

Queensland



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Legislative Assembly

FRIDAY, 11 OCTOBER 1867

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LEGISLATIVE ASSEMBLY.

Friday, 11 October, 1867.

The Kennedy Election Telegrams.—Civil List Amendment Bill.

THE KENNEDY ELECTION TELEGRAMS.

Mr. FITZGERALD said he rose to move the adjournment of the House, in order to afford the honorable member for Ipswich, Mr. Macalister, an opportunity of making an explanation he was anxious to make, with reference to the telegrams that had been printed and circulated relating to the election for the Kennedy. As that honorable member was not present when he last referred to the subject, he would reiterate what he said previously. There was no doubt that the returning officer for the district, Mr. Francis Clarke, had not understood his duty as to the new roll for 1867, because, when he got the revised rolls for the police districts of Mackay, Bowen, Townsville, and Cardwell, instead of making out a new roll from them for the entire district, he put the four rolls into an envelope, and sent them to the Government Printer. Mr. Clarke was astonished when he drew his attention to the Act of 1865, and shewed him the clauses relating to the rolls. Mr. Clarke also said that, when he was appointed returning officer, he received no instructions to guide him, or no copy of the Act of 1865; and that he was not before aware that the clauses he (Mr. Fitzgerald) pointed out to him were in existence. He considered, he said, that when he sent the revised lists to the Government Printer, he had done all that was required of him in the matter. When the clauses had been pointed out to him, he consulted a solicitor in Bowen about them, and he afterwards told him (Mr. Fitzgerald) that he considered he would be justified, under the eleventh clause, in using the old roll for some districts and the new roll for other districts, as the clause stated that the old roll might be used either wholly or in part, as the case might require; and that as he had sent copies of the old roll to Cardwell and Glendhu, he intended to get new rolls made out and printed in Bowen, to be used for Townsville, Bowen, and Mackay. That arrangement, if it had been carried out, would have added a large number of new voters to the Kennedy District. But as he was not certain what to do, he telegraphed to the Under Colonial Secretary, on the 1st July, as follows:—

"I forwarded the rolls, as revised, to the Government Printer, on the first (1st) June. I have informed the presiding officers that the rolls shall be forwarded when received by me. I have copies of the rolls for eighteen hundred and sixty-six (1866) and seven (7)."

Then, on the 2nd July, he sent the following telegram to the Colonial Secretary:—

"Reply to my telegram of yesterday, as to what I am to do about the electoral roll; I have old rolls on hand, or I can get the revised printed here."

On the 3rd of July, he received the following telegram from the Colonial Secretary:—

"Please read tenth (10th) clause of the Registration of Electors Amendment Act, and then ask yourself if you have complied with its terms; if not, read the next clause, and guide yourself by that."

The people of the Kennedy District thought that those were proper directions, because by law the returning officer was an independent officer, and should act according to his own judgment—and he intended to do so. He intended to use the old roll either wholly or in part, according as it might appear advisable, and every one was satisfied with that. But, in a day or two afterwards, he altered his mind, and on the 5th July, he again telegraphed to the Colonial Secretary as follows:—

"Old roll, 1866 and 7, despatched to Cardwell and Glendhu. Shall I use copies of the new 1867 and 68 (to be printed here) for the nearer polling places? No possibility of again sending to Cardwell and Glendhu in time for polling."

The answer to this was the first telegram there was any cause to complain of. In the telegram he had read, the returning officer asked for certain directions, and on the following day, he received for answer, "No." That was, he was not to make use of the new roll in the way mentioned in his telegram. Then again, on the same day, the 6th of July, he received another telegram from the Colonial Secretary, which was as follows:—

"The revised roll for 1867-8 forwarded by you to the Government Printer, not having been prepared in accordance with the provisions of the 10th section of the Registration of Electors Amendment Act, it will be necessary for you to use the roll for last year, as laid down in the 11th clause of such Act. Instruct your several presiding officers accordingly."

Now, that was a specific direction given by a Minister of the Crown to an independent officer, and of course it very much biased his action. It would really not be in accordance with the eleventh clause of the Act, because that clause left it optional for the returning officer to use the old roll, either wholly or in part, as the case might require. Those were the two telegrams of which the electors of the Kennedy District felt they had cause of complaint. In the telegram of the 3rd of July, the Colonial Secretary stated as much as that he had no right to interfere, and in his telegram to Mr. Seaward, on the 9th, he also said that he had no power to give instructions. As to the telegrams of the 6th July, the electors thought they were altogether uncalled for, and, besides, that they materially influenced the election. He brought this matter before the House with no vindictive feeling, but to enable the honorable member, who at the time was Colonial Secretary, to make such explanation as he might wish to make.

Mr. MACALISTER said: I am happy the honorable member has afforded me an oppor-

tunity of saying something with regard to this matter. I did not happen to be in the House when the honorable member brought forward the motion for the printing of the telegrams; but on looking at them afterwards it occurred to me that the telegrams, to a great extent, explained themselves. But from some circumstances which I have heard mentioned within the last few days, it appeared to me that it might be desirable I should make some explanation; and particularly as the honorable member for the Kennedy suggested that, for the purpose of affording me an opportunity of doing so, he would move the adjournment of the House. In order that I might be more able to do so, I went yesterday to the Colonial Secretary's Office with the view of seeing the Under Secretary, and asking from him such information as he might have in regard to this matter. I found that gentleman engaged with the Colonial Secretary at the time. But I was admitted to the Colonial Secretary's Office, and in the presence of the Colonial Secretary the Under Secretary made two important statements. The first was that he was absent at the time those telegrams were going on; and the second was that some party in my interest, and for me, called at his office and instructed a young gentleman who was acting for him to send the second telegram, on the 6th of July. I was somewhat taken aback by that information, and felt it was necessary for me to point out to him that he had sent the first telegram—the one that was the origin of all the mischief; and he, of course, admitted that he had. In that telegram he points out to Mr. Clarke that he had failed to complete the roll as required by the tenth section of the Act; and upon that telegram all the others followed. As to the other point, that some one called at the Under Secretary's office for me and instructed the young man who was acting for him during his absence, that gentleman was called in, and I, in the presence of the Under Secretary, asked him if such had been the case; and he replied that nothing of the kind took place, and that he never said so. That was all the information I got, and, perhaps, it was all that I required, because, in going over the telegrams, the House would see that, however the second telegram of the 6th July was framed, for I did not see it, it went no further than to give the information asked for by the returning officer in his telegram of the 5th of July. I may just observe that, on the occasion of a general election, all writs to returning officers are issued from the Colonial Secretary's Department; and the returning officers look for advice from that department as to the carrying out of their duties. Along with the writ, a list of printed directions are issued to the returning officers; and if returning officers would observe those, they would have no occasion to apply to the Colonial Secretary on the

