Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 21 JULY 1885

LEGISLATIVE ASSEMBLY.

Tuesday, 21 *July*, 1885.

Questions.—Petitions.—Formal Motion.—Public Charitable Institutions Management Bill.—Local Government Act of 1878 Amendment Bill—second reading.—Elections Bill—second reading.—Crown Lands Act of 1884 Amendment Bill—second reading.—Adjournment.

The SPEAKER took the chair at half-past 3 o'clock.

QUESTIONS.

Mr. MELLOR asked the Minister for Works—

1. Is it the intention of the Government to purchase a new diamond drill for the purpose of developing the coal districts of the colony?
2. When may a diamond drill be expected to be sent to the Burrum Coal Field?

The MINISTER FOR WORKS (Hon. W. Miles) replied—

1. The Government have it under contemplation to purchase one or more diamond drills, not only for developing coal, but also other minerals.
2. A drill will be sent to the Burrum as soon as one can be obtained.

Mr. ALAND asked the Minister for Works—

Is it true that the specifications require that the timber to be used in the construction of the bridges over the Annan and Pioneer Rivers is to be of tallow-wood from New South Wales, or any other kind of timber not procurable in this colony?

The MINISTER FOR WORKS replied—

No. The specifications require the decking of these bridges to be of tallow-wood which can be obtained in the colony.

PETITIONS.

Mr. ANNEAR presented a petition from Henry Walker, an employé in the Civil Service, stating that he had both his hands blown off whilst firing a salute at North Ipswich in January, 1872, that his present salary of £150 a year was insufficient to meet the expenses of his growing family, and praying the House to consider his case. The hon. member moved that the petition be read.

Question put and passed, and petition read by the Clerk.

On the motion of Mr. ANNEAR, the petition was received.

Mr. J. CAMPBELL presented a petition from certain selectors on the Westbrook Homestead Area against the route of the proposed Beauaraba railway, and moved that it be read.

Question put and passed, and petition read by the Clerk.

On the motion of Mr. CAMPBELL, the petition was received.

Mr. MIDGLEY presented a petition from Samuel Hodgson, merchant, trading as Samuel Hodgson and Co., in reference to the seizure of the "Forest King," praying for such relief in the premises as to the House may seem proper, and moved that the petition be read.

Question put and passed, and petition read by the Clerk.

On the motion of Mr. MIDGLEY, the petition was received.

FORMAL MOTION.

The following formal motion was agreed to :—

By the PREMIER (Hon. S. W. Griffith)—

That this House will, at its next sitting, resolve itself into a Committee of the Whole to consider the desirableness of introducing a Bill to consolidate and amend the laws regulating the sale of intoxicating liquors by retail, and for other purposes relating thereto.

PUBLIC CHARITABLE INSTITUTIONS MANAGEMENT BILL.

On the motion of the PREMIER, the House in Committee affirmed the desirability of introducing a Bill to make better provision for the management of Public Charitable Institutions.

The Bill was presented, read a first time, and the second reading made an Order of the Day for Tuesday next.

LOCAL GOVERNMENT ACT OF 1878 AMENDMENT BILL — SECOND READING.

On the Order of the Day being read for the resumption of adjourned debate on Mr. Griffith's motion, "That this Bill be now read a second time"—

The HON. SIR T. MCILWRAITH said: Mr. Speaker,—When the second reading of this Bill was moved on Thursday last by the Premier, I moved the adjournment of the debate, my reason being that I had never seen the Bill, and had not read it at the time the hon. member proposed it. I did not think the Bill ought to have been brought forward then, no matter how important it was; because it was practically impossible, and altogether improbable, that any member had read the Bill at the time the second reading was moved. There was a Bill put on the table previously, but it was very different, and some hon. members may have read it; and I am perfectly sure that no hon. member had read the Bill that was moved last Thursday. This, as explained by the Premier, is a Bill to accomplish two objects, both of which I have no doubt have been wants that have proved themselves since the Divisional Boards Act of 1880 and the Local Government Act of 1878 were passed. But the measure is not of much practical importance, with this exception—that it makes legal what otherwise has been practised. For instance, it provides now that the limit of the borrowing powers of divisional boards and municipalities shall be extended in certain respects, but the Government always acted as if they had been extended. I know I always did. As a matter of fact, the provision made in this Bill to exempt the money borrowed for the construction of waterworks from counting in the amount borrowed by municipalities for other purposes has been in operation. I have stated over and over again, both publicly and in the House, that I did not consider that these loans for waterworks ought to be made in the same way as ordinary loans to municipalities, for the reason that waterworks are separate and reproductive works. As a matter of fact, the practice has been to allow municipalities to borrow according to the amount specified in the Local Government Act, quite irrespective of the amount of money they have already borrowed for ordinary municipal purposes. Of course that is illegal, although no difficulty has arisen from it; but curiously enough, if we had carried out the Bill which was put on the table on the 9th July, instead of that laid on the table on the 15th, we would not have accomplished that object, because the original Bill only dealt with the cases of municipalities that had already borrowed more than they were entitled to, and did not apply to municipalities which might wish to borrow in the future. I see, however, that provision has been made for that in the 4th and 5th clauses of the amended Bill. I need not say that I agree with the measure, because I have always practised what it is intended now to enact. With regard to the other portion dealing with the subject of roads and bridges, that provides for difficulties that have arisen in the contact of municipalities and divisional boards since the two Acts were passed. With the exception of that, there is nothing else in the Bill. We expected the Local Government Act of 1885 to contain something more, and after the number of suggestions made and the fund of information placed in the hands of the Premier by the mayors of the different municipalities of the colony, as the result of their conference I am quite astonished to see so meagre a little document containing so many clauses as the one now before us. As I said before, provision for giving increased borrowing powers to future municipalities would have been lost completely if the Premier had not hastily withdrawn his Bill of the 9th July, and substituted another on the 15th July adding clauses 4 and 5. I leave it to other hon. members who may feel aggrieved at what the Bill does not contain, to say what they like about it; but as it stands now, in its amended form, I have nothing to say against it.

Mr. BEATTIE said: When it was announced that the Government intended to introduce an amended Local Government Bill, I was in hopes that it would contain other matters that have been brought under the notice of the Government, and that require to be amended. But in looking over this measure I am at a loss to understand what general importance it will have for the whole colony. To the first portion of it I have no objection, and I should like to see it go further. I should like to see power given to municipalities to invest money in other reproductive works which might fairly be undertaken by them, and which would be to their advantage. The second part of the Bill has reference to the joint management of roads and bridges, and the only municipalities to which it can at present apply, as far as I am aware, are those of Rockhampton. Whether this has been introduced purposely to get them out of a difficult position with reference to the dispute that has arisen about the bridge over the Fitzroy, I do not know; but it does not apply to localities outside of municipalities. As far as I can understand it, the Government have now the power to step in and say to the two municipalities of Rockhampton, "If you do not come to a mutual arrangement about keeping this bridge in proper order, by a Ministerial order we can compel you to do so." But there is something else to be considered besides that. I should like to have some information from the Premier as to how these clauses will operate with reference to localities outside municipalities.

The PREMIER: They are in force outside municipalities.

Mr. BEATTIE: That is not perfectly clear, and I will give a case in point that comes under my own immediate cognisance. It is the case of a bridge near the city of Brisbane, in a locality that will be well known to hon. members as soon as I mention it. We have two roads there, one the main northern road, and the other a road leading to a large and populous agricultural district; and there are two bridges over Breakfast Creek. The divisional boards on the southern side of Breakfast Creek are compelled to keep their roads—or rather macadamised streets—to make provision for the traffic which comes from the northern side, in good order. These bridges in the course of time became dilapidated, and the divisional boards on the northern side of Breakfast Creek made at once an application to the divisional board on the southern side to contribute a fair share towards the expense of keeping them in repair. That would be a fair application if the boards on the northern side were compelled to contribute to the maintenance of the roads on the southern side, equally with those that are now rated for that purpose. This is the present position of the Divisional Board of Booroodabin. On the northern road are Ithaca and Bowen Bridge road, and on the Breakfast Creek road are Toombul and Nundah, the inhabitants of which cannot get to the centre of population without coming over the bridge and through the division of Booroodabin. They now make application to Booroodabin to contribute towards the cost of keeping the bridge in repair that gives them access to the centre of population. That, I have always maintained, is unfair unless they contribute to the repair of the roads in the Booroodabin Division which they are going to use. If they can compel Booroodabin to repair the Breakfast Creek Bridge or the Ithaca Bridge, they ought in turn to be compelled to repair the roads which afford them the only means of access into the city of Brisbane. The present Bill does not make a case of that kind any clearer, and if the Premier, by a simple Ministerial order, is going to compel a division which happens to be on the border of a centre of population, not only to keep their roads in repair, but also to contribute towards the maintenance of the bridges on its boundary which afford those outside access to town, all I can say is that it will be very unfair. The division to which I allude is perfectly willing to keep its roads in good repair and make provision for all the traffic likely to be brought over them, but it ought not to be compelled to contribute to the maintenance of a bridge which is of no particular advantage to it. I wish to make this matter very plain, because no doubt other divisions in the colony are in a similar position. The entire contribution of rates on the northern road from the Bowen Bridge to the municipal boundary, by the land in the vicinity, is £47, whilst the division I allude to has spent during the last twelve months over £500 on the road itself. But the people do not complain about that. What they complain of is that a division which does not contribute one halfpenny to the repair of that road should now be able to come forward and say to Booroodabin, "You must contribute something towards the repair of our bridge, or if you do not we will get a Ministerial order to compel it." I think that is very unfair and ought to be rectified, unless the Premier means to put this construction on the clause—that all the divisions that use the bridge shall contribute to the repair of it. Now, sir, I shall wait with considerable anxiety to hear the Premier give his legal opinion on the working of these clauses, because I acknowledge I cannot see how these boards are to come to an amicable arrangement for carrying out necessary works. The 7th clause says:—

"The local authorities having the joint care and management of a bridge under the provisions of the last preceding section may, if such bridge is in the line of a road which is a main thoroughfare leading to the limits of another local authority or other local authorities, request such other local authority or authorities to enter into an agreement with them for contributing towards the cost of the maintenance of such bridge. And if any local authority so requested refuses or neglects to enter into a reasonable agreement in accordance with such request within a reasonable time, the local authorities making the request may apply to the Minister to exercise the powers hereby conferred."

