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1901-07-05

Senate

The President took the chair at 10.30 a.m., and read prayers.

QUESTION

PRESS TELEGRAPH MESSAGES

Senator KEATING

asked the Postmaster-General, upon notice -

Whether, seeing that the newspapers of all the States of the Commonwealth, except Tasmania, are now placed on the same footing in paying a uniform reduced rate for telegraphic messages of the proceedings of the Federal Parliament, he will take steps to at once place Tasmanian newspapers in the same position.

Postmaster-General

Senator DRAKE

- The Government have decided to convey, such telegraphic messages at a uniform rate over all Government lines throughout the Commonwealth, but it is not intended to send such messages over a private line at the expense of the Commonwealth.

DIVORCE AND MATRIMONIAL CAUSES BILL

Resolved (on

motion by

Senator Dobson)

-

That leave be given to bring in a Bill to regulate divorce and matrimonial causes within the Commonwealth.

POSTPONEMENT

Vice-President of the Executive Council

Senator O'CONNOR

-May I ask Senator Staniforth Smith to postpone for a week the motion which stands in, his name. If it is possible, without a great deal of expense to carry out the honorable senator's wish, I shall be willing to assent to the motion. Notice of it was 'given only yesterday, and I have, not had time to communicate with my colleague the Minister for Trade and Customs in regard to it. I wish to inquire if it is a motion which will involve much expense.

Senator STANIFORTH SMITH

- I am quite willing to postpone the motion at the wish of the Vice-President of the Executive Council.

The PRESIDENT

- The honorable senator should not argue the question if he is going to postpone the motion.

Senator STANIFORTH SMITH

- .Can: not I speak upon it before I agree to postpone it?

The PRESIDENT

- -No.

Ordered

(on motion by

Senator

STANIFORTH Smith) -

That notice of motion No. 3 be postponed, and stand an order of the day for Friday next.

LIBEL ON KING JAMES I

Senator DE LARGIE

- I move - - That, in the opinion of this Senate, the Argus newspaper having printed a foul libellous article on the memory of King James 1, referring to that monarch as a "fool and a blackleg," the Postmaster-General should take steps to prevent the circulation of the said newspaper through the Post-office until the editor of the Argus has tendered ample apology to this Senate.

I should have preferred to see the leader of this House take action in this matter, rather than leave it to a private senator. Having heard so much about the dignity and loyalty of the Senate, I am somewhat

surprised to see the apathy displayed in regard to the article in question, which appeared in last Saturday's Argus. There has been, ample time since then for the subject to be brought forward. I do not know whether no action has been taken because the article appeared in; a powerful daily paper. Possibly the matter escaped the notice of the Government and that may be a sufficient reason for their not calling attention to it.

Senator Higgs

- You may depend upon it the Government would have brought the matter up if they had seen the article !

Senator DE LARGIE

- I quite believe that. In labour circles there has been considerable discussion and criticism concerning the want of action, seeing that action was so promptly taken in the local Parliament over a matter which was, in my opinion, of much less importance than that we are dealing with; I know that the press is a great and mighty institution, and that its freedom should not be lightly interfered with. It may be said that I am placing myself in an inconsistent position in taking any action affecting that so-called freedom, and in speaking on behalf of royalty, being a labour member; because amongst many people labour members are not supposed to be so intensely loyal as other Members of Parliament.

Honorable Senators. - No, no.

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Senator DE LARGIE

- It is only a supposition; it is not true. If the libel of which I complain had been published concerning the present King, I have no doubt that attention would have been directed to it sooner. But it is not so much on the individual as on the office that this libel is perpetrated; and it is in that aspect that the subject is important. There is an old adage which says - "Long live the King." I take that to mean that the office never dies, and an insult to that office, either in this or any other age, is offensive. We have been also told that the King is in a position in which he cannot defend himself against foul libels. If that be true of a living King, then a dead King is surely at a still greater disadvantage?

Senator GLASSEY

- And he wants a living advocate.

Senator DE LARGIE

- It is as such that I stand here this morning. In order that the Senate may be fully seised of this article I will read an extract from it. It appeared in the leading columns of the Argus of Saturday last.

Senator PULSFORD

- Does the honorable senator wish to have strangers excluded from the Senate while he reads it?

Senator DE LARGIE

- I do not know whether it would be wise to read it in the presence of strangers, but perhaps, as it has already obtained a certain amount of publicity, it is hardly necessary to exclude them. The passage to which I take exception reads as follows: -

The wisest fool in Christendom the shabbiest blackguard in the long line of English monarchs -

The writer is referring to James I. - the only Stuart, perhaps, in which the characteristic Stuart charm was wholly missing; who had the manners of a peasant, as well as the morals of a blackleg . . . the common ancestor of practically the whole of the Royal caste in Europe.

It will be seen that it is not only the reigning House of England that is insulted by this outrageous article, but the whole of the reigning families of Europe.

Senator MILLEN

- It might lead to European complications.

Senator DE LARGIE

- Tes. I hold that such articles cannot do any good. Is it right to say that the blood of Kings is too often corrupted by vice? I think there is something in this article which demands the attention of the Senate, and I believe that honorable senators will agree with me in holding that the Argus should be brought to book for printing such a statement. To attack a live King may not be a short cut to a title or to obtaining favour at

Court, but it is a great deal more manly to attack a living than to attack a deceased royal personage. As long as we have the monarchical system, the existing or any previous occupant of the Throne should

always be referred to in terms of respect. Therefore I consider that this is a matter for which the editor of the Argus should be called to the bar of the Senate, and asked for an ample apology before his paper is allowed to be circulated through the post-office. If we allow this hypocritical time-serving loyalty to pass as the genuine article, we shall only be encouraging hypocrisy. If the editor of this journal is a republican we ought to make him declare himself, and not permit him to pose as a royalist when he is really a republican in disguise.

Senator Higgs

- An insidious enemy.

Senator DE LARGIE

- The man, who masquerades as a royalist, and is really at heart a republican, ought to be exposed. It is for these reasons that I have brought this motion forward, feeling satisfied that honest men, no matter what their opinions may be, cannot fail to be disgusted by the publication of such an article.

Vice-President of the Executive Council

Senator O'CONNOR

. - Of course it is open to any honorable senator to put a motion of this kind on the business-paper. There is no standing order which would prevent it. It is also open to any honorable senator to have his joke in Parliament.

Senator MCGREGOR

- There is no joke in this motion.

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Senator O'CONNOR

- I am only saying that it is open to any honorable senator to have his joke in the Senate, and perhaps to use Parliament for the purpose of a little pleasantry or a little irony. I would suggest to Senator De Largie that, having put this motion on the paper, and having expressed his opinions, he should now withdraw it. I make this suggestion because there is only one alternative course, and that is for the Senate to negative the motion without further debate. We are here to do the business of the Commonwealth. I think the honorable senator's little pleasantry has been carried far enough, and I propose that we waste no more time over it. If the honorable senator will withdraw the motion, as I suggest to him in the most friendly way it is advisable to do, there will be no necessity for the Senate to come to a vote. If he does not do so, then the Senate will take the only course open to it in desiring to proceed with business by negating the motion without debate.

Senator STEWART

- I hope the honorable senator will not follow the advice offered by Senator O'Connor. In ill is Commonwealth what is sauce for the goose ought to be sauce for the gander. If one newspaper cannot publish what is termed a foul and libellous article on the King, why should another newspaper be allowed to go scot free for doing the same thing? Why should the honorable senator, who has moved this motion, be asked to withdraw it after "having his little joke," when in another place, and on another occasion, the very severest penalty that could possibly be inflicted was imposed on a man who was only technically guilty of committing an offence similar to that now charged against the Argus. It appears to me that if a man libels my grandfather he libels myself. If he tells falsehoods maliciously for the purpose of bringing my kindred into disrepute, I consider he is committing a libel against myself. That being the case, and seeing that the Argus has published a libel against any ancestor of the reigning monarch, I hold that that libel is also a libel against the present King. The Argus asserts that James I., a progenitor of Edward VII., was the "wisest fool in Christendom," that he had the manners of a peasant and the morals of a blackleg. The newspaper should have told us what a blackleg is. I understand that a blackleg in the time of James I. was a man who lived very largely by his wits, by swindling and so on, so that this is a very serious indictment. I do not know whether, in addition to the position of a monarch being hereditary, the vices of a monarch are hereditary. That is a question which the Argus might well have taken some pains to inquire into. The best test, surely, is the opinion of the people who were living in the illustrious monarch's own time - the people under whose observation he came, and who were his loving subjects. What do they say about him? The Argus says he was a "blackleg," but what do the people who lived in James I.'s time say about him? I will quote for honorable senators from the best of books, the Bible. This is what the people who lived in his own time had to say about him -

James, by the grace of God, King of Great Britain and Ireland, Defender of the faith, &c. Great and manifold were the blessings most dread sovereign which Almighty God the father of all mercies bestowed upon us, the people of England, when first He sent your Majesty's Royal person to rule and reign over us, for whereas it was the expectation of many who wished not well to our Sovereign that some thick and palpable clouds of darkness would so have overshadowed this land that we should have been in doubt which way they were to walk, and that it should hardly be known who was to direct the unsettled state ; the appearance of your Majesty as of the sun in his strength, instantly dispelled those supposed and surmised mists, and gave unto all that were well affected exceeding cause of comfort, especially when we beheld the government established in your Highness, and your hopeful See by an undoubted title, and this also accomplished with peace and tranquility at home and abroad.

But among all mir joys there was no one that more filled our hearts than the blessed continuance of the preaching of God's sacred word among us ; which is the inestimable treasure which excel let] 1 all the riches of the earth ; because the fruit thereof extended itself not only to the time spent in this transitory world, but directeth and disposeth men unto that eternal happiness which is above in Heaven.

I do not think it is at all necessary to read the full address. I have read quite sufficient to show what the people who knew .King James thought about him.

Senator MILLEN

- The honorable senator does not know they thought that about him merely because they said it.

Senator STEWART

- Well, they wrote it about him, and the presumption is that what people write about a man they think about him. We cannot dive into people's minds, and we have no mental Rontgen rays to discover whether a man thinks as he speaks. I agree with Senator .De Largie that something ought to be done to bring this paper to book for its foul and malicious libel on the Reigning Family. If we are loyal subjects of the Crown we cannot permit this kind of thing to go unchecked. If it is to go on, people within six months will be openly advocating republicanism in the streets of Melbourne, and perhaps the Argus itself will be floating the tricolour.

Senator FRASER

- It is far worse to have it advocated here.

Senator STEWART

- We are not advocating republicanism ; we are trying to defend royalty from aspersion.

Senator FRASER

- That's in my eye !

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Senator STEWART

- We are doing our best to defend royalty against the foul, filthy, and untruthful aspersions of papers like the Argus.

Senator Millen

- Is the honorable senator looking for a title?

Senator STEWART

-I am ready to accept any honour that my Sovereign chooses to bestow on me, because the Sovereign is the fountain of honour. I do not know that I am more unworthy of a title than Senator Millen. I, at any rate, come from a race of kings, and if I had my true title I might have something more than the common knighthood bestowed on Australian politicians. However, that is beside the question, and we are here to do our best not only to defend royalty against the aspersions of newspapers like the Argus, but also to see that justice is meted out with an equal hand all round. We are not here to see that one man may not look over a fence without being punished, while another may rob a bank with impunity. I trust that the honorable senator will not withdraw his motion, and that the Senate will show its disapproval of the action of the Argus in publishing this libel, and will in some way or another mete out to this disloyal paper some fit and suitable punishment for its conduct.

Senator Sir FREDERICK SARGOOD

-I agree with the leader of the House that we come here to attend to the business of the Commonwealth, and not to join in what, after all, is a perfect farce. I therefore move -

That the Senate do now divide.

The PRESIDENT

- The honorable senator cannot do that ; he has made a speech.

Motion (by Senator Sir Josiah Symon) put -

That the Senate do now divide.

The Senate divided -

Ayes 19

Noes 6

Majority 13

Question so resolved in the negative.

AREA OF FEDERAL CAPITAL SITE

Debate resumed (from 28th June, vide page 1783), on motion by Senator Staniforth Smith -

That, in the opinion of the Senate, the territory acquired by the Commonwealth for the seat of Government should contain an area of not less than 1,000 square miles.

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Senator MCGREGOR

- There are only one or two considerations to which I wish to call the attention of the Senate, or rather, my desire is to emphasize what has already been said by some honorable senators as to the necessity of having an extensive territory for federal purposes. It has been stated that if the area of federal territory for the purposes of the federal capital is limited to 100 square miles, it might be quite possible for the federal public buildings to be erected on a portion of that area, while the surrounding country might be taken up by speculators, who would make immense amounts of money, and consequently the continual fleeing of the people would go on for ever and ever amen, as the saying is. I would like to point out instances where this sort of tiling has really happened in some of the States. I have known in South Australia of cases in which the Government have surveyed a site for a township and erected thereon a post-office and probably a police station. Immediately this had been done or was even proposed to be done some land speculator who was just outside the boundaries of the Government territory would sub-divide a lot of land, survey it, and upon that land the township would be established, whilst the Government property was left severely alone. If in connexion with the territory to be acquired for the federal capital a large area were taken up, and if the buildings in connexion with the Commonwealth Government were placed in a central position upon that area, it would be impossible for anything of the kind to occur. Objection has been raised to the carrying out of the principle of this resolution, on the ground that it would be impossible for the Federal Government either to resume or to re-purchase or in any way to acquire such a large territory. Some of the wise men both outside and ' inside of Parliament have declared that in selecting such a large area it would be impossible not to include a great deal of land which is already alienated, and upon which houses have been built. If proper precautions were taken in the Commonwealth Property Acquisition Bill no danger would occur, and it would make very little difference to the Commonwealth whether we had to purchase the freehold or to resume the land which was still in the hands of the State of New South Wales, because if we got the land from that State there is a very great probability that it would be unimproved land. Even if there were private lands which were improved included in the area, and a -fair value was paid for those improvements, they would all become the property of the Commonwealth, and any future increments that might be created would belong to the Commonwealth. What matter would it be to Australia if we had to acquire a certain amount of property, so long as a greater amount was derived from it in the shape of rents, fees, and income, than was required to pay interest upon the money spent, even if we had to borrow money for the purpose of acquiring it. This is no time to indicate the way in which the money should be raised, but I just want to show the danger of having a small area. There is no disadvantage, even if Ave had to resume land -which is already alienated, in acquiring a large area. Seeing that honorable senators are so anxious to go on with business, and that they think that too much time has already been wasted, I ask them to consider these points and to support the motion.