subject. Whether Mr. Clarke is competent to discharge the duties of returning officer or not is another matter. Mr. Clarke, it appears, in reply to a telegram from the Under Secretary, telegraphed, on the 1st of July, that he had forwarded the revised rolls to the Government Printer on the 1st of June. As no reply was returned, Mr. Clarke, on the 2nd of July, telegraphed as follows:—

“Reply to my telegram of yesterday as to what I am to do about the electoral roll. I have old rolls on hand, or I can get the revised printed here.”

The answer to that telegram is dated the 3rd of July. I wrote that telegram myself and sent it. It is as follows:—

“Please read the tenth (10th) clause of the Registration of Electors Amendment Act, and then ask yourself if you have complied with its terms; if not, read the next clause, and guide yourself by that.”

Now, I think, no one could mistake that; and if the returning officer had had eyes in his head, or the slightest amount of understanding, he need never have made any further application. That telegram is perfectly distinct, but it appears that it was not enough for Mr. Clarke, and on the 5th of July he sends another telegram—the following:—

“The old roll, 1866 and 7, despatched to Cardwell and Glendhu.”

So that, in point of fact, without any advice on the subject, he took steps to prove that the roll had not been properly made up, and could not be used as the revised roll. He goes on to say in the same telegram,—

“Shall I use copies of the new roll 1867—and 1868 (to be printed here) for the nearer polling places? No possibility of again sending to Cardwell and Glendhu, in time for polling.”

The impression upon my mind is, that when I got this telegram I was so annoyed that, after my previous telegram, the returning officer should keep up a correspondence that was unnecessary, that I immediately returned the answer “No.” But that telegram had no sooner gone from the office, than it struck me that it might be misconstrued. The only part of Mr. Clarke's telegram that he intended the answer to apply to was that part referring to the printing of the rolls in Bowen; because the Act requires the rolls to be printed at the Government Printing Office; and thinking that the returning officer might confound that with the other parts of his question, I directed the young man, who was acting for the Under Colonial Secretary, to send the telegram calling the attention of the returning officer to the tenth and eleventh clauses of the Registration of Electors Amendment Act. I do not remember that I ever saw that telegram. However, the telegram should have satisfied the returning officer, that by taking the eleventh clause of the Act, and

carrying out the terms of that clause, he could not make a mistake. The clause was as follows,—

“ Provided that if in any year the roll for any electoral district shall not be regularly made out or shall not be perfected the roll for the preceding year shall wholly or in part as the case may require be used as the roll for another year. And the returning officer in every electoral district shall deliver a copy of the roll for such district to all persons applying for the same on payment of a reasonable price for each copy.

Now, here were distinct directions to the returning officer, if he had referred to the terms of the clause. But as I have been led to understand since, that gentleman never looked at the Act, and never read the eleventh clause, till the honorable member for the Kennedy pointed it out to him. Now, it is too bad that I should be made answerable for the sins of the returning officer. I declined, or never was asked, to have any further correspondence with him; and the other telegrams were from parties with whom I could not, as Colonial Secretary, communicate, or on whose advice I could not act. If the chairman of one candidate asked the Government to give directions, so might the chairman of every candidate; and so the answer I gave to Mr. Seaward was the only one I could give. If the returning officer failed in the performance of his duty, it was not because of instructions, but because he was unable to interpret the plain meaning of a clause in an Act of Parliament. Something was said on the former occasion about some other candidate who was in the field. I think it was stated that there was some other candidate who had announced himself as being in favor of the late Government. Now, any announcement I ever had of the kind was in the speech of the honorable member for the Kennedy himself, when he stated that the other candidate said he would support the Land Bill of the late Government. But, if I understood the speech of the honorable member for the Kennedy correctly, he also said to the electors that he would support the Land Bill of the then Government. I do not know if the newspaper in which I read the speech was correct, but I am stating only what I read. But if I were to say who I expected the Government would receive support from, I would say—the honorable member for the Kennedy, because I am sure that if the other candidate had been returned, the support the late Government would have received from him would have been like that they received from another candidate who announced himself as one of their supporters. I do not wish to allow any party feeling to operate with me in this matter; and I can only say, that if any misunderstanding arose amongst the electors of the Kennedy on account of those telegrams, I very much regret it; but, in my own mind, any such misunderstanding has arisen from the insufficiency and stupidity of the returning officer

for the district. There can be no doubt that there are great difficulties in the performance of the duties of a returning officer; and on the last occasion I was under the necessity of asking the Governor for authority to take certain papers out of the Post Office which had been addressed to one returning officer, that I might address them to another. As to the telegrams relative to the Kennedy election, so far as they were sent by myself there can be no mistake about them. The one dated the 6th of July I remember ordering to be sent; but it is not in the words I would have put it in. I think that the advice given on this occasion, so far as I was concerned, was the only advice I could give.

The COLONIAL SECRETARY: I wish to take the opportunity of saying, that the statement made by the honorable member for Ipswich, as to what took place in my office, yesterday, is perfectly correct. There was a little misunderstanding which arose out of the circumstance that the Under Secretary had forgotten that he sent the first telegram of all to Mr. Clarke; but it was done under the recommendation of the agent of one of the candidates. Some inquiry was made about the rolls; and, arising out of that, the Under Secretary sent the first telegram.

Mr. MACALISTER: This is the first time I have heard that.