I should be glad to hear what the Premier has to say about that. There is one matter I spoke about the other day which I know has given a great deal of dissatisfaction in almost every municipality throughout the country—that is the system of rates. Hon. members will recollect that, on the passing of the Bill of 1878, the rating clause introduced by the present Premier was as follows:—

"The council of every municipality shall from time to time cause to be made for such municipality a valuation of all ratable property within the municipal district by a competent person or persons to be called valuers, and the rates made by the council for the purposes of this Act shall be made upon such valuation, which shall remain in force until a fresh valuation shall have been made. And in every such valuation the property ratable shall be computed at its net annual value—that is to say, at the rent at which the same might reasonably be expected to let from year to year free of all usual tenants' rates and taxes, and deducting therefrom the probable annual cost of insurance and other expenses (if any) necessary to maintain such property in a state to command such rent.

"Provided that no ratable property shall be computed as of an annual value of less than eight pounds per centum upon the fair capital value of the fee-simple thereof."

When that clause was under consideration I pointed out that all municipalities in making their assessments would go, not on the fair annual rental, but on the 8 per cent. of capital value, and they have done so. I believe that at the next valuation after that Bill passed every municipality throughout the colony went on the 8 per cent., and never took into consideration the fair rental. The argument used was that it was a common thing for owners of property to leave it unimproved till their neighbours had improved theirs, and thus they secured the increased value without contributing a fair share to the municipal revenue; and that the object of this clause was to get at the owners of unoccupied land that was not improved. I warned the hon. member that, unless he made it quite explicit that improved property was to be assessed at 5 per cent., the aldermanic body in any town was sure to take the 8 per cent. I will just show how it acts in the city of Brisbane. In parts of the city, especially in the east ward and Queen street, some properties have risen to fabulous prices. If a man has a piece of ground worth four or five thousand pounds, and he puts a building on it worth four or five thousand more, bringing the value of it up to £10,000, he is immediately assessed on that capital value, say £40 a year. The fair rental at a liberal estimate might be £600 a year, and the rates on that would at 5 per cent. be £30 a year. Those are the general rates. Then last session we passed a Health Act, the effect of which is that all special rates, for whatever purpose intended, are charged at 8 per cent. So that now, where under the present rates there would be £40 a year levied, the owner of this property would be paying something like £112 a year. And for what? Not for any extra advantage he receives, but simply because he happens to own property in a business locality.

I then pointed out that it would be the duty of municipalities, in cases where the value of properties goes up to these excessive figures, not to strike a general rate of a shilling in the pound, but to have differential rates. It is hardly worth my while to give my opinion how this ought to be done, but what I want to point out is the manner in which the different municipalities take advantage of owners of property in assessing them at those excessive rates. It seems to me monstrous that any local body should have the power it has of putting such rates on property, simply because they take advantage of this proviso. It says—

"Provided that no ratable property shall be computed as of an annual value of less than 8 per centum upon the fair capital value of the fee-simple thereof."

Now, they throw overboard altogether the preceding clause, which gives them power to assess on the fair rental. They do not take that into consideration at all, and that is why I was in hopes that the hon. the Premier in introducing this Bill—and knowing well that this matter has received very careful consideration at the hands of those who are suffering from this mode of rating in the various towns throughout the colony—would have brought in a clause to make this much clearer, and not allow municipalities to take advantage of the proviso I have mentioned in the way they have done. I maintain that such was never intended by this Legislature on the passing of the Act, and I have appealed to the bench of magistrates and pointed out that the clause was never intended to apply to improved properties. It was intended to apply—although it does not say so, still I know that that was the argument used at the time the Act was passed—to unimproved properties, and therefore that system of rating is altogether wrong. I am sure that the hon. the Premier himself must acknowledge—as I believe he will—that it was never intended at the time of the passing of the Act that any municipality should have the power to assess improved property at 8 per cent. I very much regret that he has not seen his way to introduce a clause to remedy that, because if the municipalities had adopted what I consider fair rating—the fair rental as the value of improved properties—there would have been no necessity for the remarks I have made; but, seeing that such an amendment has not been introduced, I am in the hope still that the hon. gentleman will yet see his way to bring in some proviso so as to make it clear that municipalities cannot charge 8 per cent., but that they shall assess at the fair annual rental of the property assessed.

Mr. FERGUSON said: There is no doubt that this Bill is a step in the right direction; still it is only a very small step, and that people who are interested in the working of the Local Government Act will not be satisfied with it I feel certain. The Act has been in force for about seven years, and the experience of all municipalities and local bodies throughout the colony is that it requires amendment to a far greater extent than this Bill goes. However, the hon. the Premier, in introducing the Bill, stated that the Government intend next session, when they have more information before them, to bring forward a more comprehensive measure dealing with the Local Government Act and the Divisional Boards Act; and therefore we may expect that many matters that require amendment will be incorporated in it. The first part of the Bill deals with increasing the borrowing powers of local bodies, for waterworks especially, but I consider that it does not go far enough. It is not the want of power to borrow that is the cause of the great majority of the municipalities of the colony not having waterworks. It is simply because the expense of constructing waterworks is so great, and their population is so small, that they cannot afford to go into such undertakings at all. There are twenty-four municipalities in the colony, and only seven out of that number have any waterworks at all; so that seventeen have none, and have to depend for water supply upon what they can collect in private tanks during rainfalls, and carting water from impure swamps and polluted waterholes. The bulk of the municipalities of the colony have been suffering for some time—for the last two years especially—from this cause; and even in the case of the seven municipalities that have waterworks, there are only one or two—as we learn from the report of the Hydraulic Engineer—in which the works are suitable or sufficient for the requirements of the people. In nearly all the cases the water is impure, and very short in quantity as well. I believe that Maryborough is the only town in the colony that has a pure supply of water; so that the question the Government will have to consider sooner or later is, not only increasing the borrowing powers of municipalities, but also assisting the people in various parts of the colony so as to enable them to construct waterworks. The Premier has stated that he intends to bring forward a measure on the subject next year, and I think he would be wise if he would appoint the best hydraulic engineer available to visit the different towns and districts of the colony, and report upon the best means of water supply, before the Bill is introduced. I believe the Government would act wisely if they would endeavour to combine with the supply of water to towns a scheme for irrigation purposes. I am satisfied that that would prove of more benefit to Queensland than any other scheme that can be thought of. I hope I shall be pardoned for referring to a case in point, and although it is in the Central district it will not be any the worse for that. No doubt there are other districts in the colony which are somewhat similarly situated. There is a portion of the Fitzroy River, near the junction of the Mackenzie and Dawson—no doubt several hon. members know the place I refer to—where, at a comparatively small expense, a dam could be constructed which would throw the water back over nearly 100 miles of country. It is about 300 or 400 feet above the level of the Fitzroy valley, so that if this dam were constructed the Government could then construct a trunk canal for about sixty or seventy miles, from which any number of branch canals could be made to irrigate the country. The local bodies throughout the district should be allowed to construct the branch canals, the Government charging certain interest on the outlay on the main canal. The corporation of Rockhampton, at the present time, contemplate going to the expense of £100,000 or £120,000 for a fresh supply of water. The present supply is inadequate for the town, being impure and polluted. The watershed at the present time is such that it cannot be utilised much longer for water supply, and if the people of Rockhampton, instead of going in for a scheme of their own, which would require continual pumping, were to pay the Government interest on, say, £100,000 or £120,000 of the sum required to construct the main canal, and other local authorities paid a certain amount for the water taken in branch canals, the Government would receive a certain interest upon the money expended; and not that alone, but such a scheme would benefit the district, or any other district in the colony to which it might be applied, to an enormous extent. Railways would be nothing to it, as far as enhancing the value of property is concerned. Then they would find that they would be able to supply pure water, which is so much required. There is no doubt that in

course of time our supply of water must come from the rivers of the colony. The fountain-head must be the running streams, and then they will be able to supply that water to the town both on the north and south sides. I am only throwing this out as a suggestion to the Government before they commence operations, and if they appoint the best engineer procurable to report upon such a scheme as that I think they will be conferring a great benefit upon the colony. That is all I intend to say upon that point. The 3rd clause of the Bill limits the borrowing powers of municipalities to the amount of the annual endowment paid by the Government. The total amount—

"Shall not exceed a sum of such amount that the annual endowment payable to the council is sufficient to pay the instalments payable by the council under the Local Works Loans Act of 1880 in respect thereof."