Senator ST

ANIFORTH SMITH (Western Australia), in reply. - Considering the speeches which have been made upon this motion, I cannot but feel pleased that the general opinion of the Senate is in accord with its object. If we take the remarks of the Vice-President of the Executive Council, we find him declaring that he is in heartiest sympathy with the desire to have a large area. He also indorses my contention when he

says that if the territory is such that we shall have to pay for it, then, however desirable it may be to have a large area, our choice will be more or less restricted by considerations of cost. In other words, if we choose a capital where there is much population - where land is valuable - we must necessarily restrict the area of the territory because of the enormous cost. So that the Vice-President of the Executive Council is in accord with this motion.

Senator Playford,

in his remarks, said that the real questions to be decided before we selected the capital are those of tenure and area. Those were the two conditions that I put forward.

Senator Playford

said that the first question to be considered is: Shall we acquire the fee simple of the whole territory? Later on he said that one of the first things we should decide is the area which it is desirable to acquire, and that, to a very large extent, depends upon how we intend to deal with the territory.

Senator Playford

has re-echoed the remarks I have made, and yet, on a previous occasion, when

Senator McGregor

submitted a proposition as to the conditions upon which the federal territory should be held, he got up and asked that the motion should be withdrawn. Now, when I submit a proposal relating to the area of the federal capital site,

Senator Playford

beseeches me to adopt the same course, although he said in his speech that the two questions to be decided before we selected the capital were those of tenure and area. We want to give the Government an idea as to what the opinion of the Senate is with regard to tenure and area. If the Government introduce a Bill without knowing what the opinion of this Chamber is, they may bring in a measure for the acquisition of a very restricted area.

Senator MILLEN

- They will soon alter it.

Senator STANFORTH SMITH

- But the Government would defend their Bill, and consequently be opposed by the progressive element in the Senate.

Senator Glassey

- We are not bound to accept a Bill because the Government introduce it.

Senator STANFORTH SMITH

- But if the Government introduce a Bill providing for the acquisition of a small area for the purposes of the federal capital, they must fight for it.

Senator FRASER

- Not necessarily. They may change their minds; they may be forced to change.

Senator STANFORTH SMITH

- I think it is the opinion of the Senate that the Government should acquire a large area, and if they bring in a Bill providing for that in the first instance it will be far better. I feel sure that we are not going to select a site recommended by any person delegated by New South Wales to report upon the matter. The first thing we have to decide is what the area of the site is to be, and then whether we are going to be the ground landlord of every inch of the territory required. Without first settling these questions we cannot be in a position to select a site for the federal capital. As Senator Playford says, we must decide these two points first, and by a reference to the report made by Mr. Oliver to the New South Wales Government we can see the folly of picking the federal site without having these matters settled. Mr. Oliver reports on the supposition that either the people will remain in the possession of their holdings, and there will be merely a change of landlords from the New South Wales Government to the Commonwealth Government, or they will receive the increased value of their properties resulting from the site being so fixed as to include them. We can, therefore, see that this report is based on a wrong hypothesis altogether. I have no doubt that the representatives from New South Wales may desire to see a smaller territory than that which I propose. I do not say for one moment that they would wish that, because of their desire to see the suburbs of the federal capital situated within New South Wales territory, in order that the revenue from them might be received by New South Wales instead of the Commonwealth; but if we have an area of

only 10 miles square, undoubtedly whether the federal capital becomes the centre of commerce, or merely a capital like Washington, its suburbs will extend beyond 10 miles square. If we attain to the size of Washington, which has a population of nearly a quarter of a million- - and there are very few senators who will say that we shall not attain to those proportions - we could not possibly squeeze that number of people into an area 10 miles square. The consequence would be that a large number of people dependent on the federal capital would be living on private property under the jurisdiction of New South Wales. I think it is the opinion of the majority of the senators that the whole of the federal capital site should be under the control of the Federal Government, and that the federal capital should be the joint and equal inheritance of the whole of the people of Australia. I think, further, that it is their desire that the Commonwealth should be the ground landlord of the whole of the capital area. If we do not arrange for that, we shall lose an enormous amount of revenue. "We cannot tell the amount because we cannot know what the site of the capital will be ; but I am perfectly safe in saying that we shall lose a large amount, not only for a few years, but for all the hundreds of years that the capital will be in existence. If we make the fatal mistake of selecting a small area, we shall do great injury to the interests of the Commonwealth as a whole, and motions such as Senator McGregor moved with regard to the tenure, and that now under consideration relating to the area, must prove exceedingly valuable in affording means for indicating the opinion of the Senate on these points. I have not dealt with the remarks of the honorable and gallant senator, lit. -Col. Neild, because I consider that they were more of a humorous nature than otherwise, and because he seemed to consider the idea of selecting a large area as either absurd or inimical to the best interests of New South Wales. I think his remarks were rather the emanation of his fanciful imagination than the expression of common sense.

Senator Higgs

- His poetic imagination.

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Senator STANFORTH SMITH

- The honorable member says it is absurd to talk about an area of 1,000 square miles ; that such' an area might possibly suit Western Australia, but that it would not suit a place like New- South Wales. He also expressed a burning desire, at the beginning of this session, that the capital should be established as soon as possible. I believe it is his idea that the capital should be established, and that we should be sitting in New South Wales, in about five years' time.

Senator MILLEN

- It is certainly the desire of the people of New South -Wales that the federal capital should be established in five years at the outside.

Senator Walker

- Three years.

Senator STANFORTH SMITH

- I can assure Senator Millen that if it is desired that the capital shall be established in five years, the people of New South "Wales will have to go about the accomplishment of their object in a far different way from that which they followed in connexion with the report prepared by Mr. Oliver. From our point of view New South Wales has nothing to do with the selection of the site, but from their point of view we apparently have very little to do with it.

Senator Lt Col Neild

- What does the honorable senator mean by " our " 1

Senator STANFORTH SMITH

- I urn speaking of the Federal Parliament. The honorable and gallant Senator Lt.-Col. Neild evidently thinks he has the exclusive right to dictate to us as to where the federal capital should be established. Senator Lt.-Col. Neild is strongly of opinion that the capital should be established at once, and that the area should be about ten square miles.

Senator Lt Col Neild

- That is not true.

The PRESIDENT

- The honorable senator should not say that. He is not in order in stating that Senator Staniforth Smith has been guilty of uttering an untruth.

Senator Lt Col Neild

- I did not mean that; I meant that what the honorable senator stated was not a true representation of what I said, because it was not possible that I could say anything of the kind, inasmuch as the Constitution lays down that the area--

The PRESIDENT

- The honorable senator ought not to say that Senator Smith was guilty of uttering an untruth ; he might say that he had made an incorrect statement.

Senator Lt Col Neild

- I regret that the phrase slipped out. I did not mean to offend Senator Staniforth Smith.

The PRESIDENT

- The honorable senator withdraws.

Senator STANIFORTH SMITH

- I am sure that my honorable friend had no intention of saying that I deliberately stated what was untrue. I was speaking of his frenzied desire to have the federal capital established in a few years time, and apparently on the conditions dictated by New South Wales. That is what I object to. I wonder that it did not occur to Senator Neild's poetic imagination that we should establish the capital - because it would save time and also confer other advantages - in, perhaps, the Jenolan Caves.

Senator Lt Col Neild

.- I wish the .honorable member would not draw on his imagination for his facts.

Senator Higgs

- That is what the honorable and gallant member had to do when .he made up those poems of his.

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Senator STANIFORTH SMITH

- Certainly, in adopting the Jenolan Caves we might be accused of atavism, in copying the example of our forefathers the cave-dwellers. But it might appeal to a man with a poetical imagination, like the honorable and gallant Senator Lt.-Col. Neild, that it would be a beautiful thing to adopt nature's mansions in the rocky fastnesses of New South Wales as our meeting place. We have done absolutely * nothing towards establishing the federal capital, and I would inform Senator Lt.-Col. Neild that there is no one in this Chamber who is more anxious to see the federal capital established quickly than I am. I want, however, to see that we go about it on the right lines. If we take the opinion of Senator Playford - and I think his opinion is always worthy of the greatest consideration - the first thing to decide is the tenure, and secondly the extent of the area to be acquired. When that has been done we can see what sites are eligible and suitable, and we can choose our site in a common-sense way. If a proposition is brought forward that we should select some of the sites that have already been recommended without our knowledge or request, a great deal of time will be wasted, because the members of this Senate will not be dictated to in this matter.

Senator Lt Col Neild

- The Commonwealth can obtain only that which .New South Wales is willing to part with.

Senator STANIFORTH SMITH

- Exactly. I say, in reply, that the question when we establish our capital evidently rests, not with New South Wales, but with the Federal Parliament ; and if New South Wales will not allow us to have a site which we are willing to accept, we will not accept any site at all. Therefore, the argument cuts both ways. We should endeavour to choose a site where there is as small a population as possible, consistent with the fact that it is suitable in every way for a federal capital. There are many tilings to take into consideration in fixing a site. The matter is of such importance that the Government would do well to appoint some experts to consider various sites, first giving them some definite lines to go upon, such as I have endeavoured to outline. Then we can go and inspect those sites as soon as possible. But if there are 30 or 40 sites to inspect, and we are to spend from Friday to Wednesday inspecting them, at the rate of one a week, we shall be travelling over New South Wales for the next twelve months. Such a proposal amounts to an absurdity.

Senator Millen

- The honorable senator could not find 30 sites.

Senator STANIFORTH SMITH

- There are about 30 which have been prominently brought under our notice.

Senator PULSFORD

- Not sites of the area mentioned in this motion.

Senator STANFORTH SMITH

- That corroborates what I have said, that we cannot take notice of the suggested sites if we wish to have a large area. The objection was raised by one senator who has spoken that it would cost a large amount of money to buy out private people. There is a large amount of valuable land of which the fee-simple is held by private individuals, but even if such land has to be bought by the Commonwealth Government, it is advisable to buy a large area. If we buy the land at its fair value, we can obtain the money for the purpose at 3 or 3½ per cent. If that can be done, will honorable senators say that the rental we shall obtain for the land, at the increased value which will be given to it when the federal capital is established, will not be so great that we shall make a profit on the transaction

Furthermore, the land will remain the property of the Commonwealth, and revenue will be drawn from it, not merely for the next twenty years, but for thousands of years. I am strongly in favour of setting about the choice of the capital on right lines, and not on the lines which have been suggested by the New South Wales Commissioner, which, in my opinion, will only retard the question. I have brought the matter up because I am as anxious as any one to have the capital established as soon as possible ; but I am absolutely confident that if we go about it on the lines which have been suggested it will not be five years, but probably fifteen or more, before a start is made to build a capital.

Motion, by leave, withdrawn.

APPOINTMENT OF MEMBERS OF PARLIAMENT TO PUBLIC OFFICES

Debate resumed (from 14th June, vide page 1140), on the motion of Senator Higgs - -

That, in the opinion of the Senate, no person, being a member of the Federal Parliament, or within twelve months of his ceasing to be a member, should be appointed to any office the acceptance or holding of which would render him incapable of being chosen or of sitting as a member.

Senator CHARLESTON

- I have very little to say with regard to the motion. I at once declare my antagonism to it. I do so for the simple reason that the Federal Convention thoroughly discussed the matter, and came into the conclusion, I presume, that it would be extremely unwise to put such a provision to the Constitution, because it would largely restrict the choice of candidates for the Federal Parliament. I know that a great many- very able gentlemen would have a great injustice done to them if they were debarred from accepting offices of profit under the Crown, if such appointments were offered to them. I am glad to say that we have in our midst some very able members of the legal profession, who would adorn any bench, and I should be extremely sorry to do anything that would deprive the Commonwealth of their services in such offices'. Therefore, I oppose the motion.

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Senator GLASSEY

- The motion is of some importance, but I do not regard it as being democratic in any sense of the word. Quite the contrary j and, therefore, I am not in favour of passing it. If this resolution becomes law, no Member of Parliament could be appointed to any office of profit under the Crown, nor could he be so appointed within twelve months of his ceasing to be a member. This provision, in my opinion, is not only too drastic and restrictive, but it is undemocratic. The honorable senator in introducing the motion said very truly that the position of a Member of Parliament is a most honorable one. The making of the laws of the country, the moulding of the Constitution under which the people are to live, form work which is onerous as well as honorable. The position of a Member of Parliament is certainly one of great trust and one of great responsibility. That being so, I think we should guard as far as we can the rights and privileges of honorable members, and see that they are not restricted from taking any office to which their country may call them, and for which they may be eminently fitted. I am quite sure that I fully echo the sentiments of every honorable senator in regard to the honorable position which Members of Parliament occupy. In advancing reasons for bringing forward the motion, the honorable senator said that the Federal Government would shortly have to make some very important appointments, and that the vacant offices should be filled by the very best men. Is it not just possible that the most capable men for some of these positions may occupy seats in either House of Parliament? If this resolution is carried, and is embedded

in the statute law of the country, the right arm of the Government will be paralyzed, and it will be absolutely impossible for them to appoint a Member of Parliament to any of these positions. In this enlightened age is that the line in which democracy is supposed to run ? Surely we have not arrived at a period when it is necessary to pass such restrictive laws? Although bad appointments may have been made in the past, is that any reason why we should carry such a motion as this? After calm deliberation, are we to prevent the Government from selecting persons for offices irrespective of whether they occupy seats in this Parliament or not ? The honorable senator said that an unscrupulous Federal Ministry might appoint to a lucrative position some powerful and skilful opponent whom they wished to get out of the way. Who is the honorable senator aiming at ? It is well to be plain on this question. In which House does this powerful opponent exist that the Government of the day may wish to get rid of?