The COLONIAL SECRETARY: Yes. It was after the honorable member left my office, yesterday, that I heard about how the matter was put in motion. I do not think that the honorable member was acquainted, as Colonial Secretary, with the first telegram at all.

Mr. MILES said he thought the discussion that had taken place all went to shew that it would be better if Ministers would attend to their duties themselves, and not trust to Under Secretaries. He knew that the Under Secretary put the country to a great expense on the occasion of the election that followed on the dissolution of the railway policy. The gentleman who previously sat for the Maranoa went to the Under Secretary and told him that the roll had not been properly printed; and the Under Secretary on that occasion sent word to the returning officer to use the roll for the previous year. Such occurrences shewed that the Government should take care whom they appointed as returning officers; for he held that a returning officer had no right to take instructions from the Government or any one else. If he could not understand that much, he had no right to be there. When the returning officer for the Maranoa received the telegram from the Under Secretary, he drew his pen through forty names that were on the roll. There were three rolls revised for the district; one roll was perfected, and the others were incomplete. The consequence of receiving the telegram from the Under Secretary was that, in order to make the roll that was perfected a copy of the roll for the previous year, the

returning officer drew his pen through forty names that were on the roll. But he found that that did not perfect it, and he had to add several names that had been struck off the roll when it was revised. The country was put to a considerable expense in consequence of that. Now, he thought it would be well for the Colonial Secretary to give instructions to the Under Secretary not to interfere with what was not his business. There was nothing in the telegrams about the Kennedy election that any one could take exception to. The then Colonial Secretary, it seemed, was only anxious to give any information, so far as he could do so, without influencing the election or interfering with it in any way. When the roll was changed for the Maranoa District, the electors were very much excited about it; and they were under the impression that it was the fault of the Government that the roll was not printed. He had considerable trouble to persuade them that it was not so. He must say that the Government were not to blame in the matter at all. But when two or three hundred people were disfranchised, it was no wonder they were indignant. With reference to the matter before the House, he thought it was the interference of the Under Secretary, in sending the first telegram, that had led to all the confusion. While on that subject, there was another matter he would like to draw attention to, and that was the necessity, as he believed, of returning officers being paid for their services. The returning officers were at considerable trouble and were paid nothing for their services, though their deputies were. Now, he thought it would be better to vote a sum to pay those officers, and then the Government could compel the gentlemen they appointed to discharge their duties honestly and faithfully. People could not be expected to undertake a responsible and troublesome duty without receiving some compensation for their trouble. He was sure that any sum that might be voted to compensate returning officers would be well spent.

Mr. MYLNE said he wished to say a few words on the subject. A great deal had been said about returning officers, as appointed at present, not asking information from the Government. Before he was appointed returning officer for the Maranoa District, he was asked by the Under Secretary if he could recommend any one to be returning officer. He wrote to some of his friends on the subject, but none of them would accept of the office, and he had to accept it himself. Now, he knew nothing about the Act, and if he had not received information on the subject there would have been a good deal of confusion.

Dr. CHALLINOR thought that if the instructions given by the Government were like those in New South Wales, every returning officer should be able to regulate his conduct without applying to the Colonial Secretary's office or any other office. He did not see

that any good would result from the payment of returning officers, because, as he read the Act, a returning officer was as responsible now as he would be if he received compensation. In point of fact, he was under a heavy pecuniary penalty if he failed to do his duty. He remembered that legal proceedings were taken on one occasion against the returning officer for the county of Stanley, before Separation, and he was found liable in a penalty of £100. The matter was brought before the Government, and the returning officer was held liable; but it was subsequently determined not to impose the penalty. He must say that he did not think the proper person to appoint as a returning officer would be a gentleman who would not perform the duties faithfully without being paid. The duties of the office no doubt made a great inroad on a man's time, but then he should not undertake them unless he was prepared to perform them.

Mr. ARCHER said that, from the explanation that had been made by the honorable member for Ipswich, Mr. Macalister, it appeared there had been nothing in the matter of the Kennedy election but one mistake. The telegram "No" was really a mistake. If he had been returning officer he should have understood by it that he could use the roll though it had not been printed by the Government Printer. The Act only provided that a fair copy of the roll should be sent to the Government Printer, who would send back printed copies. But as soon as a fair copy of the roll was made out, it was, he considered, fit for use, whether it was printed or not. The Act said that the roll if made out might be used in whole or in part. Now the new roll was so far made out for the outside districts that it could have been used for those places to which there was time to send it; and as he read the telegrams, if he had been returning officer he would have done so; and he would have used the old roll for those places to which he had not time to send the new roll. He must say that he thought the honorable member made a mistake when he lost his temper, and sent the answer "No."

Mr. DOUGLAS thought honorable members must be satisfied that the suspicions that had existed, respecting the interference of the late Colonial Secretary in the Kennedy election, had been all dispelled by the explanation that had been made by the late Colonial Secretary; and he hoped that any other suspicions that might exist respecting the late Government would be as easily dispelled. As to the payment of returning officers, he thought the same argument that would apply to that matter would equally apply to the payment of members of Parliament. Returning officers were looked upon as gentlemen, who were disposed to take on themselves certain public duties, without remuneration. They were generally chosen as being gentlemen, who held a good position in the district in which they lived, and who

were not strong political partisans. He considered that the appointment should be looked upon as an honorary one, and he would rather not see the returning officer paid for his services. He hoped the honorable the Colonial Treasurer would not place a sum on the Estimates for the payment of returning officers, as he thought, from the way the honorable gentleman received the proposition, he was inclined to do.

The COLONIAL TREASURER: No.

Mr. DOUGLAS: Well, he was glad to hear that the honorable gentleman did not intend to do anything of the sort. There was an expense which he thought would be beneficial, and that was for the collection of the rolls. When a vacancy occurred, a great deal of delay took place, and much dissatisfaction was occasioned, by there not being printed copies in time. The rolls had to be sent to the Government Printer, and returned by him, and a great deal of extra expense and delay was caused by that.