The endowment is 5 per cent. upon the money borrowed. This, in some cases I know, diminishes the borrowing powers of municipalities in some places. In Rockhampton the borrowing powers are £100,000 — five times the general revenue. The endowment from the Government is very small, because the Government only pays the endowment upon the general rates. I do not see why that power should be so restricted, because at the present time no money can be borrowed by municipalities unless by levying a special rate sufficient to meet the interest and an instalment of the principal every year. The Government have sufficient power without restricting the borrowing powers in accordance with the amount of the endowment. Some municipalities have only an endowment of £150 or £200, so that their borrowing powers are a mere nothing if they are to be limited to that extent. In other municipalities the general rates are a mere mite in comparison to the general revenue. The next part of the Bill deals with what the Premier referred to—that is, the joint maintenance of roads and bridges—and special reference has been made to the municipalities of North and South Rockhampton and some others. The Fitzroy Bridge at Rockhampton abuts upon the north and south municipalities, but does not extend to the divisional board, although the northern municipality, which has only been formed for a couple of years, is very small. The bridge is chiefly used by the divisional board beyond the northern municipality, and I do not think the Bill contains any provision to compel the divisional board to pay a share of the maintenance of the bridge, although the board gets a larger endowment from the Government than both of the municipalities put together. As far as I can see, in spite of the heavy traffic it has across the bridge, the board does not pay sixpence towards its maintenance.

The PREMIER : The Bill meets that case.

Mr. FERGUSON : I am glad to hear it ; I did not understand it in that way. The Government proclaimed the bridge under the control of the municipality of North Rockhampton so as to compel them to maintain both sides of the bridge. The municipality has maintained it at a very large expense, and still there is no provision made in the Bill to recoup it for the money expended. I think the other local bodies should step in now and pay a share of the maintenance of the bridge since it was proclaimed under the control of the municipal council, by whom it has been maintained for about fourteen months and has been kept at a large expense. This is a special case, and I do not think it will apply to any other place in the colony. I shall not say any more about it at present. The Bill will be in committee in a very short time, and can then be dealt with more particularly.

Question—That the Bill be read a second time —put and passed.

On the motion of the PREMIER, the consideration of the Bill in committee was made an Order of the Day for to-morrow.

ELECTIONS BILL—SECOND READING.

The PREMIER said : Mr. Speaker,—This Bill, entitled "A Bill to consolidate and amend the laws relating to Parliamentary Elections and to make better provision for Preventing Corrupt Practices at such Elections," is introduced in pursuance of a promise made during the first session of last year. Attention had been directed by the previous general election to many defects in our existing law with respect to electoral rolls, and also to irregularities which took place in the course of the elections ; but there was no time during that session to do more than pass a short Bill, which it was hoped would have the effect of striking at some of the grosser irregularities—an effect I believe it had—and I said the Government intended as soon as possible to deal with the whole subject. It was quite impossible to deal with it during the second session of last year, because the time which had elapsed was quite insufficient to enable the Government to prepare the necessary alteration in the law, and besides the session was fully occupied with other business. The Bill is now introduced, however, and I recommend it to the attention of the House as being a very great improvement in many particulars upon the present law. I will point out some of the more important alterations. Some hon. members will not have forgotten that the Elections Act standing at present on our Statute-book was passed in 1874. By that it was provided that the rolls should be collected annually by officers appointed for that purpose. That was the practice which prevailed in New South Wales before Separation, and which I think still prevails there. It had been in force in this colony for a considerable time, but had been dropped—I forget the particular Act at the moment—a few years before 1874. By the Act of 1874 we reverted to that system, but after five years, in 1879, Sir Arthur Palmer introduced a Bill called the Electoral Rolls Act, providing for reverting to the system we had in the colony before the Act of 1874, taking the rolls for one year as the basis for the roll for the next year, and providing that persons entitled to have their names on the roll should apply to have them put on for themselves. Though I am myself inclined to think the system of collection of the rolls is best, I did not think it well to go back to that system after so short a trial of the system introduced by the Electoral Rolls Act ; I did not think we should be justified in again altering the system after so short a trial. The Bill introduced in 1879, hon. members will remember, received a great deal of attention, and was almost entirely redrawn more than once before it was finally passed ; and as the scheme laid down by it has been found to work fairly well, it is taken as the basis for the collection of the rolls under this Bill. There have been considerable minor changes made in this Bill, although the general principle is the same. Some of the minor changes made I do not think it necessary to call the attention of the House to, although it required considerable time and attention to see that they were properly made and drafted. With respect to the qualification of an elector, there has been no change made except a change of the phraseology of the Act. The Act as it stood said that the qualification should be existing at the time the list was made out ; that of course referred to the collection of the electoral roll every year ; now,

as the system is altered, the Bill provides that the elector's qualification shall be existing at the time he makes his claim to be placed on the roll. The alteration will be found in the 6th clause. The next change will be found in the 8th clause, and it is not a very important one. The Act of 1874 provided that certain persons should be disqualified from voting, and this Bill provides that such persons should be disqualified from being entered upon the roll. It is extremely inconvenient that a man's name should be on the roll if he is not entitled to vote. Part III. deals with the preparation of the electoral rolls.

The HON. SIR T. MCILWRAITH: Did you say there was a change in clause 8?

The PREMIER: Yes; it provides that certain persons should be disqualified from being entered upon the roll, instead of merely being disqualified from voting. There is no reason why persons who have not the right to vote should be allowed to have their names put on the electoral roll. In respect to the preparation of the electoral rolls, the present scheme contained in the Electoral Rolls Act is that—

"On the first Tuesday in the month of January, April, July, and October respectively in every year a court shall sit at the principal police office in every police district for the purpose of adjudicating upon claims to registration on the electoral list of such district."

The practice has been, of course, that a court sits at the police court in each police district. I may mention by the way that police districts are not recognised by law except for the purposes of that Act; although in existence for a considerable time, that is the only Act in which they are recognised. The practice has been that when, as frequently happens, one police district comprises several electorates or parts of several electorates, the court sitting at that place revises the rolls of each electorate or part of an electorate comprised in that police district, seriatim. That arrangement has been rather confusing, and we propose to make the matter clearer and more simple by the 10th clause, which provides that—

"The Governor in Council may appoint for each electoral district one or more places at which a court of petty sessions is held to be a place or places at which a registration court shall be held for the district. When more than one place is appointed for a district, such part of the district as is appointed by the Governor in Council shall be assigned to each court, and by such name as the Governor in Council appoints. Any part so assigned is hereinafter called an electoral division of the district."

That will be found, I think, to very much simplify the operation of the registration courts. It is then proposed that for each place of that kind an electoral registrar shall be appointed, and that if no electoral registrar is appointed the clerk of petty sessions for the place shall act. The name given to this officer is the proper name for a person fulfilling the duties he will have to perform, though as a general rule he will be the clerk of petty sessions. In the provision for the constitution of the court, some changes, though not particularly important, have been made. They will be found in the 12th section. The most important one is that any police magistrate may act as a member of a registration court whether he resides in the district or not, and if no other justices are present he may act alone. Very often a difficulty is found under the present law to get justices to perform the work of a registration court. Take the police district of Brisbane for instance: the registration court sits in the police office of Brisbane, and the police district of Brisbane includes quite a number of electorates or parts of electorates—North Brisbane, South Brisbane, Fortitude Valley, Enoggera—part if not the whole of it—part of the Moreton electorate, Bulimba—part if not the whole of it—Oxley, and so on. Different magistrates have to be there, and, as at present, the police magistrate can only sit for the particular district in which he happens to reside. One of the police magistrates of Brisbane resides, I think, in the electorate of Enoggera, and the other in South Brisbane, and it is of course inconvenient that they should be able only to sit for the district in which they reside. The provision for allowing a judge, if he is present, to preside as chairman of the registration court, it is proposed to retain. In the 15th section an important change has been introduced—an amendment with respect to a matter which has been frequently brought under my notice in the Colonial Secretary's Office, and which, I have no doubt, has often been brought under the notice of my predecessors. The case has frequently arisen, as I have already pointed out, that in a large district the police district has comprised several electoral districts. But there are also electoral districts in this colony which comprise several police districts. In such a case the clerk of petty sessions, in going over the roll for the purpose of marking it, may find the name of an elector who has gone from one police district to another in the same electorate, and under the Act as it at present stands there is no provision for doing anything except striking the name off the roll. In two or three cases where my attention has been called to the matter—I believe the Cook was one, an electorate which comprises four districts—I suggested that the clerk of petty sessions in one district should give notice to the clerk in another, that he believed the man had gone to live in his district. That is not strictly in accordance with the law, but I think it should be strictly in accordance with the law. It is therefore proposed to provide that—

"When the electoral registrar has reason to believe that any person named in a roll or list, whose qualification is residence, has left the division of the district for which he is registered, or has changed his residence, but in either case has not left the electoral district, he shall write against the name of such person the words 'changed residence,' and in such case he shall send by post to such person, at his usual or last known place of abode, a notice informing him that the statement of his place of residence is intended to be altered in the roll, and in case the electoral registrar has reason to believe that such person has gone to reside in another division of the district he shall forthwith report the fact to the electoral registrar of that division."