Senator Staniforth Smith

- Not the Government of the day. Some future Government.

Senator GLASSEY

- I am dealing with matters as they are.

Senator McGregor

- Does the honorable senator call the present Government an unscrupulous one.

Senator GLASSEY

- No.

Senator McGregor

- Then why does the honorable senator make the analogy.

Senator GLASSEY

- By implication it has been asserted that this unscrupulous Government may desire to get rid of some skilful and powerful opponent in this way. Who is the motion aimed at ?

Senator Walker

- No one in particular.

Senator GLASSEY

- I think the Government should have a perfectly free hand in making these appointments ; that they should be able to select officers for these positions irrespective of whether they may happen to be Members of Parliament or not, provided of course that they possess the necessary qualifications. It is said that in the past appointments have been made from the ranks of Members of Parliament, which were nothing short of a scandal. That is true. If it were necessary to go into details and to single out cases, I dare say I could cite one appointment which was made in my own State, and was by no means creditable either to the person who received it or to the Government who made it. Doubtless similar appointments have been made in other States, but have not such appointments been made of others than Members of Parliament ?

Senator Millen

-Yes ; and much more frequently.

Senator GLASSEY

- Certainly they have. They have been made in my own State.

Senator Higgs

- Who would they be made by ? By an unscrupulous Ministry ?

Senator GLASSEY

- Yes.

Senator Higgs

- I thought the honorable senator did not consider there could be an unscrupulous Ministry.

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Senator GLASSEY

- I know of no country where there have not been unscrupulous Ministries. As long as the world lasts we shall always have unscrupulous persons.

Senator Staniforth Smith

- And those are the people we want to guard against.

Senator GLASSEY

- To say that Parliament consists largely of unscrupulous persons is a serious reflection on each one of

us. The honorable senator asserted that when Members of Parliament were seeking the suffrages of the electors they ought to have said that they were likely to accept appointments if they were offered to them. I do not think it was necessary. I do not know that any candidate was asked to say - "If you intrust me for a term with the responsibility of making the laws, I will give you my word of honour that I shall not accept office." I was never asked to do so. This is a most serious attempt to restrict the rights of the people, and more particularly the rights of Members of Parliament. I believe some doubtful appointments have been made in Western Australia, but I shall not allude to that, because it is a matter with which I have not much concern.

Senator McGregor

- Were any ever made in Queensland?

Senator GLASSEY

- I have said so, and if it were necessary to give details I could point to one specific case of rather a serious nature. I have said that these appointments are not merely confined to Members of Parliament, but sometimes very doubtful appointments are made of persons who are not Members of Parliament. Practically, there is less danger in the appointment of Members of Parliament, because they are limited in number, than in the appointment of persons outside, who are practically unlimited. There is a greater liability, too, of unscrupulous Governments appointing unscrupulous persons who are not Members of Parliament to hold positions.

Senator McGregor

- Would the honorable senator confine the motion to Members of Parliament?

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Senator GLASSEY

- I would apply it to nobody: I am a democrat, believing in the broad principles of democracy, and that a person should be chosen to fill the position for which providence and his training have best fitted him. The honorable senator said that in one case a capable and efficient critic of the Government in the New South Wales- Assembly was appointed, and for years was lost to the public life of the State. That is one of the instances cited for showing the necessity for carrying this resolution, and to induce the Senate to adopt it. I think I have some little knowledge of the person in question, but I will not go into the matter. I hope we shall have a few of these cases cited by the honorable senator when he comes to reply. Certainly, it is to be regretted that unscrupulous appointments are made, but when it is suggested that the Member of Parliament who will be asked to fill a position, is a powerful and skilful debater, it should be remembered that such a man ought to be well able to protect himself, and we must remember he is not bound to accept office. If he has the power and skill referred to by the honorable senator, he is but armed, in my judgment, with greater powers of resistance. If there was any compulsion, and a person had to take office, it would be another matter. It seems to me to be suggested by implication that every Member of Parliament is hungering and thirsting for office, merely waiting until the bait is thrown down, and then he will swallow it. I absolutely and emphatically repudiate the charge. I have been for many years in Parliament, taking part in the public life of the country in which I live, and I have never to this hour sought or cringed or crawled for office. I have never been hungry or thirsty for office, nor am I to-day. So long as I possess any little ability, and enjoy the confidence of the people who send me here, or to any other place of responsibility and trust, I hope I shall have sufficient power of resistance not to swallow these little baits even though they may be thrown down as numerous as some honorable senators suggest. The honorable senator says we should put it beyond the power of any leader of a Government to put temptation in the way of puny Members of Parliament who are sent here from different States by a free people, from a free platform, and through a free press. The people believe that the persons sent here are those most capable of representing their desires, instincts, and aspirations in this House. But, no! Poor, weakly Members of Parliament are not able to protect themselves, and a motion like this is required to take temptation out of their way, and to prevent them from, swallowing those little crumbs thrown down from time to time by an unscrupulous Government! It is a marvel, in this enlightened age, that such a provision as this should be considered necessary. I could understand keeping temptation out of the way of children - the temptation to betting or cigarette smoking: but I cannot understand that it should be considered necessary to keep temptation out of the way of Members of Parliament by carrying such a resolution as this, in this enlightened age.

Senator McGregor

- Are they infallible?

Senator GLASSEY

- I hope honorable members will speak for themselves. I speak for myself. I do not profess to be infallible, and never did, but I entirely repudiate the charge that it is necessary to carry such a resolution as this to keep the temptation of office out of my way.

Senator Higgs

- No one ever thought of the honorable senator in the matter. Nobody ever expected that the Government would offer the honorable senator anything.

Senator GLASSEY

- I do not suppose so, but I may be pardoned for saying, in reply, that there is just a possibility that an offer might come as readily this way as in the way of the honorable senator opposite. If I should be so insignificant as not to be thought of, it is perhaps so much the better for me, as I stand in the happy position that I am not likely to be tempted. The honorable senator says it would be a calamity if some gentlemen now occupying places in both Houses of the Federal Parliament were to accept, such offices. Who are these gentlemen ? We were told of the danger it might be to some future Parliament, but by implication the reference is also to the present Parliament. Who are these gentlemen ? Let us single out two or three to begin with, because I think it is just as well to be plain on the question, and I intend to be plain.

Senator Walker

- I suggest that the honorable senator should not give names.

Senator GLASSEY

- I am obliged to the honorable senator for the suggestion, but he will pardon me if I decline to accept it. Who are they ? Take the case of the most powerful and skilful opponent of the Government in another Chamber, the leader of the Opposition. He is certainly one of the most powerful and critical debaters there. But does it follow that if he accepted an office, for which he was the most fitted and capable person available, it would be a calamity to Australia? What sheer, arrant nonsense ! The indispensable man does not live, never did live, and, I think, never will live. If the right honorable gentleman was called to some office to-morrow, which would take him out of the way, Parliament would go on just the same, and if he were the most capable person for the position to which he was called he should certainly be appointed to it.

Senator Staniforth Smith

- Not necessarily ; it would depend on where his services are more valuable.

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Senator GLASSEY

- Now let me single out a man in this Chamber, and I may be pardoned for using a name or two. Take Senator Sir Josiah Symon, who, I think, is one of the most critical, keen, and powerful debaters we have. I pay him that compliment because I think he deserves it. But if Senator Sir Josiah Symon were taken away to-morrow to hold some position for which his training and great intellect fit him, does it follow that a calamity would overtake the Senate? I know of no two persons who occupy more prominent or powerful positions than the gentlemen I have named ; but if they were withdrawn to-day or to-morrow, either House would go on just the same. These gentlemen, I have no doubt, would give satisfaction to the Government who appointed them, and to the public ; but no calamity whatever would come to either Chamber if either gentleman was withdrawn. So far then as the probability of calamity is concerned, we may reasonably put it on one side as not being an argument of much weight. This motion has a twofold object. It is first intended to prevent corruption, which may lead to a scandal, and that motive is a good one, and, secondly, it is intended to prevent the withdrawal from the arena of politics men who perhaps, according to the idea of the senator who has submitted the motion - and I give him full credit for honesty - may be best fitted to serve the country in either Chamber. The honorable senator went on to single out certain professions, and to say that members of the legal profession who enter into the hurly-burly of politics should not be appointed as Judges. I happen to know in both hemispheres some Judges who have been in the hurly-burly of politics. Let me point to one or two. Does the honorable senator, going back a few years, remember when Lord Chief Justice Coleridge occupied a proud and eminent position in politics

and in the Parliament of his country? That gentleman was called to occupy the high and exalted position of Chief Justice of Great Britain. Perhaps no man ever occupied a prouder or more elevated position in Parliament, and no man, perhaps, entered with more zeal and greater vigour into the hurly-burly of politics than he did. Can any man point to a single instance during all the years that eminent gentleman occupied the position in which he showed the slightest partiality, or in which his great name was tarnished in consequence of his having entered into the hurly-burly of politics ? Some of the brightest ornaments of the bench in Great Britain, and perhaps in America, were for many years in the hurly-burly of political life, and yet no man, not even the strongest opponent of these gentlemen, can put his finger on one instance of partiality or want of fairness on their part. Take, for example, the late Chief Justice of England, Lord Charles Russell, a man who for many years prior to his appointment to that office, occupied a proud and elevated position in politics. Lord Charles Russell did not accept that appointment because of any increase of salary he was to receive as Judge. His great talents and great ability enabled him to earn far more at the bar than he ever received while occupying the proud, eminent, and exalted position of Lord Chief Justice of England. Why was Lord Russell called to occupy that position ? It was because, in the judgment of one of England's greatest men, and greatest statesman - though some persons may not agree with me when I apply those terms to the late William Ewart Gladstone - Lord Russell would occupy the position of Chief Justice with greater effect, greater skill, greater judgment, greater impartiality, and greater intellectual power than any other man.

Senator De Largie

- Lord Russell would have done better had he remained in the House of Commons.

Senator GLASSEY

- That is another matter. I have no doubt Lord Russell took the position where he thought he could serve his country best. That is my opinion, knowing the life of Chief Justice Russell for many years before he entered Parliament, and during the years he was in Parliament. These gentlemen present at any rate two instances where prominent politicians were successful in filling high offices, and numerous others might be cited in England, Ireland, and Scotland. Further instances are not necessary, but let us take the Irish bench, some of the brightest ornaments of which were for years extremely active politicians.

Senator McGregor

- But they could not get on to the bench unless they went into politics.

Senator GLASSEY

- I do not agree with Senator McGregor.

An Honorable Senator. - It was the only possible gateway.

Senator GLASSEY

- I am sure that if Senator McGregor had only reflected for a little, he would hardly have made that interjection. But supposing that was their motive - -

Senator Playford

- All the better for Parliament.

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Senator GLASSEY

- Yes, all the better for Parliament, and all the better for the bench afterwards, because of the training received and the experience gained during their parliamentary life. To come nearer to our own doors. Has there been a brighter figure on the bench of New South Wales than the late Chief Justice Martin ; and yet Chief Justice Martin was a most pronounced politician, and had for many years "held various political offices, having been at one time Premier of that great State. Who can say that that gentleman ever showed the slightest partiality while he occupied the position of Chief Justice, even in the case of opponents who came before him ? Take the State of Queensland, which is great in territory and great in resources, though it may be small in population. One of the ablest men Australia has ever seen was in active politics, and subsequently occupied and ornamented the bench for many years - the late Chief Justice, Sir Charles Lillie. He was a man whom the democracy deservedly admired, respected, and almost revered. He was a personal friend of my own, and I knew his inner and outer life. I never knew a man more in sympathy with the people, and certainly I have not met a man south of the line possessing greater ability. Yet he was an active politician, and had been in the hurry-scurry and hurly-burly of politics for many years. Then, again, take the late Chief Justice Higinbotham, of Victoria. He was a democrat of

democrats - a man in entire sympathy with the people, and a man who would 'ornament the bench of any country. He never lost his sympathy with the people, even when occupying the exalted position of Chief Justice. Yet it would be said that this gentleman should not have been appointed as a Judge, because he happened to be in the hurly-burly of politics. Take the present Chief Justice of New Zealand, Sir Robert Stout. He is certainly one of the ablest men in that great colony - a man with a most philosophic mind. The Government did not appoint Sir Robert Stout to occupy that position because they wished to get him out of the way ; they appointed him before he was Chief Justice, to fill most important positions in arbitration and other cases in which the interests of the colony were involved. He is one of the ablest and most capable men, in my judgment, for his position, and if the people of New Zealand were polled to-day they would declare, with few dissentients, that that is so. Coming back again, I wish, briefly, to point out that it is quite- possible that the most powerful opponent of the Ministry may not be in Parliament at all. In England a few years ago, the great liberal organizer, the late Mr. Schnadhorst, a gentleman whom I knew, was by far the most powerful opponent that the Conservative party ever had in that country.

An HONORABLE SENATOR - The originator of the caucus ?