Mr. WALSH did not agree that returning officers should not be paid. There was no class of officers whose labors were more worth being paid for. The appointment was not always a mere honorary one; for too frequently it was thrust upon persons in the country districts, who, *nolens volens*, must take it. It was also well known that in many cases, when independent gentlemen in the country would not accept the appointment, the Government had to telegraph to some of their own paid officers, and compel them to take the office. In no way was the Electoral Act more defective than in the uncertain way in which returning officers were appointed. He, for one, should be glad to see the office a paid one.

Mr. PUGH said he agreed with the honorable member who last spoke, as to the propriety of the Government paying returning officers throughout the colony for the services required of them; and also that no Government officer should be appointed as returning officer, if the Government had the power of appointing any one else. Every honorable member had seen how viciously such appointments had wrought. He thought that all such returning officers should be superseded, and that all public officers should be told that they must not take any part whatever in election matters. He did not agree with the honorable member for Eastern Downs in thinking that a sum of money should be spent in collecting the names of voters. The Act that was introduced by the honorable gentleman who now held the office of Treasurer abolished that mode of preparing the rolls; and, for his own part, he must say he thought that, if the franchise was worth having, it was worth applying for—especially as it could be done through the Post Office. The old system of collecting the roll by paid officers was faulty, expensive, and difficult.

The ATTORNEY-GENERAL said he was not at all sorry that the present discussion had

taken place. It might lead to some improvement in the Registration of Electors Act, which was one of the worst on the statute book. The eleventh clause was especially difficult of interpretation. Ever since the Act was passed he had endeavored to find out what those words meant:—

“Provided that if in any year the roll for any electoral district shall not be regularly made out or shall not be perfected the roll for the preceding year shall wholly or in part as the case may require be used as the roll for another year.”

What did the words “in part” mean? That was a matter that puzzled him; and he could not advise what it meant, though it bore very much on the present subject. For himself, he did not think there was anything in the telegrams which would lead to the supposition that the late Colonial Secretary had interfered with the election at all. He did not think it was advisable that any department should be called upon to give advice during the progress of an election. It might be exceedingly desirable that the Colonial Secretary's department, being the chief department, should issue instructions to returning officers. He could see no objection to that course, because the instructions would be made public, and, if improper instructions were issued, the attention of the House would, in all probability, be called to the circumstance. It was almost impossible that returning officers should understand, in every instance, the construction of an Act of Parliament; and, therefore, if no instructions were issued to them they would find themselves in a very awkward position. When an election was pending was not the time they should apply for advice to any department, because, though the head of a department might not wish to interfere in an election, he could scarcely be free from charges which any one could make against him. He (the Attorney-General) considered the answer of the Colonial Secretary, of 6th July, to the returning officer's telegram of the 5th, was perfectly correct, though expressed in the one word “No”; and he could not conceive how the honorable gentleman could have given any other answer, because the Act specifically required that of the roll, when completed, two copies should be made—one copy to be sent to the Government Printing Office, and the other to be retained by the returning officer for the subsequent revision of the printed roll before it was published. He took it that the requiring of the roll to be sent to the Government Printing Office to be printed, and the requiring of it to be sent back to the returning officer for revision, must be taken to mean that its accuracy must be vouched for, and that it was sent out to the electoral district—like the *Government Gazette* was published—by authority. How, then, could the Colonial Secretary allow the roll to be printed in any outlying district? The second telegram,

also, from the Colonial Secretary of the 6th July, was correct, shewing that he did not wish to interfere with the returning officer, but simply referring him to the law—shewing that it was necessary that the roll of last year should be used “as laid down in the 11th clause” of the Electoral Act. Had those words been omitted, there might have been some blame attachable to the Colonial Secretary; but the telegram said nothing more, in fact, than that the returning officer was to be guided by the Act. It was exactly the telegram which he would expect any man in his senses to send as an answer to that of the returning officer; and it appeared to him a very proper telegram—if it was proper to send an answer at all. He had no doubt that the occasion offered to the late Colonial Secretary for making an explanation was very opportune; because if people got hold of the idea that the late Government, or any Government, interfered in any way with elections, it would create a very unpleasant feeling in the minds of the electors generally. He was sure the House and the country would be pleased to come to the conclusion that the honorable gentleman, the late Colonial Secretary knew his duty too well to interfere in any election. He hoped that the House would, whenever a re-distribution or an electoral Bill was introduced, take care that the clauses relative to the using of the rolls should be made as perfect as possible.

Mr. MACALISTER: As this was a personal matter, to some extent, he should like to make an explanation with reference to what had fallen from the honorable member for Rockhampton, who seemed to be laboring under the impression that it would have been perfectly correct if he (Mr. Macalister) had given instructions to the returning officer at Bowen to get the roll printed there. He could not have done so without running the risk of invalidating the election. The Act positively expressed that two copies of the roll were to be made by the returning officer, one to be sent to the Government Printing Office, and the other to be retained by himself to verify the press. The House must be satisfied that he had given no instructions beyond what the law laid down, and that those were only in consequence of the returning officer not understanding his duties. He could not, without stepping over the line of his duty, have given his interpretation of the clause;—all he had done was to direct him to carry out that clause.

Mr. ARCHER explained that he had stated that, if he had been returning officer, he never would have applied to the Colonial Secretary for instructions, but would have used the new roll in those places where they had been supplied. The honorable and learned Attorney-General had shewn him that he would have been wrong.

Mr. BELL said he was glad that the discussion had taken place, because it would

shew that the course which some honorable members had chosen for adoption, of calling for papers and returns, and preceding their production with speeches containing sweeping, and, in some instances, unfounded charges of a grave nature, was most unwarrantable. He was struck beyond measure that the present was an exaggerated instance of the many charges made by the honorable member for the Kennedy before proof was furnished of them. The opportunity was favorable to point that out to the honorable member for the Kennedy, and the Premier, also, who had made charges openly in his financial statement. The Minister had exaggerated in such a manner as to lead to the inference that there were other charges, and many in number, besides the one or two he had indulged in in his budget. In the Premier perhaps, that was as objectionable as the other case. He did not approve of the objections raised by the honorable member for North Brisbane, Mr. Pugh, against the collection of names of voters for the electoral rolls. The argument, that if a vote were worth having it was worth the elector's trouble to register, was all very well in theory; but the practice in large districts was against its efficacy.