That will have the effect of preventing a man being disfranchised simply because he has gone from one part to another of his electorate, or because he has changed his residence. Some clerks of petty sessions have thought, I believe, that if a man resides, say, in Queen street, and his qualification on the roll is stated to be "residence, Queen street," and he goes to reside in Ann street, he ought to be struck off the roll. That ought not to be. This section deals with that matter also. It is provided by the 16th and some other sections that a proper note must be made against the name on the electoral list calling attention to this change of residence. I should have said before that this Bill deals first of all with the annual rolls, and then deals with the mode of making additions. The Electoral Rolls Act dealt with additions first, and the annual rolls afterwards. There is no change with respect to the provision as to objections. It has sometimes been suggested that the onus of proof of claim, when a man has been objected to, should be upon the person who claims to have his name put on the roll, but I am unable myself to accept that view, although I must confess that it is often very difficult to prove a negative. This matter, however, is dealt with in another way. It is provided that every applicant for registration must state

in his claim what is his qualification. This is one of the most important changes in this part of the Bill, which I will call attention to directly. The 24th section, relating to the duties of the annual revision court, differs from the preceding laws only with respect to the provisions as to persons as to whom it appears that they have changed their residence. The 4th paragraph of the section deals with that matter. I will now pass on to section 29, which deals with the important subject of quarterly rolls, and claims to have names placed on the electoral roll. I think that probably one of the greatest defects that has arisen up to the present time is, that there has been nothing definite as to the form in which a claim should be made. In the Act passed last year, it was provided that every claim must state that the applicant is twenty-one years of age. That one would suppose to be obvious. A claim ought to disclose on its face the right to be registered. If such claims are allowed as have been sent in in many cases hitherto a man might simply state in his claim, "Name, John Smith; residence, Enoggera; qualification, residence." That is the sort of claim that has been sent in over and over again. There is nothing whatever in a claim like that to show that the claimant is entitled to have his name registered; and I believe that three-fourths of the claims that have been sent in have been as unsatisfactory as that.

Mr. MOREHEAD: From Enoggera?

The PREMIER: No, not from Enoggera; I merely used that as an illustration. In the same way in the case of a freehold. When a man applies for his name to be placed on the roll for a freehold, it is simply stated "residence," say, Mitchell, or Balonne, or St. George, or any other place, "qualification, freehold." What is that worth? The freehold might be worth £5, or less. It is important to require that claims should give a proper statement of the qualification of the elector, and at the same time that the elector should have every assistance in filling up the form, and not be in any way embarrassed. Indeed the last forms of claim issued from the Government Printing Office had a foot-note pointing out the proper modes of filling up the claims, the forms being such as will be found in the 31st clause of this Bill. This, I think, has been found of great assistance to electors. I will now call attention to the altered form in the 31st clause, to which I have referred. In the first column there is to be written the "christian name and surname" of the applicant; then, in the second, his "residence, specifying, if in a town, the name of the street." Then, in the fourth column, the applicant is to state his "length of residence, if qualification is residence; or where the property is situated, its value, and how long held or to be held, if qualification is property." Probably the present law, if strictly interpreted, requires a man to say that his freehold is worth £100. Then the clause further provides—

"The fourth column of the claim shall be filled up in such one of the following forms as is applicable or to the like effect:—

(*a*) Residence for six months at [*describing the situation and number of the portion or allotment (if any)*];

(*b*) Possession for six months of a freehold estate at [*describing situation as above directed*], of the clear value of one hundred pounds above all encumbrances;

(*c*) Householder at [*describing situation as above directed*] for six months, the house being of the clear annual value of ten pounds;

(*d*) Holder of a leasehold at [*describing situation as above directed*], of the annual value of ten pounds, the lease of which has eighteen months to run;

(*e*) Holder for eighteen months of a leasehold at [*describing situation as above directed*], of the annual value of ten pounds;

(*f*) Holder for six months of a license from the Government to depasture lands at [*describing situation as above directed*].

And the situation of the property, if any, in respect of which registration is claimed, shall be specified in such a manner as to enable it to be clearly identified."

These are the different qualifications which entitle a man to have his name placed on the roll. Every claim ought to contain such particulars as here specified, and at the same time every assistance should be given to *bonâ fide* claimants to have their names registered and to enable persons who are not *bonâ fide* claimants to be detected. These claims are to be submitted, as at the present time, at the next following sitting of the court, and it is provided that—

"The declaration contained in any claim shall be taken as *primâ facie* evidence of the qualification claimed.

"No claim shall be rejected for informality.

"When any claim is rejected by the court the chairman shall indorse on it the cause of rejection, and the electoral registrar shall forthwith transmit by post or otherwise to the person from whom the claim was received a notice specifying the cause of rejection."

The 33rd section is a re-enactment of the present law; it provides that any person entitled to have his name inserted on an electoral roll may personally appear before the court and prove his qualification. And the name of every claimant whose qualification appears *primâ facie* is to be put on a quarterly list, which is to be open to inspection, and which is to be made out in the prescribed form. At the end of the 35th clause it is proposed to provide that any person shall be entitled to peruse at all reasonable hours, without payment of any fee, any claim sent in by any person whose name appears in any such quarterly list. That is the law at present, and has been enforced by the Supreme Court; but some clerks of petty sessions have refused to allow persons to see the claims sent in, and consequently it was impossible to say whether claimants were entitled to be on the roll or not. The other alterations in that part of the Bill, though numerous, are mostly verbal; but there is a provision in the 41st clause to which I may call attention—

"Any person whose name is on a roll at the time of an election, and who is then subject to any of the disqualifications enumerated in Part II. of this Act, shall be disqualified from voting."

A man may get his name on a roll, and be disqualified afterwards, though his name is on the roll at the time of an election; and the provision is inserted for that reason. I now pass on to Part IV., which deals with "returning and presiding officers—nomination, polling, and conduct of elections generally." Instead of troubling the House with small matters, I will first call attention to the provision made in section 59, to the effect that if two candidates have the same christian name and surname the residence or description of each candidate shall be added to his name on the ballot paper.

Mr. MOREHEAD: Take his photograph!

The PREMIER: The case has arisen in a divisional board where there are two gentlemen of precisely the same name, and under the Act now in force I do not know how such a case would be met. The hon. member for Gympie knows of an instance in which two gentlemen of precisely the same name are ordinarily distinguished in the town where they reside by adjectives in addition to their names. In the 66th section is introduced a provision which grasps a difficulty upon which different opinions

have prevailed. The 2nd paragraph of the clause says :—

"Any ballot paper containing a greater number of names of candidates not struck out, or having upon it any other mark or writing except the initials of the presiding officer, shall be rejected at the close of the poll."

Opinions differ as to the effect of any writing on the ballot paper besides the initials of the presiding officer; but my opinion is that under the present law a man may write what he likes—sign his name if he likes, or even say "I vote for John Smith"—and I do not think there is anything in the law to render such a ballot paper informal. I know there have been members returned to this House through papers of that kind being rejected, because the question has been entirely unsettled hitherto. I remember one gentleman being in a minority of three or four at an election, who, in consequence of such papers being rejected as informal, was returned to the House. That was not the fault of the Elections Committee. What that committee would have decided had the case come before them I do not know. There was also a case last year where other marks than the initials of the presiding officer appeared on ballot papers, and there was a difference of opinion in the Elections Committee as to their informality — a difference of opinion which might fairly exist both outside as well as inside the committee. There is no doubt a great deal to be said on both sides of the question. From one point of view there is no objection to a man marking his ballot paper, and no reason why he should be compelled to vote by ballot rather than openly. It may be said, "If you do that you do away with the secrecy of the ballot, and at once open the door to corrupt practices." A person making an offer of some reward for giving a vote may say, "We expect at the close of the poll to find your name on your ballot paper; if we do not we shall not pay you." That, of course, would be the simplest way to discover whether a man earned his money or not.

Mr. MOREHEAD: He might put somebody else's name.

The PREMIER: He might. It is a question that ought to be grappled with either one way or the other. It is not a matter of much importance which course is adopted, but a provision should be laid down in the Bill for the guidance of returning officers. We, therefore, propose it in this form. The 68th section differs from the present one in two particulars by the addition of the latter part, which provides that the presiding officer may ask the elector these two questions :—

"Have you been within the last nine months *bonâ fide* resident for a period of one month within this electoral district?

"Where was your residence?"