Senator GLASSEY

- He was not the originator of the caucus ; the caucus was originated in America. The late Mr. Schnadhorst, who was the most skilful critic of, and the man who could inflict the greatest damage on, the conservative party; and who did so for many years, as the result of his great organizing ability and skill, was never in Parliament at all I do not know that he ever stood. Yet such an appointment as he held could not have been made if such a resolution as this had been operative in England. If he had happened to be a Member of Parliament, he could not have been appointed. So that the most powerful opponent of the Ministry might not occupy a seat in Parliament, but might be a citizen outside, who was everlastingly working and organizing, and doing his best in the interests of his party to destroy the Government of the day. Then, again, let us take some of the most powerful men in the United States of America. Take the leaders of Tammany - they have not been in Parliament at all, but they are by far the most powerful men outside of Parliament, and some of them are quite equal to any persons who have ever found a place in Parliament. It is not always necessary to confine their operations to Parliament in order that the Ministry may get rid of a most skilful, opponent. If the Ministry wish to protect themselves from most damaging opponents they must recognise that sometimes those opponents, are outside the walls of Parliament, not within them. The mover of the motion says that when politicians become Judges they may be unconsciously biased. I am > utterly at a loss to know what is unconscious bias. If a man's decision is honestly arrived at according to the dictates of his conscience, can that man be said to be unconsciously biased? But if the evidence is one way and the Judge's decision is the other way, then that man is corruptly biased, and not unconsciously biased. Surely we are not going to concede that any of our Judges hold such weak positions that they are unconsciously biased, and that in consequence they give wrong decisions. I would ask what is the reward of a long political life? Men come here who may be eminently fitted to be a Chief Justice or a Judge, who may be eminently fitted to occupy various other high offices of State, but under the operation of this motion they could not hold any of these positions. The inferior person must of necessity be appointed if this motion becomes law, and the superior person must be passed over simply because he has been, a Member of Parliament. Surely that is not what the country wishes. The country wants the best men, and- to be served in the best way. It wants the greatest capacity and the greatest training, that are available. It wants the men who are best equipped in every way. for filling the various- high positions in the State. May I be pardoned for giving two or three examples 1 We have in this Chamber twelve or thirteen lawyers. What crime have these lawyers committed that they cannot occupy any position for which, the Ministry of the day believe them to be fitted ? I never was a great admirer of lawyers as statesmen. Sometimes most eminent lawyers become eminent statesmen, but not often. I believe that one of the most eminent statesmen that America has seen after Washington, and certainly one of the most popular, was the late President Abraham Lincoln.

Senator Playford

- But Lincoln only took up law late in life.

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Senator GLASSEY

- No,

Senator PLAYFORD

- Why, he used to split, rails.

Senator GLASSEY

- I am quite aware of that, but he was studying law many years before he entered the legal profession. I ask the Senate in a friendly way - if I may be permitted to use our President's name in this discussion - "What has our President done as a lawyer that he cannot be called upon to fill any high office for which the Government of the day believe he is most fitted?" Is it because he has been elected a member of this Chamber, and because he is a lawyer? Why did the Senate vote for him to fill his present high position? Honorable senators voted for him because they believed he was the best person to hold it. His training and experience have been such as have been most useful to vast numbers in the States, myself included, in guiding us in our deliberations to accept the Constitution under which we live. What about some of our friends on the other side of the House? What has Senator Sir Josiah Symon done that he is not to occupy a position? What has my friend Senator Sir John Downer done? Simply because he is a lawyer, when his country, through the Government of the day, calls upon him to occupy a high position, is he to be prevented from doing so? Then again, take the case of my friend Senator Playford, a man who has held various positions, who has filled a big space in the public life of his own State for many years, and who recently served the people of that State as Agent-General for four years. If this resolution were passed, notwithstanding his experience, ability, and life-long service, it would prevent him and other senators from occupying high positions simply because they happen to be Members of Parliament to-day. I do not regard this as a forward movement, but rather as an extremely backward step, and also as extremely conservative and undemocratic. No doubt the discussion will do no harm, but I regret to see the motion on the paper, as I regard it as one of the consequences of that everlasting suspicion that Members of Parliament are always looking out for gain. If any such provision as that suggested should find its place in the statute-book, the best and most experienced men we have amongst us would be prevented from occupying positions for which they would be most eminently fitted. Take the case of the ~ [135]

Vice-President of the Executive Council. No one would more regret than I should to lose him from this Chamber, but I would be no party to preventing the Commonwealth from seeming his services in another, and perhaps more important capacity. Senator O'Connor is a man who stands on an eminence in his own State equal to any in that State, and I think deservedly so. As a scholar, as a gentleman, and as a man of the most equable temperament, who has had a long course of training, is there any man in either House more fitted to hold a high place in the judiciary of the Commonwealth than Senator O'Connor? Then we have Senator Drake, and others who might be mentioned.

Senator McGregor

- Refer to me, for goodness sake.

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Senator GLASSEY

- I presume that if this motion were passed a Bill would have to be introduced in order to give effect to it, and I think that any such legislation would be a mistake, as it would aim a serious blow at the liberties of the people, and would prevent them from choosing the most suitable men for the highest positions in the community. Furthermore, it would have the effect of stifling all laudable ambition, and would prevent men from acquiring that knowledge which is necessary to fit them for the most responsible offices. It would make it impossible for men who, by their experience and their activity in public life, have won the confidence of the community - such, men as the Attorney-General and the Minister for Trade and Customs - to be placed in such positions as those of Judges or High Commissioners to represent the Commonwealth in London. One of the worst features of the proposal is that it would prevent not only the Commonwealth but also the States from obtaining the services of some of those who might be regarded as most eligible for any position of importance. I will record my vote against the motion.

Senator HIGGS

(Queensland), in reply. - I am sure I sympathize with those honorable senators who, through this motion of mine, have been subjected to such a lot of sickening flattery this morning. I do not at all deny that the motion is directed against certain very able men in this and in another Chamber. I am not prepared to name these gentlemen, as I do not want to cause any unpleasantness. I should like to ask why, if this

motion is so objectionable, the principle contained in it should find a place in the Victorian Constitution? How is it that the Parliament of Victoria embodied in its constitution a provision to prevent Members of Parliament from accepting positions at the hands of the Ministry of the day ?

Senator Zeal

- The Victorian Constitution exempts lawyers

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Senator HIGGS

- I know that lawyers' are exempted, but I should like to know why we should make any distinction in favour of lawyers. Other Members of Parliament are prevented from taking positions until they have been out of Parliament for six months, and I do not see any reason why lawyers should be treated with any more favour. Does any one contend that this Chamber or the other Chamber contains all the ability that could be chosen throughout the whole of the Commonwealth ? Surely, Senator Glassey would not say that the twelve lawyers who occupy positions in this Senate are the only lawyers from whom might be chosen the Judges who are to constitute the High Court ? I think that any such assumption would be a great reflection on the lawyers outside Parliament, and, whilst I say that, I give the lawyers here every credit for their very high capacity. I know that very improper appointments are made outside Parliament, but these are, as a rule, made at the instigation of Members of Parliament who go round to Ministers and use their influence in favour of their friends or relatives. Because such appointments are wrongly made, there is no reason why we should refrain from passing such a motion as that I have placed before the Senate. I do not say that the Barton Ministry are unscrupulous. I am here to support them and am anxious to support them so long as they do their level best to carry out the democratic programme they have placed before the country and upon which they were elected. At the same time I am anxious to do what some members of the Convention wanted to do, that is, to protect "the Ministry against itself. I am sorry to find that Senator Sir William Zeal appears to have altered his opinion with regard to this matter, and that there is seemingly a conspiracy of silence on the part of those senators who were members of the Convention, and who at that time were so very "anxious to have this provision embodied in the Constitution. Senator Sir Josiah Symon said at that time - "We want to prevent the Parliament of the Commonwealth from being wronged." Why is it that those honorable senators have not spoken in this Chamber, and backed up the opinion they held a few months ago ? They must be as well aware as I am that there are certain persons in the Commonwealth who are looking to the Government for patronage. I will not say those persons are in this Chamber ; but it is very well known that certain positions have to be filled, and that the Government will have the power of making appointments. I am not expressing; only my own personal opinion when I say that no member of the Federal Parliament ought to take any of those positions. It is said, that this motion is a reflection on Members of Parliament. I have a personal objection to the appointment of members of this Parliament to offices of profit, for the reason that I am very anxious to uphold the honour and dignity that are supposed to attach to the Senate and to another place. I should like the position of Member of Parliament to carry with it great respect everywhere. But when Members of Parliament use their positions to get appointed to lucrative offices outside Parliament, such conduct is a stigma and a reflection on Members of Parliament generally. When the public see the members, of any Parliament accepting these positions, they say - "All the Members of Parliament are alike ; they are all 'on the make,' and all that is required in order to induce them to accept a billet is to offer it to them." Because certain Members of Parliament have been appointed to positions on the bench, and have filled them creditably, it does not follow that they would not have been appointed if they had not been in Parliament. In fact, although there have been many appointments made from Parliament which have been creditable in every way, it still has to be remembered that just as creditable appointments could be made from outside Parliament altogether. As a rule, indeed, we could secure more capable officers in that way. I have in mind two or three political appointments which excited considerable comment at the time they were made. Since the gentlemen in question have occupied positions on the bench, their decisions have been more frequently challenged and overruled by the High Court than have been the decisions of men whose appointments were not political.

This motion is not a blow aimed at the lawyers, as Senator Harney wished to imply. Senator Harney said the supporters of this motion were acting in a dog-in-the-manger spirit, because, possibly, they have not the capacity to fill such positions themselves. Of course those of us who have had the pleasure of

listening to Senator Harney are not much surprised at statements of that kind, because in his opening speech before the Senate he was so careless of his language as to insult the Irish people by saying that they were not prosperous because they were lazy.

Senator Harney

- I never said that What I said was that the want of industry in Ireland was not due to the men themselves so much as to the atmosphere in which they lived.

Senator HIGGS

- I accept the honorable and learned senator's denial. This motion is not directed solely at the lawyers who happen to be Members of Parliament. It is a comprehensive proposal, and covers all Members of Parliament. It refers to positions in the civil service as well as on the bench. I dare say it will be proposed to appoint some Members of Parliament who are not lawyers to seats on the Inter-State Commission. That would be very wrong. Outside our Legislative chambers there are men of sufficient capacity and honesty of purpose to fill those positions without selecting Members of Parliament. I regard these political appointments as not only deleterious to the efficient carrying on of the public service, but also as reflecting on Members of Parliament themselves ; and I support the opinion of those members of the Federal Convention who at that time were so full of patriotism and so anxious to do the best for the Commonwealth in their desire to prevent political appointments being made.

Question put. The Senate divided -

Ayes8

Noes18

Majority 10

POST AND TELEGRAPH BILL

In committee

(consideration resumed from 4th July,
vide

page 2064) :

Clause136 -

An electric authority shall not construct any electric line, or do any other work for the generation, use, or supply of electricity whereby any telegraph line of the Postmaster-General is or may be injuriously affected.

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Postmaster-General

Senator DRAKE

. - I should like to say a few words of general explanation as to Part 7 of the Bill, upon which we are now entering) not with a view of disarming criticism, but to prevent unnecessary repetitions upon any of the clauses. These clauses are, in the main, taken from the Electric Lighting Acts of Great Britain, passed in 1882 and 1888. Those Acts recognise that wherever electricity is largely used in any town, it is necessary that there should be some general control ling power over the wires. In Great Britain that duty is undertaken by the Board of Trade, which has authority over the use of electricity in towns and issues licences to corporate bodies or private companies, giving them power to put up wires and laying down the regulations which must be observed. The Board of Trade is very careful indeed to protect the rights and privileges of the Post and . Telegraph department. In the Commonwealth we have no body similar to the Board of Trade, and it has been considered desirable in nearly all the States where electricity is largely used that the controlling authority should rest with the Post and Telegraph department. There is great reason for that. The Post and Telegraph department has a whole network of telephone and telegraph lines which in themselves are comparatively harmless, because they carry a very weak current of electricity, but the companies or corporate bodies which use electricity for lighting or motive purposes have wires which carry a tremendously strong current. If an accident hap-' pens, and those lines break and fall across a telephone wire, the current of electricity is communicated to the delicate mechanism of switch-boards and instruments, thereby doing a great amount of injury, as well as endangering life and private property. Primarily the reason why the department is charged, with the control' of electric wires is that it is necessary that it shall have full power to protect its own apparatus and wires. Incidentally also the department is charged with the protection of life and property, because, as I have already indicated, an

accident happening to a wire erected for lighting and motive "purposes might have the effect of destroying telephones and wrecking the most expensive switch-board, and might also do injury to life and limb. These are the reasons why the power should be put into the hands of the department.

Senator Sir William Zeal

- The department represents the Government in the matter.

Senator DRAKE

- The department represents the public really, and has to protect a very important system, which exists for the public convenience. I should like honorable senators, in discussing this part of the Bill, to bear in mind that there is no question of rivalry here. During the discussion of the postal portion of the Bill I had to point out that it was necessary for the post-office to be protected in its monopoly against rival trading firms. In this case nothing of the kind arises, because there is no rivalry whatever. The Post and Telegraph department does not manufacture and distribute electricity for lighting and motive purposes. The only desire that can exist in the department is to see that its wires are protected, so that the business of the department may be carried on, and the public interest conserved. Clause 136 is in nearly the same words as the corresponding section in the British Act, and the same remark applies to clause 137.

Clause agreed to.

Clauses 137 and 138 agreed to.

Clause 139 (Provision when work to be done involves alteration in telegraph line).