Mr. FITZSIMMONS, in answer to the honorable member who last addressed the House, said that the honorable member for the Kennedy had not brought any charges against the late Colonial Secretary; but, on the contrary, he had stated most distinctly that he would not indorse the reports, and that he brought the subject forward in order to give the late Premier an opportunity of making an explanation. The explanation that had been given to the House confirmed him (Mr. Fitzsimmons) in the opinion that the late Colonial Secretary had not attempted to influence the election for the Kennedy. The telegrams had appeared suspicious, but that appearance had been explained away.

Mr. G. THORN had one observation to make against the present defective system of registering the claims of electors. In his concluding remarks, the honorable member for North Brisbane, Mr. Pugh, said that any number of persons could register their claims through the Post Office. The honorable member had forgotten the fact that, unless the electors went before the revision court and supported their claims, they would be disallowed. He might mention a case that occurred in Ipswich—and he thought there was a similar one in Brisbane—where one hundred electors of West Moreton were struck off the roll, although they had sent in their claims in proper form.

The SECRETARY FOR PUBLIC LANDS said he could bear testimony to the necessity for having other persons than Government officers to act as returning officers. Some persons had before objected to the present practice. He should like to ask how much the elections for his own district and for Warrego

had cost the country, through having the commissioners of Crown lands to act as returning officers? It was well known that those gentlemen were surveying commissioners; that, in some instances, when they were in the field—or ought to have been—special messengers had to be sent for them, to bring them in considerable distances to preside at the nominations. It was difficult to calculate what had been the cost of such procedure. In the Civil Service inquiry that took place last year, he (the Secretary for Lands) was asked by a member of the committee, whether he did not think it objectionable to appoint those officers as returning officers; and he gave it as his decided opinion that it was very objectionable, and, in many instances, exceedingly costly. If the electoral law should be amended, he thought that, for more reasons than one, some provision should be made for receiving the returns to writs of election for distant districts by electric telegraph. There was something new in such a course; but this was an altogether new country, and it was desirable to endeavor to utilise the wire in the way he recommended.

Mr. PRITCHARD said he was glad this discussion had taken place, so as to do away with misrepresentation as to the course that had been alleged to have been taken by the late Colonial Secretary in reference to the Kennedy election. That honorable gentleman's explanation was quite satisfactory, although he (Mr. Pritchard) could not indorse some parts of his statement. In reference to the payment of returning officers, he thought that undesirable; because, if carried out, it would be the insertion of the thin end of the wedge for payment of members, to which he objected very strongly. If the duties were honorary, they would be performed satisfactorily, as long as they were entrusted to independent parties, and not to Government officers. The system of compiling the electoral roll might be amended, but not by adopting the old system of collection.

Mr. FITZGERALD, rising to withdraw his motion, begged to deny having made any charges against the honorable the late Colonial Secretary. He had merely stated what was the prevailing opinion in the Kennedy District. He took it, that from the telegrams themselves there were some grounds for suspicion in the minds of the electors. He accepted the explanation of the honorable gentleman; but he did so under the impression that the honorable gentleman had made a mistake in giving instructions in his telegram of the 6th July, and did interfere with the returning officer, when his duty was to have pointed out that the 11th clause of the Act must guide him. With reference to the electoral rolls, he hoped that before Parliament prorogued some arrangement would be made for printing them in the districts—and the defeating

of the Electoral Act be avoided for the future. Why should the people of such a large area as Kennedy comprised be kept back a year, and not get their rights, simply because it was thought necessary to send the rolls down a thousand miles to the Government Printing Office, and back another thousand miles, before the returning officer could vouch for them; after which there must be another sending to and fro. Who was to vouch for the rolls but the returning officer? All his work could be done without those journeyings. Never was such a bad arrangement in a simple business matter.

Motion, by leave, withdrawn.

CIVIL LIST AMENDMENT BILL.

The COLONIAL TREASURER observed that, in bringing forward this measure for second reading, he had very little, if anything, to add to what he said on a former occasion, when he asked leave to introduce it. Although, no doubt, the salaries of Ministers were not too large, yet, considering the state of the finances, and the general wish to make reductions in the public expenditure, and particularly in the matter of salaries, the Ministers of the day thought it right to shew a good example by proposing to reduce their own salaries. Some public speakers had gone so far as to say that Ministers should, for the present, perform their duties for nothing. That, he thought, was going too far, because it was generally admitted that a duty performed for nothing was worth nothing. Ministers, as he had before observed, earned the money they got; and it was a mistake to think that all of their salaries went into their own pockets;—there were many calls upon them, on account of their position, which their salaries had to provide for. Nor did he intend this measure to be final. It was to be merely temporary—until the country recovered from its present position—when the Civil List should be restored to its former level. The measure was short, and he would read its clauses. The preamble set forth that—

“Whereas it is expedient to amend the Civil List as set forth in the schedule to the Act twenty-fifth Victoria number twenty-three Be it therefore enacted”——
and so forth.

“1. The schedule annexed to the Act twenty-fifth Victoria number twenty-three shall be and the same is hereby repealed.

“2 There shall be payable annually to Her Majesty from the consolidated revenue fund of the colony the sums specified in the schedule to this Act annexed to be appropriated to the services therein prescribed.”

The number of Ministers named in the schedule was reduced to four, at salaries of £800 each—Colonial Secretary, Treasurer, Secretary for Lands, Attorney-General. It was a very simple measure, and required no further explanation from him, except that, for the reasons already stated—to lead the way to the reduction of all salaries in the

service, those of the Ministry should be first reduced.

Mr. PUGH asked whether it was in contemplation to cut down, in the same proportion as was set out in the schedule, the salaries of subordinate officers that approximated to the reduced salaries proposed for Ministers?

The COLONIAL TREASURER: It was not intended to reduce the salaries generally to the same extent; but, if it could be arranged between the Government and the House in passing the Estimates, to reduce all salaries in proportion to the position the officers held.