That was made the law by the Bill passed during the first session of last year. I now pass to the provisions with respect to polling districts. There has been a somewhat similar provision in the law for twelve or thirteen years, but it has not been in force, because it would not work. The intention was to prevent personation, and it was provided that electors might be compelled to vote nearest the place where their qualification arose; but, as the Act stood, it was necessary to divide the whole district into as many subdivisions as there were polling places, and to assign the necessary boundaries. Now, it was quite impracticable to do that, and most impracticable in the places where the provisions would be of most use, because there would be so many boundaries that they would not be generally known. There would be no difficulty in the case of a town; it would be easy enough, for instance, to divide Kangaroo Point and South Brisbane, but those are just the places where separate polling districts are not required. In the case of Cook, where such a division would be most useful, it is impracticable to fix any boundaries which would be of use to the electors. It is, therefore, proposed that a modification of the system which may be useful shall be adopted. The Government may, instead of assigning to every district a certain polling place, assign to any polling place or places a polling district embracing a portion of the electoral district; in short, instead of dividing a district into as many districts as there are polling places, it may be divided into two or three. Take the case of an electorate provided for in the Bill which was passed last week. The old electorate of Townsville consists of Herberton, Ingham, the agricultural districts about the Herbert River, Townsville and the surrounding district, and the Burdekin. There are a great many more polling places than those divisions, but if it were desired to put in force the provisions of this Bill there would be no difficulty in including the people of the Burdekin in one district, the mining population of Herberton in another, and to have another district embracing the mouth of the Herbert River; that could quite easily be done. I mention that district, not as a district particularly given to "personation," but a district of peculiar conformation, where the people in one end of it are very distant from the other end. I believe that with that modification the system of polling districts might be useful; but, as it at present exists, it is found to be impracticable. Those are the most important matters that occur to me at the present time, with respect to the preparation of the electoral rolls and the conduct of elections, and I believe that all the difficulties that have come under notice within the last few years have been met. I come now to the other part of the Bill, dealing with "corrupt practices." That is a matter which the Government undertook to give their attention to. I may say at once that we propose to ask the House to adopt the precedent made by the Imperial Parliament of Great Britain, but we have not gone quite so far. At the present time the only offence that is known here in connection with elections is called "bribery," and the definition of that is rather scant. I do not think anyone in this House will be found to advocate corrupt practices at elections. The provisions dealing with corrupt practices, which we have adopted, were introduced into England in 1883. The offences dealt with in the Bill are "treating," "undue influence," "bribery," and "personation." With respect to "treating," it is proposed that—

"87. (1.) Every person who corruptly, by himself or by any other person, either before, during, or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any meat, drink, entertainment, lodging, or provision to or for any person, for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election: and

(2.) Every elector who corruptly accepts or takes any such meat, drink, entertainment, lodging, or provision;

shall be deemed guilty of treating."

That clause is almost identical with the English one. I need not go into all the clauses, but I may mention that the subject of "undue influence" is treated in such a manner, the net is so large, and the meshes are so small, that I think anybody who attempts it will find himself caught. With respect to the provisions dealing with "bribery," they are the same as under the present law in England, and the only offence that has been

added is one that has always been considered an act of bribery in this colony — and that is, holding political meetings in public-houses. Then comes the offence of "personation." At present it is necessary to prove that a man not only tried to vote but succeeded in voting for someone else. The definition proposed to be given is this :—

"90. Every person who, at an election, applies for a ballot paper in the name of some other person, whether that name is that of a person living or dead, or of a fictitious person, or who, having voted once at any such election, applies at the same election for a ballot paper in his own name, shall be guilty of personation."

That I think is a very good definition, and is almost the same as the one in force in England. Then we come to the consequences of corrupt practices, and I think, as they think in England, that if you are going to put down corrupt practices you can only do so by making the consequences such as will make it worth while to leave them alone. The consequences will be so serious that a corrupt person will lose more than he is likely to gain. At present the only consequence of bribery is that the person, if convicted, is disqualified from sitting in Parliament during the Parliament for which he was elected ; but it is now proposed that the consequences shall be more severe. The 91st section provides :—

"If upon the trial of an election petition the Committee of Elections and Qualifications reports that any corrupt practice other than treating or undue influence has been proved to have been committed in reference to such election by or with the knowledge and consent of any candidate at such election, or that the offence of treating or undue influence has been proved to have been committed in reference to such election by any candidate at such election, that candidate shall not be capable of ever being elected to or sitting in the Legislative Assembly for that electorate, and if he has been elected his election shall be void, and he shall further be subject to the same incapacities as if at the date of the report he had been convicted of a corrupt practice."

That is, I think, a very good section indeed.

Mr. MOREHEAD : Why not disqualify him from sitting for any electorate ?

The PREMIER : Well, I think that would be too severe, and that a man should be allowed some room for repentance. I think it would be much too severe to disqualify a man for life from sitting in Parliament for one offence, but to disqualify him for a particular electorate would be very severe punishment, because that electorate would probably be the one in which he would have the greatest chance of success. In the case of a person being found guilty of corrupt practices through his agent, then he is to be incapacitated from sitting during that Parliament. The question of conviction by a jury is next dealt with ; and besides other punishments which are provided, the 3rd and 4th subsections of clause 93 say :—

"3. A person who is convicted of any corrup tpractice shall, in addition to any punishment hereinbefore provided, be incapable during the period of seven years from the date of his conviction—

(*a*) Of being registered as an elector or voting at any election in Queensland, whether it be a parliamentary election or an election for any municipal office, under any Act relating to local government ; or

(*b*) Of holding any such office or any judicial office ; and if he holds any such office the office shall be vacated.

"4. Every person so convicted of a corrupt practice in reference to an election shall also be incapable of being appointed to and sitting in the Legislative Council, and of being elected to and of sitting in the Legislative Assembly, during the seven years next after the date of his conviction, and if at that date he has been elected to the egislative Assembly, or any such municipal office, his election shall be vacated from the time of such conviction."

Those are the consequences of conviction by a jury. Then we pass on to illegal practices, the provisions dealing with which are taken from the English law, but there are some which we have left out altogether. Under the system in force in England, no man is allowed to employ more than a certain number of canvassers— one for every five hundred of the electors, I believe. Those provisions are rather too elaborate for the circumstances of this colony, and it would be almost impossible to enact that a man could not employ more than one canvasser for every one, two, or three hundred of the population. There are provisions in the English Act of an extremely stringent character, which, for the convenience of hon. members who may wish to see them, I have had printed. One of these requires every candidate to publish a full account of his election expenses ; others, that he shall state how the money was spent, from what sources he got it, and the name of every person who contributed towards his expenses. Those provisions are scarcely required as yet in this colony, and we do not propose to ask the House to adopt them. The present instalment of reform is sufficient for the occasion. The provisions as to illegal practices merely strike at ingenious dodges for evading the law. A candidate does not pay a man for voting for him or speaking for him, but he may pay him for putting up a notice on his wall. It was, I believe, a common practice in Great Britain, and there is no reason why it should not be guarded against here; and that is accordingly done in the 94th clause. Up to the present, however, I may certainly say I never heard of its having been done. The next section deals with those who induce prohibited persons to vote, or who, before or during an election, knowingly publish a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate. Persons who do those things are liable to punishment by being rendered incapable of being registered as electors or being elected to Parliament. Sections 98 to 105 deal with illegal payment, such as providing money for any illegal practice ; corrupt withdrawal from a candidature ; payment on account of bands of music, torches, banners, and so on : all these are to be deemed illegal payments and punishable accordingly. Clause 104 provides that the use of a committee room in a house licensed for the sale of intoxicating drinks or refreshments, or in a State school, is illegal hiring. That will meet any evasion of the provision as to treating. The 106th section provides that—

"When, upon the trial of an election petition, the Committee of Elections and Qualifications reports that a candidate at such election has been guilty by his agents of the offence of treating and undue influence, and illegal practices, or of any of such offences, in reference to such election, and the Committee of Elections and Qualifications further reports that the candidate has proved to the committee—

(*a*) That no corrupt or illegal practice was committed at such election by the candidate himself, and the offences mentioned in the said report were committed contrary to the orders and without his sanction or connivance ;

(*b*) That such candidate took all reasonable means for preventing the commission of corrupt and illegal practice at such election ;

(*c*) That the offences mentioned in the report were of a trivial, unimportant, and limited character ; and

(*d*) That in all other respects the election was free from any corrupt or illegal practice on the part of the candidate, then the election of such candidate shall not, by reason of the offences mentioned in the report, be void, nor shall the candidate be subject to any incapacity under this Act."

I think that is a very proper and reasonable provision. Then it is provided that persons guilty of corrupt or illegal practices shall be prohibited from voting at elections; and there is also a

limitation of time for the prosecution of an offence. With respect to these provisions against corrupt and illegal practices, I do not think it can be said that they are too severe. I regard a man who robs another of his vote, or makes use of fraud with respect to voting, is just as bad as a man who robs another of his money, or uses fraud for the purpose of obtaining possession of it. I hope there will be no objection made to these provisions. I have seen it suggested that the power proposed to be given in these respects is too great to be given to a body like the Committee of Elections and Qualifications.

The HON. J. M. MACROSSAN: Hear, hear!