Senator Sir FREDERICK SARGOOD

- I am not quite sure whether an important point is not involved in this clause, as also in one or two subsequent provisions. Where there is an existing electric wire for lighting purposes the rights of the owner are affected by the clause. All other lines practically belong to the Government, but where there is an electric line in existence which has been erected necessarily with the consent of the authorities, it is only fair that if that wire has to be disturbed the expense of the alteration should be borne by the department. In Victoria, before any electric wire can be erected by a private person an order has to be obtained from the Postmaster-General. If subsequently the Postmaster-General steps in and requires to erect telegraph lines for the department, and the two lines interfere with one another, and it becomes necessary to alter the position of the electric light wire, it is only just that the expense of that alteration should fall, not upon the private company or the individual, but upon the Commonwealth Government. I have already mentioned this matter to the Postmaster-General, and we have turned up the English Act of 1888 - the 51st and 52nd of Vic, chapter 12, section 4. There it is provided practically that the expense shall fall upon the Government. It is also provided in the Victorian Electric Lighting and Power Act, No. 1413, section 36 -

This sub-section shall not apply to the supply of electricity through any electric line or work laid down previous to the erection of the telegraph or electric line so affected.

Hitherto lines could not be erected without the consent of the Postmaster-General of the State. Now the Postmaster-General of the Commonwealth steps in ; and it stands to reason that he ought not to be able to injuriously affect the owners of works that have already been erected with the consent of the State Postmaster-General.

Senator Sir William Zeal

- How injuriously?

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Senator Sir FREDERICK SARGOOD

- The Postmaster-General may say that in the interest of the Commonwealth it is necessary that a telegraph line shall be put up within two or three feet of an existing line erected for lighting purposes. It will then be absolutely necessary that the line for electric lighting shall be removed. In that case it is only just that the cost of the alteration should fall upon the Commonwealth and not upon the individual owner of the line.

Senator GLASSEY

- I think the contention of Senator Sir Frederick Sargood is a reasonable one. If the Postmaster-General requires to erect any lines for the purposes of the Commonwealth that will injuriously affect works already in existence, reasonable compensation should be paid for any injury done. That, I presume, is" the contention of Senator Sir Frederick Sargood.

Senator Sir Frederick Sargood

- Practically.

Senator GLASSEY

- It is the most reasonable and just thing in the world that fair compensation should be paid for any injury done. But at the same time no consideration of the kind should stand in the way of the public being served by means of telegraphic or telephonic communication.

Senator Sir WILLIAM ZEAL

- The committee should pause before it takes up the position indicated by Senator Sir Frederick Sargood. The Postmaster-General does not represent the department, but the public. He has the control over all electric wires in the States. The fact of erecting a telegraph line in a street does not give a company a monopoly over the supply of electricity in that street. Senator Glassey goes even further than Senator Sir Frederick Sargood, because he says that if the Postmaster-General interferes with an existing line compensation should be paid. That is altogether an outrageous proposal.

Senator Sir Frederick Sargood

- It is not my proposal.

Senator Sir WILLIAM ZEAL

- That means that if I put up a line of wire running parallel to or above or below a wire erected by the Post and Telegraph department, and my wire has to be removed, the cost should not only be borne by the department but, compensation should be paid. We should be cautious about granting a monopoly for the supply of electricity, and if permission of this kind is granted to a company they should pay something for it. I ask the committee to carefully watch these clauses, because if we are not careful monopolies will be set up and rights created which will have an alarming effect in the future. There is another thing I wish to ask honorable senators to consider. How long are electric wires and cables to be allowed to disfigure our streets 1 In some of the streets there are to be seen upwards of 100 wires. The rights of private owners are jeopardized. What right have these companies to put a whole electric battery in front of my property, of so dangerous a character that if a person touches it by accident he does so at the peril of his life 1 I do not see why the companies should not be compelled to put their wires under ground. There is no difficulty whatever about it ; it is only a question of expense. If companies ask for a concession of rights' for a number of years, the)' must be prepared to meet the public in a business-like practice.

Senator DRAKE

- The proposal of Senator Sir Frederick Sargood appears to me to be reasonable, as I understand it, and I will endeavour to give effect to what he wishes ; though the matter can be better dealt with on clause 142. Clause agreed to.

Clauses 140 and 141 agreed to.

Clause 142- (.1) When any electric lines or works are used for the generation, use, or supply of electricity in. such a manner as to injuriously affect any telegraph line of the Postmaster-General, the Postmaster-General may by notice to be served upon the person owning or using or entitled to use such electric lines or works require that such supply be continued only in accordance with such conditions and restrictions for the protection of the telegraph lines of the Postmaster-General and the telegraphic communication through the same, as he may by or in pursuance of such notice prescribe.

In default of compliance with such conditions and restrictions, the Postmaster-General or Deputy Postmaster-General may require that the supply of electricity through such electric lines or works shall be forthwith discontinued until such default ceases.

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Senator DRAKE

- The point contended for by Senator Sir- Frederick Sargood is, as I understand it, that where a local authority or private company has been authorized by the Postmaster-General of a State to erect wires, and has erected them in accordance with, the requirements of :he Act, if it becomes necessary to alter the position of those wires to insure the safety of telegraph and telephone wires, the expense of making the alteration should be borne by the department. That contention appears to me . to be fair and equitable.

The provision of the English Act is as follows : -

Provided that nothing in this sub-section shall apply to the supply of electricity through any electric line or work laid down or erected under and subject to the provisions of any licence, order, or special Act, or

which may be used in accordance with any conditions or regulations prescribed by the Board of Trade by or in pursuance of any notice given by them under this section.

What Senator Sir Frederick Sargood asks is, that where a line has been put up with the consent of the Postmaster-General, if any alteration is 'needed the expense of it shall be borne by the department. I will endeavour to' have a clause drafted to remedy the defect pointed out. I move -

That the clause be postponed.

Senator GLASSEY

(Queensland).When I used the word " compensation " to which

Senator Sir William

Zeal has taken exception, I merely meant the cost incurred in doing the work necessary in the interests of the public ; not compensation in addition to that.

Motion agreed to ; clause postponed. Clause 143 agreed to. Clause 144 -

Any action taken by the Postmaster-General or his agents for the protection of any telegraph line, whether at the request or by arrangement with any electric authority or otherwise shall not relieve such electric authority of any liability under this Act or the regulations or under any Act providing for the safety of persons or property.

Senator DRAKE

- My attention has been drawn to this clause by Senator Charleston, but I think it is perfectly clear. What it means is that certain regulations are to be made by the Postal department with regard to the protection of the wires, and the precautions necessary in order to prevent accidents. If after that the Postmaster-General finds it advisable to insist upon some other precaution being taken, the company or the legal authority will not be relieved from observing the general provisions which have been made by the department.

Clause agreed to.

Clauses 145 to 148 agreed to. Clause 149-

Whenever any matter under this Act is to be settled by arbitration each party shall appoint one arbitrator, and the arbitrators appointed shall nominate some independent person as umpire; and if the arbitrators are unable to agree the umpire shall decide the matter.

Senator Sir FREDERICK

SARGOOD (Victoria)-It appears to me that something more than the simple statement contained in this clause will be necessary in regard to the question of arbitration. In . the Acts of most of the States there are provisions as to the way in which an arbitration shall be dealt with in case of either side refusing to appoint arbitrators. There is nothing of that kind in this clause, and I can only suggest that either it should refer to some existing Act, or that a provision similar to that which I have stated should be made in the clause. An Arbitration Bill may not be passed this' session, and in the meantime difficulties may arise requiring a reference to arbitration. In that event how would they be met?

Senator DOBSON

- - I was just about to draw the attention of the Postmaster-General to this matter. We have now helped to pass two measures in which reference is made generally to arbitration, and I wish to ask the Ministers whether the Government propose to introduce an Arbitration Act similar to the Acts that Ave have in most of the States. Those Arbitration Acts lay down the whole procedure, as Sir Frederick Sargood has suggested. They state what is to be done ; the whole procedure is set forth ; provision is made for making an award a rule of court, and they contain sections relating to setting aside awards and matters of that description. It is well worthy the consideration of Ministers whether they should not introduce in this first session an Arbitration Act.

Senator O'CONNOR

- I do not think that is necessary, although, of course, the suggestion is worthy of attention. I would point out that in every State at the present time there exist arbitration laws ; and I think if this clause is amended in such a way as to read that wherever a matter is by this Act to be settled by arbitration it shall be referred to arbitration in accordance with the law of the State in which the dispute arises, that will meet the difficulty.

Senator Dobson

- Has every State got an Arbitration Act ?

Senator O'CONNOR

- Yes.

Senator Harney

- That would follow without putting it in the Bill.

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Senator O'CONNOR

- It would be better to insert in the clause the provision I have mentioned, so as to settle the point ; otherwise it might be held that it was a Commonwealth matter, and could not be dealt with under the State laws.

Amendment (by Senator Drake) agreed to-

That the words "each party shall appoint one arbitrator, and the arbitrators appointed shall' nominate some independent person as umpire; and if the arbitrators are unable to agree the umpire shall decide the matter," be omitted, with a view to insert in lieu thereof the words "it shall be referred to arbitration in accordance with the law of the State in which the dispute arises."

Clause, as amended, agreed to. Clause 150 -

Where any person is alleged to be guilty of any breach of this Act other than an indictable offence, the Postmaster-General may, with the consent in writing of such persons, determine the matter, and may order such person to pay such pecuniary penalty as he may think proper, and upon payment of such penalty such person shall not be liable to be further proceeded against in respect of the same matter.

Senator DRAKE

- - Attention has been drawn to this clause, and I think most of the objections urged against it would be met if it were made to read -

Where any person admits to the Postmaster-General that he has committed any breach of this Act, and so on. 1 move -

That the words " is alleged to be guilty of any : ' line 1 , be omitted with a view to insert in lieu thereof the words "admits to the Postmaster-General that he has committed a"

Senator HARNEY

- Would it not be better to provide that where any person admits that he is guilty.

Senator DRAKE

- I would rather not put the word " guilty " in the clause because there are some persons who would be reluctant to admit being "guilty," although they would admit that they had committed a breach of the Act.

Amendment agreed to.

Clause, as amended, agreed to. Clause 151 -

Any action against the Postmaster-General or any officer or servant of the department for anything done or omitted to be done in pursuance of this Act or the regulations shall be commenced within six months after the act committed or omitted, and not afterwards. And the action shall not be commenced until one month after notice thereof, and of the cause thereof has been delivered to the defendant or left for him at his usual place of abode by the party intending to commence the action.

Senator WALKER

- This clause provides that any action .against the Postmaster-General, or any servant of the department, for anything done or omitted to be done in pursuance of this Act, or the regulations shall be commenced within six. months after the act complained of. Is that not. rather a short notice 1 A man might be in Europe at the time when the act was committed.

Senator O'Connor

- This is the limitation in nearly all statutes in regard to claims against the Government.

Senator WALKER

- Very well. The clause also provides that notice of the action shall be delivered to the defendant at his usual place of abode. It is suggested by the Chamber of Commerce in Sydney that it . would be well to add the words " or place of employment," so that the notice could be served either at the man's place of abode or his place of employment.

Senator O'Connor

- That might be a place where the defendant was one of two or three hundred employees.

Senator PEARCE

- I would oppose such an amendment being made. It would have the effect of prejudicing the employment of the person proceeded against if the notice were served on him at his place of business.

Senator WALKER

- I am only bringing the matter forward at the suggestion of the Chamber of Commerce.

Clause agreed to.

Clauses 152 and 153 agreed to.

Schedules agreed to.

Postponed clause 15 -

The Postmaster-General, or any person authorized in that behalf by the Governor-General may enter into contracts in writing on behalf of the Government of the Commonwealth for or in respect of the carriage of mails by land and sea or either or for any other purpose incidental to the carrying out of this Act and may impose such terms and conditions as to him shall seem fit for securing the due regular and efficient performance of the contract.

Senator MILLEN

- This clause gives the Postmaster-General power to make contracts. There must be two parties to a contract, and therefore it seems to me that the last lines of the clause relating to the imposition of terms are somewhat contradictory. If the Postmaster-General makes a contract with some one else, it must be a mutual arrangement. The clause, however, gives the Postmaster-General power to enforce his will upon a dissenting party.

Senator O'Connor

- We might use the words " may stipulate " instead of the word " impose."

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Senator Sir JOSIAH Symon

- Or "may agree to."

Senator MILLEN

Are the words relating to the imposition of conditions necessary?

Senator O'Connor

- Tes, because we want to give the Postmaster-General power on behalf of the Government to . make any terms he may think fit.

Senator Drake

- These are the terms which the Postmaster-General may put into a contract.

Senator MILLEN

- It appears to me that the words are unnecessary.

Amendment (by Senator Drake) agreed to-

That the. word " impose," line 7, be omitted, with a view to insert in lieu thereof the word "stipulate."

Senator GLASSEY

(Queensland). - I move- -

That the following words be added to the clause : - In all such contracts for the carriage of mails by sea there shall be inserted a term stipulating that the crew of any vessel employed in such carriage shall be white men.

This is a matter which engaged the attention of the Senate very considerably during the second reading of the .Bill. It relates to a subject in which I have taken a very great interest for many years. I think it was as the result- of action taken by me in the Queensland, Parliament in 1889 that the Government of that State agreed that, in all future contracts for the carriage of mails by sea, a provision should be inserted requiring that vessels carrying mails, and subsidized by the Queensland Government, should be manned by white crews. That law .has now been in operation in . Queensland for many years.

Senator Drake

- It is not the law ; it is the practice.