Mr. STEPHENS said the Bill was one which he could not approve of in any way. He agreed with the remarks of the honorable gentleman who just sat down, that if a Minister attended to his duty, he earned the salary now paid. It was well known that he objected to the reduction of the amount of salaries throughout the Civil Service;—he believed in reducing the numbers in the service, but not the salaries. He objected to the Bill on that account; but the main objection he had to it was, that he exceedingly disliked such temporary patch-work legislation. He did not believe in shewing the poverty of the country to the extent the honorable member at the head of the Government proposed, by saving £800 by taking £200 off each Minister's salary. He hoped the honorable member would accept an amendment in committee, to remove the second clause and the schedule; and then the Bill would be a good specimen of legislation. The effect of that would be, that the House would have the power of voting Ministers' salaries every year, and they could go up and down, on a sliding scale, according to the times. He had been informed that such was the case in New South Wales now; but, certainly, last year, it was so, here—one of the Minister's salaries, at all events, was voted by the House, and he was not aware that any difficulty occurred in connection with it. In principle, it would be best for the House to have the fixing of the salaries on the Estimates every year. If the honorable the Treasurer was not agreeable to that course, the saving effected by the Bill was so small, that it was not worth taking into consideration.

The ATTORNEY-GENERAL said it was absolutely impossible that the suggestion of the honorable member for South Brisbane could be carried out. He was surprised to hear an honorable member assert that it was acted upon in Sydney, for he could not believe it possible. The Order in Council, under which responsible government was granted to Queensland, reserved a civil list to Her Majesty, and that could not be altered by the House voting the salaries of certain Ministers named therein, yearly—the Colonial Secretary and the Treasurer. The alteration must be by an Act of Parliament.

Mr. WALSH said he would not have risen, but to call the attention of the honorable and learned Attorney-General to a document in his hand. Some credit should be given to Ministers for their sincerity in economising. In a new Bill introduced by the honorable and learned member for Fortitude Valley, to consolidate the Acts relating to the Constitution of Queensland, the thirty-fourth clause had reference to a schedule which related to the salaries of Ministers. It appeared to him (Mr. Walsh) that if the House passed a special Act, they would then have to alter the proposed new Constitution Act; and that, possibly, with that in view, there was no necessity at all for the present measure. He was exceedingly sorry that the Attorney-General was not so attending to the business of the country as to be aware of the facts stated. The honorable gentleman had been guilty of a great blunder as a lawyer, in allowing his colleagues to bring in a Bill, when there was already one before the House on the same subject. If Ministers thought they got more than they ought to have, or more than the country could afford, they were perfectly right in proposing to reduce their salaries.

The ATTORNEY-GENERAL said he had made no legal blunder. There was a number of consolidated statutes which had been prepared by his Honor the Chief Justice, and by Mr. Mackenzie Shaw—who was paid for it out of a vote of the House—and under the supervision of the late Attorney-General, based on the report of a commission. The Bills had only been laid on the table, and had not advanced to a second reading. He had heard that the Chief Justice had consolidated in one measure the Constitution Acts; but the Bills were the Bills of the House, not of the Government.

Mr. ARCHER said he entirely agreed with the observations made by the honorable member for South Brisbane. He thought it would be wrong to cut down the salaries of officers who were now in office, and whose pay was not more than sufficient for their support. Instead of that he should rather see the number of officers reduced as far as possible. He did not, however, blame the Ministers for cutting down their own salaries, for although the sum so saved would be but small, it shewed that they were unwilling to receive the full amount while the colony remained so exceedingly poor. He thought they set a good example in doing so, but he strongly disapproved of the proposal to vote the salaries of the Ministers annually, and considered it much better* that they should be settled at once, so that the question might not be raised when the Estimates were discussed, which it might be if there was a strong opposition.

Mr. FITZSIMMONS said that complaints had continually been made in the House, when the salaries of subordinate officers were reduced, that the Government had never

offered to commence with their own; and now that a proposition to that effect was made by the Government, he thought some attention ought to be paid to it. The proposal of the honorable member for South Brisbane to vote the salaries of Ministers yearly, he looked upon as compatible with neither sense nor reason. If that were done, the amount of their salaries would depend, in a great degree, upon the amount of support they were able to command in the House. If they were strong enough, they would get a large salary; and, at any rate, to raise the question every year would cause wrangling and discussion. He was quite of opinion that the matter should be settled by Act of Parliament.

Mr. DOUGLAS said he could hardly agree with the self-condemnatory proposition contained in the Bill introduced by the Government, or look upon it as put forward either on economical grounds or for the sake of example. The honorable member at the head of the Government argued that, as the Ministers were about to make reductions, they ought to begin with themselves, in order to prove that they were not actuated by selfish motives. But no one imputed such motives to those honorable gentlemen. He should never impute such motives, nor should he adopt the reasoning of the minute philosopher of the House, the honorable member for Rockhampton, and think of calculating the exact amount of salary paid to a Minister for each twelfth portion of the year. The honorable member would not find him imputing such low and corrupt motives to any Ministry, nor would they be attributed to any public man, except by those who were utterly incapable of estimating patriotic and disinterested sentiments. If the question were to be debated as a question of economy, on the ground that the country was in such a state that such reductions were necessary, which he was far from believing it to be, instead of having recourse to such patchwork, why not at once repeal the whole of the Act 25 Victoria, No. 3, and reduce the Governor's salary? If an example were necessary, why not commence with the highest functionary in the colony?

An HONORABLE MEMBER: We cannot do it.

Mr. DOUGLAS: Why not? He maintained that it could be done. Her Majesty, it was true, might refuse her assent to the Bill, as had been done in Tasmania, but the House was free to express an opinion on the subject, and to pass such a Bill as they chose—they were the best judges of the necessity of the case. He did not affirm that necessity, but he contended that if the principle were adopted, it should be applied to the whole service, from top to bottom. In such case, why not repeal the Act altogether, or revert to the civil list, as set out by the Constitution. The honorable and learned Attorney-General had stated that the House had no power to repeal the civil list. Possibly not,

The ATTORNEY-GENERAL: I said we could not reduce it.

