this matter upon the Government, and there is no doubt that they are doing so. A doctrine of one of the sections anxious for this Bill, the representatives of labour, used to be the equality of man. Where is that doctrine in this Bill?

Senator Staniforth Smith

- That is, of the same race.

Senator MACFARLANE

- What race ? Then there used to be another doctrine with which some of us were familiar in the great Republic of Europe - a doctrine that was written over the public buildings of the noble city of Paris - "Equality, Liberty, Fraternity." Where is equality, liberty, fraternity in this Bill 1 These used to be the great cries of the socialist democratic party, but they are thrown to the wind in this Bill. Not many years ago, in the city of Brussels, at a State function at which the King was present, and at which I was an invited guest, while a patriotic song was being sung, the whole of the 2,000 people present shouted out, " There is one nation under the sun ; all men are brothers." Where is that sentiment in this Bill ?

Senator Higgs

- The honorable senator does not consider himself a brother to the labour party?

Senator MACFARLANE

- Yes. I am a working man myself.

Senator Higgs

- The honorable senator never votes with us.

Senator MACFARLANE

- Misfortune makes strange bedfellows sometimes. I cannot see that this Bill contains any of those great principles which used to be advocated by the section called the labour party. I do not approve of this Bill, which is against the traditions of the British Empire. It is evident that it is very objectionable to the British Government, because it takes cognisance of race, colour, and country of origin. That is laid down by Mr. Chamberlain as objectionable, and against the traditions of the British Empire, and I would therefore impress upon the Senate the serious position we should be in if we involved the mother country in the difficulties that appear to be foreseen. This Bill might be described as a Government necessity for party purposes.

Senator Pearce

- It is an Australian necessity.

Senator MACFARLANE

- No, I do not think it is an Australian necessity. I fail to see that we have any reason to fear any great invasion of Asiatics.

Senator Pearce

- If the honorable senator went to some of our north-west ports he would see it.

Senator MACFARLANE

- The other night I heard it stated, on information supplied by the Government themselves, that in the Northern Territory Asiatics were increasing at the rate of 90 per annum.

Senator Playford

- I think they are decreasing.

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Senator MACFARLANE

- In the four years from 1896 to 1901 the excess of arrivals over departures was 450, or about 90 per annum.

Senator Playford

- Then there are the deaths to be counted.

Senator MACFARLANE

- Figures taken from the same source show that in Western Australia the excess of departures in the four years amounted to 375, or almost 100 per annum ; and the total increase of Asiatic immigrants over those who went away was 710 for the whole Commonwealth.

Senator Pearce

- There was an increase of 100 in Western Australia during the last eight months.

Senator MACFARLANE

- These figures are taken from Government sources, and they show that there is no necessity whatever for an immediate rushing forward of this Bill, except it be for party purposes. The Bill has been called a hypocritical measure, and it will certainly be at the whim of a Customs officer to allow a poor man to come in, while it might be used to exclude sober, industrious Europeans who were unable to write. I know a gardener who is a very valuable servant, and who is looked up to with great respect in his own district, but who cannot write. If he applied at one of our ports to enter as an immigrant under this Bill he would very possibly be excluded. I do not say that he would necessarily be excluded, but at the whim of a Customs officer he might be. That is one strong objection I have to the Bill as it stands. The cry that we shall shortly be overrun with Asiatics I consider ill-founded. It is a parrot cry, which is got up for political purposes, and which appeals to the most gullible of our people. At all events, the Asiatics are not an increasing element of danger to the Commonwealth. I have to thank many hundreds of Chinese for kindness and charity to my nearest relative, while travelling during the riots last year. I am quite sure that a great deal of our racial hatred and prejudice to many of these poor people is owing to want of knowledge. Mr. Gladstone has stated that the despised Chinese are more hated for their virtues than for their vices. I feel confident that the alien and stranger is viewed with jealousy, prejudice, and dislike, more because he is little known, than from his infirmities. A French proverb says - " There is good in all men, and none are all good." I commend that proverb to honorable senators. I deny that at present there is any danger of the contamination of our race. An Englishman is not contaminated by a residence among the millions of India or China ; if he is, why are we so anxious to have full liberty to travel and trade amongst them. As a matter of fact, we, as the stronger and more highly civilized race, raise and ennoble them. I cannot see that there is the least possibility of any danger to the Commonwealth for very many years to come. Therefore, I deprecate the pressing forward of this Bill. It is the duty of the Commonwealth, as part of the British Empire, to avoid doing anything which might injure it in its diplomatic relations. For that reason I should have liked to see the Japanese nation excluded from the operation of the Bill. Honorable senators should read carefully the correspondence which was referred to by Senator Pulsford, because it is well worthy of our consideration. The Japanese are a very intelligent race whom we can look up to and respect, and we can derive great profit from our intercourse with them. Of course we, of the British race, naturally feel that we must dominate this Commonwealth. But in the tropics, in the low, damp, richer soils, we cannot go against Nature and do tropical labour there without a serious deterioration of our race. We shall only retard the development of our richest resources, and injure men of our race, hardy as they are, if we force them to do things not called for by Nature. I should have liked to see the Bill kept back for some time, and anything which will help in that direction shall have my assistance in committee.