Senator GLASSEY

- Yes ; it is one of the conditions of such contracts. I believe , the amendment which I now propose expresses the desires of the bulk of the people of Australia. It represents the sentiment which has been declared by the people of the .Commonwealth through their representatives in both Houses, and I think, therefore, that it truly interprets the will of the people. Moreover, it is an adjunct to the expressed will of

the people that finds a place in two Bills which, I believe, have already been introduced by the Government in the other House. Another point which we should consider is that the amendment proposes what is only fair to those shipping companies that have for many years been carrying mails, for the various States, on vessels manned by white crews. I have endeavoured to get an expression of opinion from some of these companies,, but they are somewhat reticent in the matter.. They do not wish to have the name of their company or their manager brought into our discussion. But I have this guarantee, that large companies, who have adopted the plan of manning their vessels by white crews, have found no difficulty from the financial stand-point. They hint that there has been some difficulty occasionally in getting crews to man ships with the regularity which is. necessary. I have endeavoured to get full data, but I have failed. I am very anxious, to. ascertain if there is any difficulty in getting white men to man vessels, and to run them with that regularity which the people expect, because that is alleged as one of the reasons why black men are employed on them.

Senator PLAYFORD

- What is the proportion of black men on the steamers ?

Senator GLASSEY

- So far as I have been able to gather, between two and three black men are employed to every white man. It is not only in accordance with the wishes, of the people of Australia, but it is fair - seeing that the one large company to which I have referred, carried merchandise - that all the companies should in this respect be placed on an equal footing. It is only fair to our own kith and kin - to the people of Australia, who profess to believe in this great principle - that white men should be employed in manning the ships that carry our mails. I wish here to emphasize a point which I made in my speech on the second reading. I refer to the- contingencies which may arise, now that the Commonwealth has entered into the family of nations. When Great Britain becomes involved in a war with some big power or powers, these ships generally will be employed for defensive and, perhaps, for offensive purposes. And, therefore, it is only reasonable and fair, I submit, that they should be manned by white men.

Senator Charleston

- By British subjects.

Senator Sir Josiah Symon

- The amendment does not meet the case. It would permit of the employment of foreigners, of whom alone we should be in fear.

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Senator GLASSEY

- I. would be very ... slow to lay down a hard-and-fast rule that men of our own colour, although they may not belong to our nationality, should be excluded from our vessels. I think that would be rather unfortunate.

Senator Sir JOSIAH Symon

- Those are the people we have to dread in time of war.

Senator GLASSEY

- That is a matter which can be dealt with by the Government at the time.

Senator Sir Frederick Sargood

- It will be too late then.

Senator GLASSEY

- They will see that no danger will arise. This is a reasonable amendment to make ; it expresses the will of the people, and it is necessary in the interest of men of our own colour. It is required in order to preserve equality among the shipping companies, and it is worthy of consideration in the light of a contingency such as I have alluded to.

Senator DOBSON

- Does the honorable senator contend that his amendment is included, in the question of a white Australia ?

Senator GLASSEY

- I do.

Senator DRAKE

- "What Senator Glassey has said in regard to the action taken in Queensland is quite correct. A

resolution was passed some time ago in the Legislative Assembly, and it has been the practice of the Government ever since to insist that subsidized steamers shall be manned wholly by white crews, and, no doubt, it has worked very well. When the Queensland Government started to subsidize a company in order to induce them to lay

On a line, they stipulated that the steamers should be worked by white crews only, irrespective of nationality. That has been the principle adopted in Queensland, and I have no doubt the same thing has been done in all the other States. Before federation the various States in conjunction with Great Britain entered into a contract for the carriage of their mails by the Orient line or the P. and O. line, and mails come out by each line. The contract has about three or four years to run. The effect of this amendment would be, I presume, that we could not in future have any of our mails brought out by P. and O. steamers under any contract of that kind. But we have our mails brought out by the French line of steamers not under any contract, but simply under such powers as have been assented to in this Bill. We simply put a mail aboard the steamer and pay for it : there is no contract. I do not know whether Senator Glassey goes so far as to desire that we should not avail ourselves of that means of communication. If that were assented to we could still send mails by the French line, employing some coloured men in their crews. We could send mails also by the P. and O. steamers, and the only effect which the amendment would have would be to prevent us from entering into a contract in conjunction with Great Britain, which would insure that these steamers should leave at a certain time and arrive at a certain time. The mails would still be carried on board of ships having coloured crews. The question is, whether that is desirable. If this amendment were going to have the effect of insuring that the Commonwealth would do as Queensland did, I do not think it is necessary, because I feel perfectly certain that the Commonwealth Government, in all similar cases, would insist, as the Queensland Government did, that the crews of subsidized ships should be entirely white. So that the only case in which it would operate, so far as I am able to see at the present time, is that of the P. and O. Company's contracts, and then it would not prevent the Postmaster - General from putting a mail on their steamers, and having it carried under the clauses of the Bill without any special contract. Is there not a danger - I speak subject to correction on this point - if we put in a provision of this kind that the Bill may suffer the same fate as the Queensland Sugar Works Guarantee Bill did quite recently 1 In that Bill, which it was considered very desirable to pass, a clause was inserted providing that no Japanese should be employed in the mills, and the consequence was that the Royal assent to it was refused. Is it worth while to insert in this Bill, to which we have given such pains and attention, a clause which would place it in a position of danger and achieve no benefit. The P. and O. Company are bound to carry our mails, and the only thing we should lose by putting in this condition would be the power of entering into a contract which would compel the steamers to run with a certain amount of regularity ?

Senator Sir Josiah SYMON

- Do we enter into contracts with the P. and O. Company 1

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Senator O'Connor

- The British Government enter into the contract and we pay a subsidy.

Senator DRAKE

- The British Postmaster-General signs the contract, but an agreement is entered into which would come, not under clause 15, but clause 14, by which we pay a certain subsidy to enjoy the benefits of that contract. The effect of this contract is that the steamers are bound to start at a certain time, to call at certain ports, to go at a certain rate of speed, and to deliver the mails at certain times. But, quite apart from that, we can put our mails on the steamers and compel them to carry mail matter at certain fixed rates.

Senator McGREGOR

- I wish to point out the very peculiar position in which the Postmaster-General puts himself when he uses such arguments as he has used to-day. He says that if this amendment is carried it will be of no practical use, because the Commonwealth Government can put the mails on board the ships whether they enter into a contract with the companies or not, and consequently can defeat the amendment. ' Senator Walker.

- And whether they employ black labour or not.

Senator McGREGOR

- Certainly. I wish to remind the Minister that when an amendment was moved in clause 53 which would cover the objection he has urged, the cry was raised, " Senator Glassey has an amendment to move in an earlier clause of the Bill, and if it is made here it will be only taking the wind out of his sails." Does the Minister mean to tell us that he is in earnest in connexion with this coloured labour so far as the mails are concerned, or does he want us to believe that he is only hoodwinking us ?

Senator Drake

- I do not.

Senator McGREGOR

- The honorable and learned senator is in one position or the other. When we try to do it here we are told that it cannot be done, that it is ridiculous, and when it was attempted in the proper place we were told that this would be the place. I want the members of the Government to recollect that honorable senators, who have ordinary intelligence, are not to be got at in that manner.

Senator PEARCE

(Western Australia). - I hope that honorable senators will look at this question in a very broad light. It is said that it is a question of Imperial concern, and that phrase finds considerable favour with some sections of the community. We must remember that this question is attracting attention not only in ..Australia, but in the British Parliament. I propose to read a few extracts from a debate on this very subject in the House of Commons, where I believe it is discussed every time the question of mail contracts arises.

Senator Millen

- Is not that the matter of British as against foreign seamen ?

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Senator PEARCE

- It is not the question of Britishers as against foreign seamen, but of Britishers as against lascar seamen. Honorable senators will recollect that recently the law courts of Great Britain gave a ruling that the Peninsular and Oriental Company should provide the same amount of crew space for lascars as the Merchant Shipping Act prescribes for British seamen. The quotations I propose to read from the debate on the 4th May, 1900, have a distinct bearing on that question. What has brought that action about ? It is the fact that in the House of Commons honorable members on both sides have been using their influence to compel the employment of British seamen instead of lascar seamen, and the only way they can see of doing it is to compel those companies to provide the same crew space for lascar as for British seamen.

Mr. Maddison, member for Sheffield, said -

While I quite understand the right honorable gentleman could not all at once revoke this contract, yet if he had had any sympathy with the very fair contention raised by my honorable friend he would have given a very different reply. The real truth is that the present Government, while professing to help British workmen, and while getting votes by the thousand on the cry of " England for the English," have done their level best, and very successfully, to make England just not for the English. I regret very much that the right honorable gentleman did not hold out the slightest hope that he would make any inquiry into this matter. The Peninsular and Oriental Company have such influence with Her Majesty's Government, that no matter what the demand may be, and no matter from what quarter it comes, there is always one reply, and that is a defence of the company at any cost.

The debate was purely on the question of the employment of British seamen as against lascar seamen, and Mr. Ritchie, the President of the Board of Trade, in replying, said-

If the P. and O. Company are compelled to provide this space, it will mean the exclusion of lascars from this employment, which I think would be a very great misfortune.

I think if we, in legislating on this subject, provide for the employment of white seamen, we shall not receive opposition from the House of Commons, but very valuable aid. To prove that this support will not come .from one side of the House or the other, I .may quote some remarks from a speech of Sir Howard Vincent, who I understand is a supporter of the present Government and a conservative. After generally supporting the request which had been made, .he said -

The Australian Government have taken a very serious view of this matter, and have refused to give contracts to ships carrying lascars

And after indorsing that action he said -

I do earnestly hope we may have from him some clear declaration this evening of the attitude and views of the Government upon this matter, and I trust they will be, at any rate, in the direction of limiting the employment of lascars so far as possible to the engine rooms.

This amendment I contend is in the direction of prohibiting the employment of lascars as against other seamen.

Senator DOBSON

- It would not allow them in the engine room.

Senator Glassey

- Certainly not.

Senator PEARCE

- I contend that the provision will receive a considerable amount of support from the House of Commons.

Admiral Field, who cannot be charged with being a labour member, and who took a distinctly Imperialistic stand-point, said -

This is a great Imperial question. I am not so much concerned myself as to whether the law is broken or not so far as the lascars are concerned. I have been aboard a P. and O. steamer, and I am well aware that the accommodation provided for lascars is somewhat restricted, but I am equally well aware that the lascars are contented with the accommodation given to them, and that it is in conformity with Indian law.

Admiral Field went on to say -

But I say it is bordering upon a crime for a great sea power like England to shut its eyes to the way these ships are manned. On Imperial grounds the Government should insist that every ship enjoying a subsidy from the Government should carry a certain proportion of British seamen.

Senator Sir Frederick Sargood

- A certain proportion.

Senator PEARCE

- Senator Glassey has told us that the proportion at present is three lascars to one British seaman. What is the position of Admiral Field? He is discontented with that proportion. There are other passages in even stronger language than that, in which he advocates that the Government should take every step to provide that wherever any subsidy is paid, or contract entered into, British seamen should be employed.

Senator Glassey

- The information I have been able to gather is that where lascars alone are employed on a vessel, between two and three are required to do the work of one white man.

Senator Charleston

- There is no economy then.

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Senator PEARCE

- On this matter of the proportion I myself have looked up the question, and I find that on the boats of the P. and O. Company three lascars are employed to every white man. Mr. Weir, another member of the House of Commons; said on the same occasion -

I should like to know whether there are no labour conditions in these contracts? Who was the Minister who drew up the contracts? I should think he is not worth his salt if he drew up a contract of this kind without inserting labour conditions.

We should not be debarred from passing this amendment by the statement of the Postmaster-General that we shall incur the displeasure of the British Government, or that they will treat the Commonwealth in the same manner as they have treated the Queensland Government. I trust the committee will not allow the little incident that has occurred in Queensland to interfere with us, but that we shall deal with the matter as we think fit. I remember the president of the P. and O. Company saying that it would be a disastrous blow to commerce if his company were not allowed to employ lascars, because they could not replace them by British seamen. If that is true there is a poor look-out for Great Britain's supremacy as a naval power. It is a remarkable thing if a few thousand lascar seamen cannot be replaced by British seamen. At present our coastal ships are not worked with coloured labour. "Prevention is better than cure," surely; but at present there is nothing to prevent any of the local steam-ship companies from manning their boats with coloured crews. In Western Australia there has been considerable friction with the agents of the local steam-ship companies who are complaining bitterly of the competition of the boats

carrying coloured crews. We do not know that the local companies will, not enter into competition for the carriage of mails between the postal ports, and endeavour to cheapen the cost by employing coloured crews. Therefore, as a matter of prevention, such an amendment as that before the committee is necessary, and I trust that it will receive the unanimous support of honorable senators, and be carried into law.

Senator O'CONNOR

(New South Wales - "Vice-President of the Executive Council). -

Senator Glassey

has raised a very important question indeed, and I say, with all respect to my honorable friend,

Senator McGregor,

that it cannot be dealt with in the offhand way which he seems to believe possible. As a matter of policy, taking the larger view of it, I think we are all agreed that wherever it is possible we should see that encouragement is given to the employment of British seamen on British ships. On precisely the same principle I say that wherever possible white men should be employed on British ships.

Senator Sir Josiah Symon

- White men who are not foreigners.

Senator O'CONNOR

- That is a still further extension of the principle.

Senator HARNEY

- The Indian Empire is as much a part of the British Empire as we are.

Senator O'CONNOR

- I think that Australia should see that as far as "possible only white men are employed on British ships ; that is to say, as far as the Australian Government can have control over them.

Senator Sir JOSIAH SYMON

- -We

employ coloured men to fight our battles.

Senator O'CONNOR

- We do in parts of the world where only coloured men can be employed. But that is no reason why we should employ coloured men in Australia. That is the key of the policy of a white Australia - that as far as possible, and wherever possible, white men should be employed. Therefore, as far as the Government have control over any mail contracts, it will be their policy to see that there is a stipulation that only white men shall be employed on board the ships which carry the mails. There is no reason why that should not be done. Upon the boats owned by a great and powerful company trading with Australia, namely the Orient Company, we all know that only white men are employed. That company has carried on its business with great success.