Mr. DOUGLAS: Well, he would not, of course, oppose his opinion to that of the honorable and learned member, but he could not help thinking that the House had the power to alter any portion of the Constitution Act, if it were done in a proper way, and the assent of Her Majesty were obtained. If they were to revert to the original list, it would then be competent for the House to vote any additional sum they might think proper, and that would be a legitimate mode of proceeding. He disliked this sort of clap-trap appeal to popularity. People outside would see through it easily enough. They did not grudge what had been voted to public men in high positions; they felt that these men were their servants, and that to do their work they must be paid. The present amount was not more than sufficient, if the services were rightly performed. He was far from believing that a general reduction of salaries would be beneficial to the public service. Nothing could justify the Bill before the House, unless it were a general cutting down, *pro rata*, of all the salaries in the service; and he was not prepared, nor did he believe honorable members were prepared, at one fell swoop, to make such a reduction, nor did the country call upon the Ministry, at this time, to immolate themselves on the altar of retrenchment, and he could not, therefore, give his support to the motion.

The COLONIAL SECRETARY said that the only respect in which he agreed with the honorable member for Eastern Downs was, that if a Minister was to be paid for what he did, the present salary was not too high. The saving which would be effected by the proposed reduction was not so trifling as appeared to be supposed. If the vote were agreed to, the saving which it would effect in one year, with the £1,000 which had been already saved by the present Ministry, would nearly amount to the sum he had asked the House to vote for a reformatory school on board the Hulk. The reductions would together amount to £1,800, and £2,000 was what he required for the reformatory school. He denied that there was any attempt at clap-trap in the measure. When he sat in opposition, and long before he became a Minister, he had recommended the Government to reduce their own salaries when they talked about reductions. The opinions that he held when out of office were the same that he held when in office. He believed the proposal would meet with considerable favor outside the House. He had heard it stated out of doors on many occasions, that Ministers should begin their retrenchment by cutting down their own salaries. The press had said the same thing. He admitted that if the salary were looked upon as a mere matter of pay it was not too much; but he should never take office for the sake of the

pay. He thought that the members of the present Government should be allowed to reduce their own salaries without being accused of making a clap-trap appeal for popularity. It had been asked why they had not began higher up. What would have been the use? It was only the other day that Her Majesty had refused to assent to a measure passed by the Legislature of Tasmania, for reducing the salary of the Governor of that colony, and had stated that it was absolutely necessary that the Governors should be well paid in order that a proper class of men might be got to undertake the duty. The Government might begin with their own salaries, but he thought they should not be taxed with inconsistency for not commencing higher up. The position the Governor of the colony had to maintain required that he should receive a good salary; and so far from being inclined to reduce his salary, he (Mr. Palmer) would be more inclined to raise it, if necessary. They must make the salary good if they wished for a proper Governor. It must not be forgotten that Governors ought to be men of high standing; that they had to entertain very largely, which Ministers had not to do. He was wholly opposed to the proposition of the honorable member for South Brisbane, that the House should vote Ministers' salaries annually. He repeated that the Bill was not introduced with any idea of seeking popularity; it was put forth in good faith, and he had heard no real argument against it.

Dr. CHALLINOR said he did not at all agree with the proposition; he had many objections to it, and contended that when the country asked Ministers to assume the direction of its affairs, it ought to pay those Ministers for the work they asked them to perform. He did maintain that when honorable members of that House took office, they were bound to devote the whole of their time to the public service, if requisite, whatever might be the nature of their private engagements. The House had no right to insist that those who were engaged in commercial or other pursuits, should sacrifice their income from other sources, by undertaking the performance of public duties, without making them a sufficient compensation. Besides, a reduction of the salary paid to Ministers would have the tendency of limiting the field out of which good Executive Councillors could be obtained. No provision was made in the Bill for a Secretary for Works. At present, such a Minister might not be required, but it was within the range of possibility that circumstances would arise to furnish sufficient employment for both a Colonial Secretary and a Secretary for Works. If a Secretary for Works should become necessary, the House would have to pass another Bill. True, it would not take long to pass it, but it would be patch-work legislation. The Colonial Secretary had said that the Bill had been introduced in good faith. No doubt the

honorable gentleman was very desirous of carrying out in office the professions which he had made when in opposition. But this Bill had been brought forward merely for the sake of consistency. He (Dr. Challinor) did not think it necessary to amend the Civil List. He thought there was no necessity for any member of the Government to draw the whole of the salary he was entitled to. He might as well leave the civil list as it was, and exhibit his patriotism by refusing to draw his salary. He did not know whether he had correctly understood the remarks of the honorable and learned Attorney-General as to their power to pass a Bill for the amendment of the civil list, reserved under the Orders in Council, but it was his belief that the House, by an Act, could reduce or increase that civil list as it thought fit. Of course, any Bill on the subject would have to be reserved for the Royal Assent.

THE ATTORNEY-GENERAL: You may add to it, but you can't reduce it, or do away with it.

Dr. CHALLINOR: But if an addition is made to the Governor's salary, it must be reserved for Her Majesty's assent. If the House should consider it expedient to reduce the Governor's salary, he did not see that the fact that the Royal Assent had been refused to similar measures passed in the other colonies should in any way prevent them from passing a Bill for the purpose. Nor did he see how the Imperial Government could refuse to sanction any Bill which was passed to revert to the salaries set forth originally in the Orders in Council, if the Legislature of the colony considered such salaries sufficient. Her Majesty's assent was refused to the first Bill which authorised liens on wool; but the Legislature passed it time after time, and at last the Royal Assent was temporarily given to it, and afterwards permanently. The fact of the Royal Assent having been refused once, was no reason why they should discontinue their efforts to enact what they conceived to be necessary. At the same time, he did not know that he should be at all in favor of reducing the Governor's salary. The Governor should have a sufficient sum at his disposal to enable him properly to represent Her Majesty in the colony, and should be liberally paid for those services which the country had a right to expect from him. It was desirable that they should have the right man in the right place, and as they could not expect first-class Governors unless they paid them a first-class salary, it was only right that they should give them a fair remuneration. He should certainly not vote for the second reading of the Bill, because he thought it unnecessary. Precisely the same end would be attained if Ministers abstained from drawing more than £800 of the salary voted to them, and left the other £200 for the benefit of the general revenue. He must dissent from the proposition of the honor-

able member for South Brisbane that the salaries of Ministers should be voted annually. He thought it would be exceedingly dangerous to vote them year by year, and that it was much better that those salaries, whether high or low, should be fixed by Act of Parliament. Otherwise a temptation would be held out to bring every possible pressure to bear upon the Government of the day. He believed he was correct in stating that formerly the House supplemented the Ministers' salaries by adding the sum of £150 a year to each. But it was then considered a dangerous principle to establish; it was admitted that the salaries were too small for the duties required by the holders of office, but the opinions then expressed were that they ought to be raised at once to the proper amount, and authorised by Act of Parliament, and the Act it was now proposed to repeal was passed for that purpose. He should oppose the motion before the House.