The PREMIER: As a matter of fact, they have just the same power given to them now; the Bill only amends a clumsy definition of the same thing. In that there is no material change. Whether the Elections and Qualifications Committee is the best tribunal for trying contested elections is another question altogether. It is a matter that should be dealt with under an amendment of the Legislative Assembly Act, and there is a great deal to be said on both sides as to the nature of a proper tribunal; but the question does not properly rise at the present time. There are some supplementary provisions in Part VII., the most important of which is that contained in clause 115, which provides that a person called as a witness before the committee shall not be excused from answering any question on the ground that such answers may criminate himself. That is a very important matter, and it is also important that he should be protected if he answers all the questions truly; and with that view a certificate of indemnity will be given. That is the way that electoral misdoings are discovered in England, and without some such provisions we shall not get the discovery. Another important clause—the only other to which I need specially refer—is clause 122, which deals with the offence of stuffing ballot boxes, which is not dealt with in the Act at present in force. The clause provides that—

"Every presiding officer or other person who places or is privy to placing in a ballot box a ballot paper which has not been lawfully handed to and marked by an elector, shall be guilty of felony, and shall be liable on conviction to be kept in penal servitude for any period not exceeding seven years, and not less than two years, or to be imprisoned for any term not exceeding two years, with or without hard labour. Proof that a greater number of ballot papers is found in a ballot box, or is returned by a presiding officer as having been received at a polling place, than the number of electors who voted at such polling place, shall be *primâ facie* evidence that the presiding officer at such polling place was guilty of an offence against this section."

That is a provision which, I think, will effectually prevent the repetition in future of all offences of that nature. I have now, I think, called attention to the more important alterations contemplated in the law. I believe the Bill will bear scrutiny, and I trust that it may pass in nearly the same form as that in which it has been introduced. I should have said before that it is intended that the Act shall come into operation on the 1st December. By that time the compilation of the rolls for next year will have been finished, with the exception of merely clerical work, and it is advisable to bring the Bill into force as soon as possible. I move that the Bill be read a second time.

The HON. SIR T. MCILWRAITH said: Mr. Speaker,—This is a very lengthy Bill, but from reading it once, and from the explanation of it given now by the Premier, I gather that there are not very many changes in it from the Act now on our Statute-book. When the Premier proposed to bring a Bill of this kind before the House, he ought, in my opinion, to have given more serious consideration to evils under which we have laboured with regard to our elections in the past. Those evils he has not dealt with, with the exception of one; and I am very glad to see that. Those evils are personation at elections, roll-stuffing, and our system of trying contested elections by means of the Elections and Qualifications Committee. Now, sir, the hon. member has done nothing whatever to make personation at elections more difficult than it was before, and he has left untouched the power given by the present law to the Elections and Qualifications Committee. In all the first four parts of the Bill there is no suggestion worthy of consideration in discussing the principle of an Elections Bill, because none of the suggestions differ in principle from previous Acts. No doubt the hon. member drew our attention to several alterations up to the 86th clause, most of which I myself consider to be improvements, but the changes are very small. The change, for instance, with regard to the preparation of the electoral rolls introduces no principle differing from the present Act. Some of the clauses, again, which the hon. member told us were changes are not, so far as I am aware, changes at all. For instance, there is clause 66. The hon. gentleman has given us his opinion that a mark on the voting paper does not invalidate it, but that opinion has never been acted upon by any returning officer; so that, if that clause is a change at all, it is not a change in the law, but in the opinion the hon. gentleman holds of what is the law. None of these clauses up to 86 contain any changes of sufficient importance to be taken notice of in a discussion on the second reading. The next part of the Bill, dealing with corrupt and illegal practices, is remarkable simply for this: that the hon. member has copied from the English Act all the parts applicable to the subject, except the most important part—that all these matters should be tried before a judge. In principle I do not see any difference between Part VI. and the Act at present in operation, but in practice I have no doubt there will be a good deal of difference. The same power is given to the Elections and Qualifications Committee to throw out any hon. member on very vague charges of bribery; still the offences are detailed so minutely that I have no doubt the committee will take opportunities of throwing out members obnoxious to themselves for far less than they did before. Now, was it worth while bringing in an Act to make more minute the list of illegal and corrupt practices—a list that is not applicable to this colony at all? I do not believe there has ever been a man in this colony corrupted by means of treating, so as to give his vote one way or the other. Even amongst the lowest electors of the colony, I do not believe there is one so very low that getting drink would make the difference of a straw in the way he would vote. There is a different class of voters altogether out here from that in the old country; and to make laws against this kind of treating is to my mind simply absurd. There was some excuse to go to that extent at home; there certainly is no excuse for it here. The treating that goes on at elections is done simply out of good-fellowship, and it is degrading to the electors and ourselves to consider that it is done for the purpose of influencing votes. The great point about this clause is that the whole of the matters relating to illegal and corrupt practices should be referred to a different tribunal altogether. The list of the Elections and Qualifications Committee was laid on the table a few days ago by yourself, Mr. Speaker. It has so happened that every Speaker of this House has been a party man, and the probability is that he always will be so, since he is put in by a majority. At all events we have always found him, mildly or

otherwise, a party man, and the Elections and Qualifications Committee take very much of their character from the character of the party in power. I never knew an Elections and Qualifications Committee yet that had not a majority safe for the Government. I would ask this House if that is a safe tribunal before which to try cases of corrupt practices at elections. I think the proceedings of the last committee are quite enough to answer that question. They may have been right in the conclusions they came to, but there is no doubt that those conclusions were come to for party purposes. No man who reads the evidence can think otherwise. On every question there was the solid four against the other three, and that is what will always happen. When you have a party anxious to increase its majority, you will find the Elections and Qualifications Committee doing the work of the party. I think myself it is waste of time going into the minute reforms in this Bill, unless we go a step further and make a reform in that direction. I believe the members of this House would feel safe if the matters which occurred during elections were referred to a tribunal from which we might expect justice; and we can expect justice if we relegate these cases to a Supreme Court judge, as is done in England. In fact the whole of Part VI. loses its meaning. It is taken almost entirely from the English Act, but the Government avoid altogether those parts relating to the tribunal before which the cases are to be tried. That is what they avoid. There would be some meaning in it if they brought forward a Bill of this kind and at the same time altered the duties of the Elections and Qualifications Committee, substituting in place of trial before them trial before one of the judges of the Supreme Court. Some of the consequences to follow upon corrupt practices appear to me to be absurd—at any rate, no proper reason has been given for them. A candidate found by the Elections and Qualifications Committee guilty of corrupt practices renders himself incapable of being elected for or of sitting in the Legislative Assembly for the electorate which elected him for seven years. I cannot see any possible reason for that. Are you going to punish the man and at the same time actually reward the constituency which—or a part, at all events, of which—was bribed? They are to be saved from all the consequences of their corrupt practices and the candidate is eligible for election in any other part of the colony. The only reason the hon. member gave for that was that it would be punishment to the man not to be able to sit for the constituency that elected him, because very likely he would not be able to get another to elect him; but I think if it were proved before the Elections and Qualifications Committee that he had been guilty of corrupt practices he would not be on very safe ground in trying that constituency, at all events, when he had to resort to bribery to get returned; so that the very slight reason there is for that actually does not exist. The best clause in the Bill, in my opinion, is the 122nd, which provides against the stuffing of ballot boxes. If no provision exists by which that crime can be punished, which I very much doubt, it is time it was put very definitely upon the Statute-book, and, if for no other reason, a Bill of this kind was wanted. In dealing with the Bill in detail, I will direct the attention of the Premier to clause 8, which carries on the present system of depriving the police of votes. I see just as little reason why the police should be deprived of votes as other members of the Civil Service. I have gone strongly in bygone days to deprive Civil servants of votes, and for very strong reasons. I think the same reasons exist for depriving them of votes as depriving the police of them. The only additional reason given why the police should not have votes is that they may be called out to quell disturbances in case of riot, and therefore they should not be party men. But the fact of having no vote does not make a man less a party man. He may be just as much a party man although he has no vote; and why should those men be deprived of a vote on that account? Or is there the slightest reason to suppose that because a man has a vote he would execute his duty less in quelling a disturbance? That is the only reason I have heard given, and if it is the only one it applies equally to the Defence Force, who are just as likely to be called out in case of disturbance as the Police Force, and yet it is not proposed to deprive them of a vote.

The PREMIER: Yes, if on full pay.

The HON. SIR T. MCILWRAITH: What difference does full pay or half-pay make as to whether a man should have a vote or not, except on the general principle that no Civil servant should have a vote? I daresay, when the Bill goes into committee, there will be some discussion on the various claims. As I said before, one-half of the measure consists of minute improvements, or at all events changes, which are not worth discussing on the second reading. The latter part of the Bill, with the exception of the provision against ballot-box stuffing, is, in my opinion, a mistake, because it perpetuates the vicious system of carrying before the Elections and Qualifications Committee all cases of corrupt and illegal practices.

Mr. BEATTIE said: Mr. Speaker,—I do not intend to take up very much of the time of the House, but my attention has been directed to one clause of the Bill to which the hon. the Premier did not refer in introducing it. The hon. gentleman went very carefully over all the clauses except the one to which my attention has been called, and that is clause 9. He did not tell us a word about that. It struck me as very singular, after the remarks that were made the other evening to the effect that in giving representation to the different electorates of the colony it should be laid down—not as a strict rule, but it was mentioned casually by some hon. member—that when a constituency had something over 1,000 or 1,100 electors it was fairly entitled to representation—it seems strange that by the insertion of this 9th clause one member of a university is made equal to ten ordinary men outside. I do not think the time has arrived when we can afford to carry such a clause as this. I think it would be better to strike it out until we have a university; then, if it can be shown that it is a power in the State, and that it is necessary to give its members representation in the legislature of the colony, I have no doubt they will be given representation; but until that time arrives I think the clause had better be struck out, and I hope it will be struck out. I think that with reference to the other portions the Premier has paid very careful attention to the Bill generally. At the same time I must acknowledge that I should have been much more pleased if I had seen the power taken from the Elections and Qualifications Committee. I think it would have been a good step if the Premier had introduced that change into this Bill. I shall give the Bill my hearty support, believing that it will be an improvement upon the old one; but at the same time I must express my own personal opinion, that I would prefer to have seen the power taken out of the hands of the Elections and Qualifications Committee. With that, and the omission of this 9th clause, I believe it would be a perfect Bill so far as we can see at the present time.

