

REPORT OF PROCEEDINGS OF THE CONFERENCE.

cannot apply in Australia except in regard to ships registered in Australia—we propose to abolish Advance Notes—it cannot apply to any British ship except in cases where the seaman has been engaged in Australia. With regard to the second part, if that refers to a foreign seaman that our Immigration Acts may apply, I feel sure the Parliament would not repeal or amend the law in that particular. But I must say to Mr. Hill, the law has never been enforced in regard to any other than coloured seamen, the law is never enforced at all. I will first put the question to Dr. Wollaston. (To Dr. Wollaston): Is the law ever sought to be enforced in reference to foreign seamen, other than coloured aliens who leave their ships? I mean to say, do they ever seek to impose a fine of £100?

DR. WOLLASTON: Yes, certainly.

HON. W. M. HUGHES: I have put the question to Dr. Wollaston, but I am quite sure that it is not so enforced.

MR. ANDERSON: Where the deserters became a charge on the State, would the fine not be imposed?

HON. W. M. HUGHES: it only applies to coloured men.

DR. WOLLASTON: It is only put in operation with coloured men.

THE CHAIRMAN: This is the point of Mr. Norman Hill, and I agree this meets your amendment. But take the case where you fail to find the deserter. Supposing you fail to capture you deserter and to put him on board. In that case Mr. Norman Hill says you ought not to fine them because they cannot capture him.

HON. W. M. HUGHES: That is his point. Very well, on that point first of all I say that it is confined exclusively to coloured seamen, and therefore it does not apply to a case of white deserters. And so far as it applies to coloured men we could not possibly allow the onus to be shifted. We must have somebody who is responsible for the influx of coloured persons. We apply the test to all coloured people. If, then, they could go aboard a ship and desert there might be connivance, therefore we cannot agree to the suggestion. Mr. Hill will see our position. It won't affect his white seamen, and it won't affect this particular question of desertion as such.

THE CHAIRMAN: I think the best plan is to have this resolution separately.

HON. W. M. HUGHES: I would like to point out this to Mr. Hill. That although we may abolish imprisonment for desertion, that does not at all affect the proviso in the Immigration Restriction Act that these people who are in Australia—I do not know whether I am making myself clear—

THE CHAIRMAN: Supposing first of all we get this out of the way, and then we will deal with the question of repatriation afterwards. You do not object to the first part of Mr. Norman Hill's amendment?

HON. W. M. HUGHES: Well, if he will specify what he means by fraud.

THE CHAIRMAN: He does.

HON. W. M. HUGHES: That is to say, the taking of the Advance Note. That he does already.

THE CHAIRMAN: Then I will put your resolution.

(The Chairman then put the resolution to the meeting and declared it carried.)

THE CHAIRMAN: Now, Mr. Norman Hill, do you want to raise this specifically?

MR. NORMAN HILL: If you please. By contract we have taken every precaution we can think of to secure the man standing by the ship until it returns. Now, sir, they are weakening our hold over that man. They do not want him; we want to keep him. They are weakening our hold. They should not fine us; they should fine their own Executive for failing to capture him.

HON. DUGALD THOMSON: What I want to point out is this, that you are afraid the abolition of imprisonment will weaken your hold on that man and you will incur a liability because he is at large in Australia. The hold is not weakened as regards the penalty of imprisonment. He is still subject to imprisonment, and to a longer imprisonment than would be impossible under the desertion punishment. He is to be imprisoned and held

till he is repatriated, and he is still liable for that imprisonment, an imprisonment that is more likely to be enforced in Australia than imprisonment for desertion, and therefore that liability for the man himself is not relieved, and it is a greater liability than for desertion.

MR. NORMAN HILL: Where is the equity of punishing us? A man who has done what he is not entitled to do deserves to be punished, but because he deserts we are punished.

HON. W. M. HUGHES: That could not apply to a coloured seaman, because he could not desert for higher wages. He could not get employment in Australia. The moment he comes there he is an outlander and can be apprehended.

THE CHAIRMAN: Then Mr. Thomson points out they are liable to imprisonment.

HON. W. M. HUGHES: He would be imprisoned, of course, under the Alien Law.

MR. NORMAN HILL: But surely it is extremely hard to hold us responsible for his desertion. It was hard enough when it was a criminal offence for the man to desert and we could appeal to the law, but now you are saying to everybody that they may break their contract with the shipowner whenever they please. It is not a criminal offence, and the imaginary penalty of losing what is not due to him is nothing. But still they are holding us liable for the desertion. Surely there is no equity in that?

HON. W. M. HUGHES: It can only apply to your coloured people, and we cannot amend the Immigration Restriction Act in this particular, because if we did we should never see the end of it.

HON. DUGALD THOMSON: You have a safeguard as regards the imprisonment, because it is there in a stronger sense than with an ordinary deserter. On the other hand, if the authorities were asked to relax as regards crews the provisions of the Immigration Restriction Act, excluding these coloured aliens, the answer at once would be, "but there is an opening created for the introduction of 'coloured aliens, because they have only to come down 'here as crew and walk ashore and the shipowners won't 'mind, and they obtain entrance to the State.'"

MR. NORMAN HILL: Will you deal with it in this way: leave the law with regard to coloured seamen as it is now, and leave him liable to imprisonment.

HON. DUGALD THOMSON: We could not make that distinction. The Board of Trade would not wish to.

MR. ANDERSON: If you put a deserter on board a ship, has the owner of the ship legal powers to detain that deserter until he is ready to sail?

THE CHAIRMAN: That is proposed by this resolution.

MR. NORMAN HILL: He can go on leaving the ship as often as he like, and it depends on them whether he is caught.

HON. W. M. HUGHES: In my amendment you get the fullest possible protection that you can have. When you want them put on board your ship the machinery of the law of Australia is at your service. We do what we can to get them and put them on your ship; that is all you want.

THE CHAIRMAN: As a matter of fact, I think Mr. Norman Hill is raising a new point, not strictly relevant to the motion which is before the Conference. But it is a point. What he says is this: "We cannot prevent these 'men running away; they are injuring us, we would 'rather keep them on board, and you are punishing us 'for a thing which is an injury to us and which we would 'stop if we could.'" But I agree with Mr. Dugald Thomson that you are going as far as you possibly can in the way of putting the man back, and you punish him under the Aliens Act if you catch him. But there is something to be said from the shipowners' point of view.

HON. W. M. HUGHES: The same thing applies to quarantine. A man suffering from some contagious or infectious disease may get on a ship, and for 14 days the whole ship's company is guaranteed. In this particular case you know what you are doing; if a man gets off, you know what will happen.