Senator Clemons

- From sentimental motives, or from commercial reasons ?

Senator O'CONNOR

- From sentimental as well as commercial reasons. I take it that when a great company like the Orient Company, which is not run on philanthropical principles, but for purpose of making money from those who have invested in it, employs only white men upon its ships, there is no reason why the same rule should not apply to other companies.

Senator Sir Josiah Symon

- Why* not leave it to them voluntarily %

Senator O'CONNOR

- If we sincerely believe in the policy of a white Australia, and wish to carry it out, wherever we, as a Commonwealth, can interfere to secure that end we should do so.

Senator Sir Josiah Symon

- A Britishship is not a part of Australia.

Senator O'CONNOR

- I say so far as we can interfere. In every contract in which we are concerned regarding the carriage of Inter-State mails, where we can exercise the right of making such a stipulation, we will exercise it. But to come down to the practical question, when we are dealing with the carriage of mails outside Australia as

to which we have only a subsidiary power, different considerations altogether are involved.

Senator Glassey

- We have had a provision of this kind for many years in Queensland.

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Senator O'CONNOR

- It may be so, and there is no difficulty in applying the principle to the Inter-State mails. But look at the position of the P. and O. Company. It has entered into a contract with the British Government for the carriage of mails to certain British States and possessions. One of the company's contracts is for the carriage of mails to British possessions in these seas. The Governments of the different States pay a subsidy to the company. Whether they pay it directly to the British Government or to the P. and O. Company I am not aware at present, but the contracting party is the British Government. It is impossible that in a matter of that kind any statutory power or duty imposed upon the Postmaster-General can be effectually exercised. We cannot expect a contract made by the British Government affecting a large number of British possessions, in which different conditions prevail, to be altered to suit the particular requirements and wishes of a Postal Act of the Commonwealth. Therefore, dealing with the question in a practical way, I say that it is impossible to apply this principle. In any particular case where we have the sole controlling power the Government are quite willing to apply the principle. It comes to a question of whether this is a matter that should be left as a question of policy to the Government, or whether Parliament is to put a cast-iron direction in an Act of Parliament which will prevent the Postmaster-General from making any contract that does not contain this particular stipulation. If the amendment is carried it will be mandatory that in all such contracts there shall be inserted a stipulation that the crew shall be white men. All lawyers will agree with me that if that duty is imposed upon the Postmaster-General, and that authority is given to him, he will be bound to make that stipulation in the contracts; and if he did not make it, I doubt very much whether the contract would be a good one. Is it right that the Postmaster-General, who will have to deal not only with Inter-State contracts, but with contracts in which he shares with the British Government in subsidizing companies for possibly the delivery of mails to some islands in the Pacific - with which our trade will grow in time - should have his hands tied, so that he cannot make a contract with the companies which employ black labour.

Senator Sir Josiah Symon

- One coloured man in a crew would vitiate the whole contract - a coloured cook for instance.

Senator O'CONNOR

- Exactly; any coloured person might vitiate the contract. I draw a clear line of distinction between laying it down as a matter of policy, the performance of which will be watched by Parliament, that wherever it is possible and practicable white men only shall be employed, and placing a mandate upon the Postmaster-General that he shall enter into no contract whatever for the carriage of mails unless there is this stipulation in it. What danger is there in leaving it to the Government to carry out this policy wherever it is possible? Parliament is entitled to know, and will know from public documents, the terms of every contract entered into by the Commonwealth Government with regard to the carriage of mails. These contracts can be laid on the tables of both Houses of Parliament. Whenever it is seen that the policy of making such a stipulation in contracts where it can be done, is departed from, the Government will be open to the censure of Parliament. Why do not those honorable senators who are willing that this policy should be adopted rest satisfied with that position of affairs, knowing that they will have the opportunity of punishing the

Government by withdrawing their support from it if they find that the Government departs from its policy when the performance of that policy is practicable? Therefore that is one of my objections to this proposal. I repeat that as far as the matter of policy is concerned, wherever it is practicable this provision with regard to the employment of white men only will be carried out. The Government will be subject to the watchful eye of Parliament. What need is there, then, to tie the hands of the Government in such a way as this amendment proposes? There is another objection which has been already referred to by Senator Drake, and which it seems to me did not receive sufficient consideration from Senator Pearce in the thoughtful observations which he addressed to the committee. Under our Constitution, no Bill which we may pass, can become law until it receives the Royal assent. It is all very well to say that we can disregard all that, and that we make too much of it; but it is a solid fact that cannot be got over that until

the Royal assent is given a Bill does not become law.

Senator McGregor

- "Ask and ye shall, receive; knock and it shall be opened unto you."

Senator O'CONNOR

- That is a very good maxim if you do not mind how long you are to wait for your answer; but if, in the meantime, the machinery of a great department is to be tied up, we should consider whether it is worth while to run a risk of that sort, even for the sake of the possible advantage that might be gained, by adding this amendment to the Bill.

Senator Sir Josiah Symon

- That is a maxim of Scripture, not of common life.

Senator McGregor

- There are plenty of vessels manned by white labour.

Senator O'CONNOR

- I am aware of that, but at present I am dealing with the question of what position this Bill will be in if the amendment is inserted in it?

Senator Pearce

- We have different ideas as to the motives which prompt a refusal of the Royal assent.

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Senator O'CONNOR

- We have nothing to do with motives. This is not an isolated ' case. Where the rights of British subjects in other parts of the world are interfered with the Colonial-office is prompt to interfere in order to see that those rights are properly preserved. We cannot blame the Colonial-office for that. The Commonwealth is only one portion of the British dominions. There are millions of British subjects who are not white men, and the Colonial-office necessarily exercises a controlling observation over all legislation in British possessions. It is reasonable that when any one of the British possessions legislates to -interfere with the rights of British subjects elsewhere the Colonial office should exercise its right of veto. That is what was done in the case of South Australia in regard to its coloured immigration law. It was done in New South Wales, and the latest instance of it was that which occurred in Queensland.

Senator McGregor

- Would the Government stop at that!

Senator O'CONNOR

- We have to deal with things as they are. If a case should arise in which, legislation that was indorsed by the whole of Australia and was deemed to be necessary, met with a check of this kind we should use every constitutional endeavour to have that check removed. But I am not dealing with that question now. Why should we court a check of that nature and put ourselves in the position of having this useful and necessary legislation hung up, simply for the sake of putting in a provision which would be practically inoperative and would not even carry out the intended object? The case which the Postmaster-General has referred to seems to be a parallel case to this. It is described in this way -

The Government introduced a Bill into Parliament last session for the purpose of amending the Sugar Works Guarantee Act, by giving permission to make further advances for encouraging the sugar industry to the extent of £15,000. A large portion of this was to have gone towards the erection of central mills at the Russell River and the Johnstone River, but portion would have been available for other works. While the measure was in the Assembly, however, it was submitted to much discussion, principally from the labour members, and Mr. Givens, M.L.A., introduced an amendment with the object of preventing the employment of coloured labour in connexion with the mills. The Minister of Agriculture stated that the Government had no intention of allowing such employment where the advances were made, and this was pointed out to Mr. Givens, and also the fact that it was risky to introduce such an amendment of the Bill on account of the probability of it not receiving the Royal assent. There was much insistence, however, and as it appeared that the Bill would be lost, the Premier decided to take the risk. It now appears, however, that the fears were well founded, as the Government has been informed by the authorities in London that the Royal assent has been withheld, and other information shows that it was probably on account of the amendment inserted, as all the other measures passed by the Queensland Assembly that

session were allowed.

It was, as honorable senators will see, thought at the time that it was risky, and the Bill was reserved for the Royal assent. The Royal assent was refused.

Senator Stewart

- That was engineered by the Queensland Government.

Senator O'CONNOR

- There is nothing to show that. We know that this is not an isolated instance. The British Government has always acted upon the same principle, and there have been many instances of the kind. 'The principle is that of conserving the interests of British subjects of every colour all over the world. I therefore say that for these two reasons that, if we look upon this as a practical matter, in the first place we gain nothing by inserting this amendment. The policy of the amendment, as far as it can be applied, will be carried out, subject to the right of Parliament 'to interfere if it is not done. So far as legislation itself is concerned, the insertion of this provision will not do what is intended, and, in addition to all that, it will probably have the effect of hanging up this much-desired legislation. I therefore ask the committee to negative the amendment. I am glad Senator Glassey moved this amendment, because it has given me an opportunity of stating, with the full authority of my colleagues, what is the intention of the Government with regard to these contracts.

Senator DE LARGIE

- I was much pleased to hear the breezy sentiments expressed by Senator O'Connor in regard to the black labour. These expressions on the part of honorable senators, however, are becoming monotonous, and it is singular that, when the moment comes to get what we want, we find there is always some particular obstacle in the way. A white Australia has been advocated throughout the country both during and since the elections. It has been advocated in this Parliament. There seems to be perfect unanimity in the matter, but when we get the opportunity to apply that sentiment in practical legislation, we find there is an obstacle in the way.

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Senator Walker

- Because we are . part of the British Empire.

Senator DE LARGIE

- I do not think that the .British Government would stand in the way if we took action. New Zealand has adopted this practice, and the people at Home have agreed to it. If we take up a proper stand, no Imperial obstacle will be raised.

Senator Sir Frederick Sargood

- The provision in New Zealand is limited to that colony*

Senator DE LARGIE

- That is all we want to do here.

Senator Sir Frederick Sargood

- But 'the amendment goes further than that.

Senator DE LARGIE

- In the coastal trade of Australia there are coloured crews competing with our own men who are getting a decent living rate of wage, and with companies who we consider have just as good a right to the trade as these English firms. Why not give Australian companies, who employ white crews, the same advantages as those employed by English ship-owners, "who do not do so? If we cannot see our way to do that, then we might as well sweep away all restrictions, and say that Australian as well as English vessels may employ coloured crews. I am certain, however, that the Australian people would never allow such a thing to happen. Let us provide that English companies, who will insist upon employing coloured crews, shall not be allowed to participate in the- coastal trade. At the present time they are competing with our own shipping owners on the coast in a way that is very unfair. Senator Sir Josiah Symon interjected something about coloured men fighting our battles for us. I do not know where they have won any of our battles, and I hope that Britishers will always depend on the white man. It will be a bad day for the Empire when we have to rely on coloured men to fight for us. As the result of this freedom of labour, we find our British navy falling into a third-rate position, drifting into a position similar to that occupied by Spain. We are driving our own men out of the trade. Some morning we shall have a rude awakening.

Senator Sir Josiah SYMON

- Poor old England.

Senator DE

LARGIE Poor old England would suffer more, if the sentiments which have been expressed here in advocacy of coloured crews were carried out, than she would do if we were to insist upon the employment of our own men on these vessels.

We must have Britishers and not coloured crews.

Senator CHARLESTON

- But the motion does not say that the crews shall consist of Britishers. It simply refers to white men.

Senator DE LARGIE

- I think this is the proper time for us to do something practical. If we are never to get beyond the advocacy of a white Australia, then it is all a sham and mere hypocrisy.

Senator Sir FREDERICK

SARGOOD (Victoria). - I do not know where the honorable "senator who has just resumed his seat obtained his history as to the fighting of our battles solely by the British soldier. I must confess that my reading differs very materially.

Senator Sir Josiah SYMON

- How about the fighting in China ?

Senator Sir FREDERICK SARGOOD

- I would remind the honorable senator that in the battles which have taken place in India more than two-thirds of the troops on the British side have been natives. Generally speaking the establishment in India consists of 60,000 British and 230,000 native troops, while in the Tirah campaign more than two-thirds of the men ' were natives.

Senator Stewart

- What have we to do with that?

Senator Sir FREDERICK SARGOOD

- I suppose the honorable senator takes a pride in belonging to the British nation, and, therefore, takes a pride in the wars successfully fought by the British. I am astonished at the honorable senator, especially after what transpired this morning.

Senator Stewart

- I am astonished at the honorable senator.

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Senator Sir FREDERICK SARGOOD

- The honorable senator who last spoke went on to refer to the British navy. He ought to know perfectly well that so far as the British navy is concerned it is necessarily manned by those- who are British subjects, and British subjects, alone. Whatever coloured men are employed are British subjects. This question is undoubtedly one which has for some time past attracted, necessarily, a very great deal of attention in England and throughout the various colonies. It is one that must be faced in some way or other. There can be no question that the proportion of British sailors, in the mercantile marine more particularly, is gradually decreasing, while the percentage of foreigners is steadily increasing. That increase, however, is not in the direction of an increase in black seamen. It is distinctly in the direction of white foreign sailors. That is where, it appears to me, the danger would come in if an amendment like this were carried. I am looking at this matter from the point of view of defence, because that is the primary question we have to consider in dealing with the employment of white seamen. It is not so much a question whether the mercantile marine can successfully use black sailors, but what would be the position of the Empire in case of war. We want a large reserve of British seamen to fall back upon in such an emergency, and that reserve must necessarily come from the mercantile marine. If we pass an amendment like this we shall arrive at exactly the opposite result. We have at the present time a certain number of coloured British seamen, many of them capital sailors and good fighting men. If this amendment is passed we shall displace those men, and cause foreigners - such as Norwegians, Swedes, Italians, and Greeks - to be employed in their stead. Thus, instead of the Empire being strengthened, it will, from the naval point of view,, be distinctly weakened, because if war does take place, it must necessarily be with some of these nations.

Senator McGregor

- The Germans and Swedes are good colonists.