Mr. MOREHEAD said: Mr. Speaker,—I was very glad to hear the remarks which have fallen from the hon. member who has just sat down, and I believe that his words were echoed by every member on both sides of the House. After what happened during last year we hoped that when any amendment to the Elections Act was made in this House the decisions in cases of appeal, as regards disputed elections, would not be in the hands of a tribunal elected by the dominant party in the House, but would be relegated to a dispassionate tribunal—that is, of a judge of the Supreme Court. We all hoped, believed, and thought that that would be the case, until the Bill was put into our hands. There can be no question that the Premier himself is of opinion that that should be so, otherwise why has he adopted, as he has adopted, sections from the Imperial Act which deal with the method of treating such appeals, with regard to elections, in a different way from what he proposes to do in this Bill? With regard to the 9th clause, which provides for a member for a university, I shall be quite willing to vote for it if what I have advocated year after year in this House is made the law of the land—that is, that no person who is not able to read and write shall have the benefit of the franchise. I have advocated that over and over again. We have gone on year after year spending enormous sums of money on our education system, and yet at the present time the most ignorant men—men who cannot read or write—have the same privilege as the most highly educated; in fact, whilst giving these privileges to people who can neither read nor write, and cannot properly understand what is going on or appreciate the importance of the franchise, we are asked here, in this 9th clause, to give a special advantage to a limited number of highly educated persons. The two things are thoroughly inconsistent, and I am certain that every member of this House will say that they are so. I think that the only way to prevent personation, and the great evils that exist in our electoral system, is by making it a *sine quâ non* that a man shall not be entitled to a vote if he cannot read and write. That is the corollary to our education system, and it is one that we should insist upon. It would be an incentive to people in this colony to see that their children are educated, so that they can exercise the franchise. As it is now, the most ignorant have the same privilege as the highly educated, except in the 9th clause, where special privileges are proposed to be given to the graduates of a non-existent university; but whenever it does come into existence they will have that privilege. A large portion of this Bill is simply a repetition, with some slight alterations, of what is already the law of the land. There are some parts, however, Mr. Speaker, where we have new matter—namely, those portions which are taken from the English Act. I think that these alterations or additions to the present Elections Bill will require very careful consideration in committee, and I think they have been adopted rather rapidly and without having regard to the altered conditions that prevail here compared with those that prevail in the mother-country. I think if these clauses pass in their entirety that they will cause a man who might have acted perfectly innocently to be made a felon and sent to gaol. I can quite conceive that if these clauses are worked as they might be worked an innocent person might be betrayed and placed in the position of a felon and branded for life. The penalties in the 93rd clause appear to be monstrous—

"A person who is convicted of any corrupt practices shall, in addition to any punishment herein provided, be incapable during the period of seven years from the date of his conviction—

(*a*) Of being registered as an elector or voting at any election in Queenstand, whether it be a parliamentary election or an election for any municipal office, under any Act relating to local government; or

(*b*) Of holding any such office or any judicial office; and if he holds any such office the office shall be vacated."

These penalties do not exist with regard to any felon who is turned out of our gaols to-day or to-morrow or any other day. That man is not debarred from voting. Over and over again in this House has this question arisen, and over and over again has this House stated that once a man has served his term of punishment he shall be allowed to exercise the franchise. If he be kept in prison for two years for a crime which is not so bad as forgery or burglary or any other crime which is called felony, is he to be debarred from voting for five years afterwards? His crime is not so bad as those I have mentioned. I am certain that this House when it goes into Committee will not pass these clauses in their present shape, and brand a man for ever because through the act of an agent, but not through his own, he may have broken some provision of this Bill. Even if he broke it deliberately, the punishment is too heavy for the crime—that he should be a marked man for five years after he has served his sentence, and that as he was walking down the street it should be said, "That man shall not vote for five years." It is monstrous. It may prevail in countries that have been trodden down as Ireland has been done by Great Britain, or in other countries under an algerine law, in which case it, however, passes as a Coercion Act. It will never be passed in a free country; it will never be law here. Still there are some corrupt practices which I am not sure will come under the clauses in this Bill. If a Minister gains his seat in this House by promising a railway, what then? Is that a corrupt practice? There sits a man who did it, in the shape of the Minister for Lands, who bought off Mr. Thompson by the promise of a railway which he had said he did not believe in, but he would see that it was carried out if Mr. Thompson would withdraw. There is an instance of a corrupt practice. It is not a laughing matter. And what about the late Postmaster-General—how did he buy off opposition? The thing will not bear investigation. If those gentlemen had had their deserts under this Bill, they would both be in gaol. If the Bill were law they would both be in gaol, and would be disqualified after their release from voting for five years. It would have been a good thing for the colony if it had been law. These are the main points of my objection to the Bill. Further, it gives a loophole by which the Elections and Qualifications Committee—if they take the means they have taken in the past—can let off their favourites from prosecution as they did last year.

Mr. MIDGLEY said: The task of addressing the House is just as formidable a task to me as ever it was. I much prefer to listen to the debate, but I think it is desirable that measures brought before the House should be discussed, if not by one, by another, and perhaps that they should be more thoroughly discussed and debated than some of the measures introduced this session have been so far. I had it on my mind to say something when the Payment of Members Bill was before the House, and I repressed the disposition to do so. However, there are matters in connection with this Bill on which I should like to say what I have to say. I share the general satisfaction of hon. members that a measure of this kind has been introduced. I believe that an Act to check abuses in connection with elections, simplifying them and making them much less costly, is one

most urgently called for. I am sure the men who during the last elections fought their elections without the ample resources to draw upon which some hon. members have, will to this day speak as they have done, feelingly upon this subject. I think at the outset that a provision has been omitted from this Bill which would have prevented corrupt practices at elections more materially than any other clause in the Bill. Perhaps I may be told that it is a matter for the Executive, but it is a matter which I would not leave to any Executive in the future. I believe that if a clause had been inserted in this measure providing that in future every election in the colony at the time of the general election shall be contested on the same day, that would have, more materially than anything else that could have been adopted, tended to simplify, cheapen, and purify our elections. When you give a man or a body of men a great length of time for manœuvring and scheming, and playing whatever nefarious arts they may be disposed to try, he is more likely to succeed than if he had only a short period in which to carry out his objects. And if it were possible to introduce it into this measure I would like to see a clause passed providing that in future all elections shall be contested on the same day. In a country like this—where there are growing facilities for communication by sea and land, by steamers, and railways, and telegraphs; where there are newspapers for the diffusion of information; and where there are such means for candidates getting from place to place, and for voters too—I do not see any reason why any future general election should extend over a period of weeks and months as the last general election did. Such a state of affairs is needlessly vexatious, irritating, and costly to candidates. With the permission of the House, I would like to call attention to a few matters in the Bill which have struck me on going through it for the first time as being worthy of consideration. Taking Part II. of the Bill, I have an impression that the 6th clause will not meet the requirements of the colony so far as actually representing those who best deserve to be represented in this House is concerned. The qualification, so far as age is concerned, is to be in the future what it has been in the past—twenty-one years. Now, as a Legislature, we are perfectly willing that young men in this colony of eighteen years of age should take up land, should be selectors under the new Land Act—selectors of homesteads, selectors of grazing farms, in fact, selectors of anything that their means qualify them for. It seems to me an anomaly that we should legislate for any man being capable of becoming a tenant of the Crown, and having a large interest—a large stake—in any district, and yet refuse him on the score of age the right to vote. I think that these two matters might be made harmonious without any difficulty: that if a young man is qualified to take up land, and to have all the responsibilities of being a landholder on his shoulders, he ought for the protection of his own interests to be permitted also to have a vote in the electoral district in which his property is situated. If he is not fit for the franchise—not capable of voting and protecting his interest as a man in this way—one would almost suppose that he is not capable of having an interest or being entrusted with one. With regard to the qualifications contained in the subsections of the clause, I believe that they are in the main what these qualifications have been before; but it does seem to me an anomaly, where property qualifications come in at all, that a man, for instance, who pays about 4s. a week for an office in Queen street—a pettifogging sharebroker or something of that kind—has an equal electoral right with the man who owns the entire block of premises. I think that, perhaps, this qualification with regard to the rental of offices is too low. With the hon. member for Balonne, I consider that the penalties which are contained in clause 8 are oppressive and severe, even if those penalties are intended to be part of the original penalty. If the penalties are to be insisted upon after a man has suffered imprisonment, it is, I contend, a needless indignity and severity of punishment. The 9th clause, I think, ought to be dispensed with, and I think it will be, judging by the feeling of hon. members. If we are to legislate for one university we may have to do so for ten or more; it is hard to tell. I cannot agree with what an hon. member has already said, that the reading and writing qualification should constitute a qualification in this colony. We have many settlers and many colonists here who are unable to do either of these things, but are just as well able to hold their own in the world amongst their fellow-men as other colonists are. We should not forget how many poor people we are introducing into the colony. Whilst this qualification may apply at some future time, when we are no longer drawing our population from all lands, from the poor and ignorant, it should not, I think, be applied at the present time. I would just point out, in passing, that it appears to me there is an omission in the 12th clause, though, of course, I may be wrong in my opinion. It seems that, in connection with these courts of registration, there is to be a quorum for decisions in cases of disputes. The clause and subclauses provide for the constitution of the court, but as far as I can see there is no mention of what a quorum is to be.