Senator O'KEEFE

- I think it must have been in ignorance of the feeling of Australia that Senator Macfarlane said that the

phrase " a white Australia " was only a parrot cry. If the voice of nine-tenths of the people of Australia can be called a parrot-cry, then he may use that term, but certainly it was a cry loud enough to reach from one shore of Australia to the other during the Federal elections.

Senator Macfarlane

- The danger to the Commonwealth is a parrot cry.

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Senator O'KEEFE

- The people of the Commonwealth have arrived at that stage of political intelligence that they may well be left to take care of themselves, and they have sent their representatives into this Parliament with a mandate, to bring about, if possible, a white Australia, or to bring about any . legislation of a similar kind which they think will be for the benefit of Australians generally. There is not very much reason for anyone to spend much time in combating the arguments of Senator Macfarlane that this is a parrot cry, or that there is a danger to the Commonwealth in the parrot cry. Whether there is danger in it or not, the electors of Australia have said unreservedly that this continent is to be kept for the Australians, that it should be a white Australia, and I was very pleased to see the Government bring in a Bill to give effect to their wishes. In moving its second reading, Senator O'Connor said he would not deal with any other phase of the question at length, except the method of exclusion. I had hoped to see the Bill provide for a more direct method of exclusion. I do not think that the educational test will be as effective as the Government say it will. I cannot help thinking that within a very few years there will be a great danger in carrying out the desires of the Australians, if we rely on this educational test. When we remember that in Japan there are 30,000 primary schools with about 4,000,000 scholars, that there is compulsory education for both sexes between the ages of six and twelve, and that the Japanese are very ready to acquire knowledge, we have reason to feel afraid that in the course of a very few years they will have sufficient knowledge of the English or other European languages to successfully pass this test. I should have preferred that the Government, in introducing a measure so vital to the interests of Australia, had studied the wishes of the Australian people, and tried whether the Imperial Government would give its consent to a straight-out method of exclusion. I am not one of those who believe that the wish of the Australian nation would be lightly set aside in Downing-street. I consider that the connexion of Australia with the Empire would always be considered of far greater importance than any wish which the Imperial Government might have not to offend any of the eastern nations. It is a great mistake, at the very dawn of our career as a nation, to show that we are afraid to ask for what we want. Why should we stand for ever trembling on the brink ? We want to exclude the natives of eastern countries. We have said so through the press, and through both Houses of this Parliament, and why should we be so much afraid to ask straight out for what we want ? I do not intend to speak at length at this stage. In committee, I shall give my reasons. for not agreeing with the Government's idea of exclusion. I sincerely hope that they will be able to see their way to accept a more direct method of exclusion, and thus agree to the wishes of the Australian people for a white Australia.

Debate (on motion of Sir John Downer) adjourned.

PROPERTY FOR PUBLIC PURPOSES ACQUISITION. BILL

Bill returned from the House of Representatives with amendments..

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22:00:00

Senate adjourned at 10 p. m.