Senator Sir FREDERICK SARGOOD

- I am aware of that. I know that South Australia owes a great deal to its German colonists. Still I say I do not desire that our British ships should be manned by Germans or Swedes or Norwegians. I wish to see them manned as largely as possible by British subjects, and if possible by white British subjects. This matter has been dealt with by those in the old country who have had a great deal of experience. The plan they propose in order to meet the difficulty is to insist upon the mercantile marine engaging always a certain number of white apprentices, so that gradually a large force of British white seamen may be built up. A change of the kind contemplated by this amendment could not possibly take place at once without dislocating the whole mercantile marine. I was rather hoping that the honorable senator who introduced it was going to alter the amendment in the direction of providing, not that the coloured -seamen should be discharged right away, but that there should be some sliding scale by which there would be an increasing percentage of white British seamen necessarily engaged on those vessels.

Senator Glassey

- That is another subject altogether.

Senator O'Connor

- It would be impracticable.

Senator Glassey

- It would have to be dealt with in the navigation laws.

Senator O'Connor

- It would certainly be impracticable under our postal laws.

Senator Sir FREDERICK SARGOOD

- I agree with the honorable and learned gentleman as to that. I do not say that the Postal Bill is the right place for this amendment. I am with the honorable senator in his anxiety to see white sailors employed, but that cannot be done at once. It must be done gradually, and I am satisfied that this proposal would not bring about the object which the honorable senator has in view. I should be exceedingly sorry to support an amendment which must, as the Postmaster-General says, drive a considerable portion of our postal matter into the hands of the French and German boat-owners.

Senator Glassey

- It would have no such effect.

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Senator Sir FREDERICK SARGOOD

- I am just reminded of the Trade Marks Act which was passed at home with the view of preventing unfair competition on the part of the Germans and the French with manufacturers in the old country. That Act has had the opposite effect. It has ruined a large- number of British manufacturers, and driven the trade into the hands of the Germans and French. Our sympathy went out naturally to those who desired to protect the British manufacturer, but yet we made an egregious mistake. If we pass this amendment we shall arrive at exactly the opposite effect to what we want. We shall drive out coloured seamen, and replace them by foreigners.

Senator HARNEY

(Western Australia). - I confess that I am not quite satisfied with the manner in which the representatives of the Government have combated this motion. They have set up temporary and technical difficulties in order to give strength to what I believe is their sentiment of opposition. And the result Of making their opposition rest upon these temporary and technical points is that they must stand on the same side as the proposer of the amendment as soon as they get explained away the difficulties they have raised. For my part, I intend to take up a straightforward and sentimental view of the question. I may safely say that the true propositions to be considered are those put forward by

Senator De

Largie. The question, really, is one between our views as members of the British Empire, and our views as Australians. As Australians we would all like to have employment in the hands of our own people, and our desire for that has been so great that it has caused every one, I think, in this Chamber to join in the chorus of white Australia as opposed to that of broad imperialism. When I, for one, joined with those who

would break in upon the privileges of Imperial subjects in order that we might have a white Australia, I did it with reluctance, and because my immediate regard for Australians overcame my visionary regard for an Imperial Empire. But when it comes to a question of extending it beyond the shores of Australia I confess I can no longer join with those whose greed for Australia has already cut in upon the Imperial Empire. It seems to me to be a monstrous thing to ask English companies to bow down and worship our fetish of a white Australia. As long as you are only dealing with coastal boats I am with you. As long as you are dealing with employment on Australia soil I am with you, but I can certainly see neither fairness or justice to commend a proposal which makes us, because we would like to give employment to our own people tell the British Government -for that is what it means - that they must not allow shipping companies starting from their shores to employ coloured labour. Curiously enough the mover of the motion hits British subjects, and does not hit foreigners. I am broad-minded enough to admit that an Italian, a Spaniard, or a Scandinavian, though he is more akin to us in traditions and in civilization, is no higher in any other respect than a Chinaman or an Indian.

Several Senators. - Oh !

Senator HARNEY

-I have drawn from the labour members what I hope they will not be offended at my specifying as an expression of the narrow sentiment underlying all their arguments. The British Empire is composed of hundreds of millions of these same coloured people, and its greatness has been due to its possessions.

Senator Stewart

- Nonsense ! It has been due to her iron and coal.

Senator HARNEY

- If it had not been for the Indian Empire there would not have been that accumulation of wealth in little England which enabled that flow of capital to come out here which has opened up nearly every one of our industries.

Senator McGregor

- What ! Did they rob the Indian people ?

Senator Playford

-They did.

Senator HARNEY

-I do not want to go too deeply into history, but I am sure that Senator McGregor sympathizes as heartily as I do with those very well known denunciations of Edmund Burke against the bad treatment which Englishmen in the early days gave to Indians - a treatment which they requite now, not by carrying a dagger up their sleeves, but by joining in our battles, and by being our greatest safeguard against the invasion by Russia of Afghanistan. It was rather painful for any student of history to hear an honorable senator say that the Indians had fought none of Britain's battles. Has he read Lord Roberts' Forty-one Tears in India? One cannot turn over ten pages of his two huge volumes without finding references to the Sepoys, to the Gourkhas, and to other soldiers, and references in all cases accompanied by the highest commendation given by that soldier whom we now regard as the greatest light and ornament of our Empire.

Senator De Largie

- England has been at war for two years. Tell me one coloured man who has made his mark during that time !

Senator Sir Josiah Symon

- Thousands of them.

Senator HARNEY

- My honorable friend says - " Tell me one coloured man who has made his mark."

Senator De Largie

- Or fought a battle.

Senator HARNEY

- Why have coloured men not made their mark? Because the British Government would not give them the opportunity. Thousands of Indians volunteered to go to Africa to fight her battles ; but England said she would not accept them, because she would sooner give a chance to her white sons in Australia.

Senator Sir Josiah Symon

- But Australians and dark men have been fighting shoulder to shoulder in China !

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Senator HARNEY

- Yes. Senator Pearce said that recently in the newspapers we saw a decision by the British Judges that the lascars are entitled to the same food, same accommodation as Europeans. My honorable friend ingeniously dealt with that by saying that the effect of the Judges' decision was to carry out the views of the faddists in the British Parliament, and to raise obstacles to the further employment of lascars

Senator PEARCE

- In explanation, sir, I never made any such statement-

Senator HARNEY

- I understood that. Perhaps I am paraphrasing. Am I wrong in putting the honorable senator's argument in this way ? First he said - quoting from the British Hansard - there were some members of the House of Commons who expressed their strong objection to the further employment of these lascars, and then he said that we all saw that a decision was recently given in, England by which the Judges declared that these lascars should practically be as well treated as other seamen on board ship.

Senator Glassey

- So far as the accommodation is concerned.

Senator HARNEY

- - Yes ; the committee inferred* from that that the Judges gave that decision in order to help out the view of the gentlemen in Parliament to whom the honorable senator was referring, and render it more difficult for the P. and O. Company to employ these lascars. I venture to say that the decision of the Judges had absolutely nothing to do with it, that in so far as it departed from the Merchants Shipping Act it was rather animated by this thought - which, I am glad to say, finds a place in every enlightened mind - that a lascar on board a ship, although he is of a different colour and different habits, and is not up to our methods of civilization, is not therefore to be treated as if he were a serf and a slave. I know that in making these remarks I am expressing sentiments which will greatly jeopardize my chance of coming again into the Senate at the end of three years.

Senator Sir Josiah Symon

- No; the people like independence.

Senator HARNEY

- I hope the people do like independence, and that is the reason why I for the occasion put on one side my little legal acumen, and do not avail myself of the delicate and fencing points which were raised by the two Ministers. In order to combat the amendment I have looked at it fairly in the face. I have acknowledged that my objection to it is that it collides with that spirit of imperialism- - with that spirit which animates all of us who are subjects of the British Empire - that it is to her guidance, to her wealth, and to her numbers we owe our position and our status as a nation, and that therefore we ought not to break in upon that further than is absolutely necessary. In affirming the principle of a white Australia, we said - "While we are in every sense members of the British Empire, we are in a more acute and a more special sense members of the Australian continent, therefore we will depart thus far from the sentiment of British subjects." But one inch further than that I will not go, and I am sure I have with me the sentiment of all thoughtful, enlightened, and generous senators. The only other remark I have to make is that, if we look at the matter fairly, we shall see that there is no necessity for this great fear of what will be the effect of the employment of these coloured men. Does not the Orient Company ply its boats at a somewhat lower rate for passengers than is charged by the P. and O. Company without employing lascars ? Nor is their action in that respect dictated at all by sentiment; it arises from commercial considerations. They find that the white man can do his work better and cheaper than the lascar. Cannot we allow that principle to operate of itself, and if in time our seamen become more efficient, if they prove by their skill and energy that they can enable the P. and O. Company to run their boats cheaper by employing them, we may be sure that they will find a place there. The lascar will then disappear, and, in disappearing, he will not do so under the pressure of any law which is unworthy of British subjects, and which is directly flying in the face of that loyalty which we are always proclaiming. It is a curious inconsistency that we should read the other day of certain members in a House of Parliament condemning another member for a statement that appeared in a newspaper, whilst here we have some of the very gentlemen who most applauded their

action giving expression to sentiments which in effect are more disloyal, and which would compass the disruption of the Empire more surely than the action which was so severely punished in that case.

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Senator STANIFORTH SMITH

- In spite of the fact that I may not be called fair-minded or intelligent by Senator Harney, I beg, with very great diffidence, to disagree with what he has said. I have noticed during my very short parliamentary career that, when any proposition is brought up of a progressive nature, a great many members take it up and say that in theory it is exactly what they believe in. They pat it and stroke it, and say that it will have their best consideration. They are pleased that the motion has been brought forward, because it will have a good educational effect, but they find that it is inexpedient to adopt it. It seems to me, however, that we must not consider the matter of inexpediency so much as that of principle. There are two considerations which cause me to support this amendment; one is the impossibility of white people competing with coloured people who are lower in civilization than themselves, and the other is the Imperialistic consideration.

An Honorable Senator. - That is a libel on the white man.

Senator STANIFORTH SMITH

- It would be a libel on the white man to say that he could work on the same wages, as the coolie of India and live upon rice. The white man would be libelled if I put him upon the same level of degradation as the coolie of India. Senator O'Connor's remarks merely amount to this; That, when Imperial interests are concerned, we must be exceedingly careful to look at the matter from all points of view - not merely from an Australian point of view - and see that we do not put the British Government in an awkward position. I agree with that sentiment, but I cannot see, when it is a question of whether we are going to subsidize with our own money certain lines of steamers, that we have not the right to say that we will not subsidize steamers employing coolie labour. Surely the Commonwealth of Australia has that right. If we cannot say that, on account of our Imperial interests, we are prevented from deciding how we shall spend our own money. I think that would be a degraded position for us to occupy.

Senator DRAKE

- We would still have the mails carried upon steamers that employ coloured crews. We could not prevent it, because our mails go all over the world.

Senator STANIFORTH SMITH

- The principle of subsidizing British mail steamers which employ lascars should not be countenanced by the Commonwealth. Let us look at this question from a German standpoint. Do the Germans, in subsidizing their lines of steamers, allow of the employment of coloured labour? They would not do so for a moment.

Senator Harney

- How does the honorable senator know that?

Senator STANIFORTH SMITH

- Because, as a matter of fact, they do not employ them.

Senator Harney

- But Germany has no coloured subjects.

Senator STANIFORTH SMITH

- I am afraid that Senator Harney's knowledge of contemporary history is somewhat limited. The Germans, I repeat, insist upon the crews employed being Germans. Why? Because they know that the crews of these steamers are the very persons who they will require in time of trouble to draft into their men-of-war to fight for them.

Senator Charleston

- The amendment does not say anything about that.

Senator STANIFORTH SMITH

- This amendment does not deal with the British navy, but with the question of whether we shall subsidize steamers employing coolie labour, and I do not see that it is an imperialistic matter at all.

Senator Harney

- What coloured subjects has Germany?

Senator STANIFORTH SMITH

- The employment of coloured labour in the British mercantile marine is becoming a matter of very serious consideration to those who have the interests of the Empire at heart. No less than 32,000 coloured people are employed in the British mercantile marine. In time of war we shall have to rely upon those who have been trained in our mercantile marine to man our warships. Are we going to man them with coolies, lascars, and people of that description? Are we going to degenerate into the position occupied - as shown in history - by Carthage and Rome? What led to the downfall of both those nations. It was that, instead of having their own men to fight their battles they had others.

Senator Walker

- They were not blackfellows.

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Senator STANFORTH SMITH

- They were in the case of Carthage. Instead of employing men of their own race to fight their battles, they employed mercenaries, and historians unanimously admit that Carthage fell on account of their employment of mercenary troops. The very same thing occurred in the case of Rome. "While the Romans fought their own battles they existed and flourished and increased their empire, but directly they began to employ not their own subjects, but people of a different race, Rome began to decline and was gradually overwhelmed. The same thing exactly occurred in the case of the empire of Alexander the Great. If we are going to pride ourselves upon the fact that the people who are going to fight our battles in the future are to be the countless millions of India/-

Senator Higgs

- God help us !

Senator STANFORTH SMITH

- Or that we are to have our mercantile marine encouraged by subsidies, carried on by coloured labour, it will be a bad day for us. ' Progress reported.

Motion (by Senator DRAKE) proposed -

That the committee have leave to sit again on Wednesday next, and that it be made an order to the Government Printer to have the Post and Telegraph Bill reprinted, with the amendments up to date.

Senator Major GOULD

- Might I suggest that, in having the Bill reprinted, the amendments be shown in black letters, and where words have been omitted they be indicated by the use of erased type? That would greatly help us.

Senator Drake

- I presume that will be done.

Question resolved in the affirmative.

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15:57:00

Senate adjourned at 3.57 p.m.