Mr. GARRICK said it was his intention to vote against the Bill, if the House divided upon it. If it were necessary to give good salaries in order to obtain good Governors, the House ought to act upon the principle laid down by Her Majesty in reference to the salary of the Governor of Tasmania, and give good salaries to its Ministers. The honorable the Colonial Secretary had seemed to think that salary should be no object to a Minister. He failed to see any reason in that proposition, for if it were carried out to its full extent, they would simply have to come to this conclusion—that the wealthy man alone possessed the essentials of a Minister of the Crown. He regarded wealth as no qualification. The essentials of a Minister were ability and integrity, even although ability and integrity should be combined with poverty. Now, as far as that class of men was concerned, what would be the result of carrying a Bill of this kind? Would it not be to shut out ability and integrity where combined with poverty, or comparative poverty? A salary of £800 was not sufficient to allow the colony to go into the market and secure able men. Why should they offer a less sum to the occupants of the Treasury benches than would be offered by private individuals. The sum proposed was not as much as was given to the managers of banking institutions. In his own profession, in this and the adjacent colonies, able men entrusted with the management of a business were paid as much as it was proposed they should in future give Ministers of the Crown. It was said that this measure was of a temporary character, and that the reduction from £1,000 to £800 was needed because the colony was in a state of embarrassment. He considered that even at present, Ministers were not sufficiently paid; that at £1,000 a year they were under paid. Every member was to be considered as speaking conscientiously upon this matter, and not with an eye to his own future advantage, and speaking in that way, he considered, that so far from seeking to reduce the salaries of Ministers, even in a period of temporary difficulty, they should give the servants of the Crown what he considered they fairly earned in their very onerous and difficult position.

The ATTORNEY-GENERAL, in offering a few words of explanation on a point on which he did not wish to be misunderstood, said that he had not meant to deny that it was in the power of the House to pass anything it liked in the shape of a piece of paper. The honorable member for Ipswich, Dr. Challinor, might pass through it a piece of paper on which was printed an enactment for making a ladder to the moon; but what would be the good of it? He did not deny the power of an honorable member to bring in a Bill to amend the civil list, reserved under the Orders in Council; but maintained that it would be unconstitutional, and highly improper for the House to entertain it. The civil list annexed to the Orders in Council was the consideration which Her Majesty received for giving up the territorial, casual, and other revenues, and all royalties whatsoever, in this colony to the people. So that, if they attempted to interfere with the civil list, it would, in effect, be endeavoring to take from Her Majesty the consideration for which she had given them the colony. That was his reason for saying that any measure tampering with the civil list could not be dealt with by the House.

Dr. O'DOHERTY expressed his intention of voting for the second reading of the Bill. He thought the Government deserved credit for having introduced it; and taking that view of it, he looked upon the measure as only a temporary one, necessitated by the present crisis, and intended as an example to the whole service. At the same time he heartily coincided with what had fallen from the honorable member for East Moreton, Mr. Garrick, and thought that the present salary of a Minister was little enough for the responsible duties which devolved upon him.

Mr. FRANCIS said the object of the Bill appeared to be economy, which any honorable member would admit was highly desirable. The honorable member for South Brisbane had, he thought, laid down a sound principle of retrenchment, when he had proposed to get rid of all unnecessary and public officers, rather than make any reductions in the salaries of those who were worth. He admitted that the Government had so far followed out that principle, whether rightly or wrongly—wrongly, he thought—in placing two departments under one Minister. He did not believe that any one man, though he possessed all the vigor and ability of the honorable Colonial Secretary, could exercise a proper supervision over those two important departments. The Government had, in his opinion, in that instance, acted injudiciously in adopt-

ing that principle. Nevertheless, that was the true principle to carry out in order to secure the proper management of the public service. There should be, he thought, a systematic inquiry into the various departments, and a weeding out of all useless officers. It was a common remark out of doors, that the service was encumbered with incompetent men, and that those who were really deserving had no chance of promotion. He looked upon the proposition of the honorable member for South Brisbane as the only means of securing economy, consistent with maintaining an effective public service. The principle contained in the Bill before the House, he considered a false and fatal one. The paltry saving of £800 a year was no sufficient argument in its favor; and he thought the remarks of his honorable colleague must have convinced honorable members that the proposed reduction was unwise and impolitic. In order to secure good men to conduct the affairs of the colony, good salaries must be offered; and no man could persuade him that £1,000 a year was too much for the important office of a Minister of the Crown. He should oppose the Bill, as a step altogether in the wrong direction.

Mr. PRITCHARD said, that having now commenced to consider the Estimates in detail, they ought at once to commence the retrenchment they intended to carry out. He thought the salary proposed was very small, but the exigencies of the country were so great that it was the duty of the House to economize in every direction. He was, therefore, prepared to support any proposition to retrench, consistent with efficient working of the public departments, but he should oppose any wholesale reductions. He looked upon the step taken by the Ministers as a good omen of their willingness to reduce the expenditure as far as possible, and not as a clap-trap appeal to popularity, as it had been characterised. He hoped, therefore, the House would assent to the Bill which had been introduced, and follow out the principle from the outset.

Mr. MACALISTER moved the adjournment of the debate until Tuesday next, and the House divided:—Ayes, 12; noes, 9.