The PREMIER: Two or more.

Mr. MIDGLEY: Is that the case? I have read the clause through and did not notice that. What troubled me was that in one case provision is made for one individual acting. However, it is not a matter of great importance; and so long as the provision is there I am satisfied. On the whole the Bill is a good one and will work well. That would be very little to get up and say, if that were all; but I got up to say chiefly that with all my heart I agree with those who think that the time has come when the very existence of the Elections and Qualifications Committee should come to an end. The origin of that committee is enough to condemn it. After a general election the party predominant virtually selects and appoints the Elections and Qualifications Committee.

An HONOURABLE MEMBER: No!

Mr. MIDGLEY: We know what the temper, the feeling, the spirit of hon. members generally is after a general election. The asperities and resentments we feel—those perhaps may tone down after a session or two; but immediately after a general election, when the greater number of these questions are submitted to the Elections and Qualifications Committee, the members of this House are in no judicial mood. They are in no fit state to analyse evidence; in no fit temper to come to an impartial and just decision on the matters submitted to them. The origin of the committee, the constitution of the committee, the temper of the committee, the history of the committee, and their findings—take them one by one, or take them all combined; should lead us to support its immediate condemnation and extinction. I know the objection usually urged against this opinion is that we might not receive better treatment or more impartial decisions from the judges, but I do not share that feeling. Whatever may be said as to the judges, as to their being human and having feelings, even political feelings, will apply with tenfold force to the Elections and Qualifications

Committee. These men, in their judicial capacity, may possibly be swayed to some little extent by their political feeling; but the men composing the Elections and Qualifications Committee are taken away by their political feelings as with a whirlwind—they are completely carried away. I look on the inquiries and findings of the committee—so far as I have been acquainted with their doings—with the utmost suspicion, and in some cases with the utmost contempt. It is the duty of this side of the House to say what shall be the fate of the Elections and Qualifications Committee. The responsibility of the legislation of this colony depends on this side of the House, and if we perpetuate an institution which has been an injustice and a wrong ever since it was commenced, and which will continue to be a wrong, the responsibility of perpetuating this institution will rest upon this side of the House, not upon the other. We cannot throw off our responsibility, and it is all the greater and all the more serious because of the majority we have; and I should like hon. members—as I have no doubt they will—to express themselves freely and vote independently on this subject. If this blemish remains in the Bill, it will be a blemish sufficient to counteract all the good effects produced by passing the measure.

The HON. J. M. MACROSSAN said: Mr. Speaker,—I am extremely pleased to hear the expression of opinion from the hon. gentleman who has just sat down, and also from other gentlemen on that side of the House, with regard to the Elections and Qualifications Committee. I think myself, and I believe every honest-minded man in the House thinks also, that the time has come when an end should be put to that committee. It is a committee of iniquity, and cannot be anything else from its very constitution; and I think that when the gentleman who has taken the fathering of this Bill on his shoulders undertook to lead this House to believe that he was bringing forward a new Bill—something that had never appeared anywhere except, perhaps, in the House of Commons—he should have gone further and accepted the decision of the House of Commons in respect to the committee; he should have adopted the clauses in the Bill which relate to the trial of elections by the judges. The Bill has been spoken of by the hon. gentleman who introduced it, and by one or two who have spoken since, as a matter of great work, but the hon. gentleman did no work whatever in drafting the Bill, and when he said the Government undertook the matter after grave deliberation he simply attempted to mislead the House, for there is nothing new in the measure except the last few clauses.

The PREMIER: Don't you think so? I wish you had the work instead of me.

The HON. J. M. MACROSSAN: No doubt if I had the work I could have done it in three days easily, and at the same time I would have made a better Bill, because I would have abolished the Elections and Qualifications Committee. There is scarcely anything in the Bill that is not to be found even in the old Act of 1874, and certainly nothing that cannot be found in the Act of 1883 passed by the House of Commons—there is the alteration of a word here and a word there, which any member of this House could carry out—and that Act is simply a re-enactment of previous Acts passed at different times in the House of Commons within the present generation. If the hon. gentleman goes back to 1852 he will find bribery, treating, and corrupt practices defined and legislated against just the same as now, and in 1854 the House of Commons passed a Consolidation Act of all the Acts relating to the election of members of Parliament, bribery, and corruption, and some of the Acts repealed by that Consolidation Act went as far back as the year 1695. So that the House of Commons has been passing Acts dealing with elections for the last generation and a-half, and yet the hon. gentleman talks as if he had done some immense work. If he had read the Bill of 1868, passed by the House of Commons—the Bill which abolished the parliamentary committee and substituted for it the trial of election cases by the judges of the land;—it would have been much better if he had read the 1883 Act;—if he had done that, and simply introduced a Bill for the trial of election cases and for the prevention of roll stuffing, he would have done all that is necessary for the elections of this colony. But the hon. gentleman, in taking this Bill from the Act passed by the House of Commons, forgot one very important matter. The Act passed by that House in 1883 provides, as is provided in previous Acts, that the candidates shall name certain persons to be their agents. A candidate there first names an election agent, and the election agent has the power to appoint sub-agents or deputy agents, who all become the agents of the candidate; but how, in the name of common sense, is a candidate to be made responsible for the acts of agents in this colony, when any man who takes an active part or any part in an election may be held to be an agent by the Elections and Qualifications Committee? After the last general election a case was tried by the committee appointed by yourself, Mr. Speaker, in which an agent actually came forward and said he had bribed a certain elector. He was no agent of the candidate, but because he was called an agent, and because he was taking an active part in the election, he was looked upon by the committee as an agent of the candidate. The hon. gentleman opposite, in drawing the Bill, made a very serious mistake in making a candidate responsible for the acts of agents over whom he has no control. That is a blemish in the Bill which no one has yet pointed out, and it is a blemish which ought to be eradicated when in committee. It is a serious matter to hold a candidate responsible for the work of men over whom he has no control, and at the same time to punish him for the acts done by those men. It is quite enough to punish a man for his own acts, but to punish him for the acts of other men over whom he has no control is certainly a most unjust thing. I think, Mr. Speaker, that there are a good many things in this Bill which will require amendment; besides the abolition of the Elections and Qualifications Committee there are some other matters that require alteration. Before mentioning one or two matters in connection with the Bill, I would like to point out that, according to the opinion expressed by the hon. gentleman at the head of the Government, that it was immaterial whether other writing on the ballot paper except the stroke which is placed there by the elector in erasing the name of the candidate for whom he does not wish to vote, the gentleman who is now Minister for Education would be placed in a very invidious position by the fact that he has sat in the House for two or three sessions, having obtained his seat by that mistake having been made by his opponent's voters. I agree with the hon. gentleman myself. I do not think that any writing on the face of a ballot paper should disqualify the voter. I believe the hon. gentleman was quite right in his expression of opinion. No doubt his opinion is a legal one, but whether it is or not, it was overridden by the Elections Committee. The Bill should make clear and

distinct either that writing on a ballot paper will be allowed or disallowed. A decision should be given one way or another. There is a subclause in clause 6 to which I take exception. It is the 3rd proviso, and it says—

"It shall not be necessary that a person claiming to have his name inserted on an electoral roll as a naturalised subject of Her Majesty should have been so naturalised for the period of six months before making the claim."

The PREMIER: That is the existing law. You were a member of the Government that decided that.

The HON. J. M. MACROSSAN: I think that that should be erased. I do not know that I was a member of the Government that passed it, but I recollect very well the general election of 1878, and I know that the question was asked of the Attorney-General at Charters Towers, by people who objected to the large number of foreigners, who were getting themselves naturalised a week or two previous to the election for the purpose of voting. It was the expression of opinion from the then Attorney-General that warranted these people in voting. I was not a member of any Government then, that I am certain of. Every other kind of qualification under this clause has to be held for a period of six months, but an exception is made in favour of foreigners, for what reason I fail to see. Why should the person who claims to vote not be a naturalised subject? Why should foreigners be able to be taken simply under the excitement of election times, and probably for party purposes, rushed in, and made to give a vote?

The PREMIER: They cannot.

The HON. J. M. MACROSSAN: They can.

The PREMIER: It takes four or five months.

The HON. J. M. MACROSSAN: The Bill says distinctly that it shall not be necessary that a person claiming to have his name inserted on an electoral roll should have been so naturalised for the period of six months. According to the Bill it is not necessary that it should be six months. I say that it should be six months, and that foreigners should be placed on the same footing in regard to their qualifications as other people. I may inform the hon. gentleman that in a country that has hitherto been the most liberal to foreigners—a country that admits foreigners, I may say, by the million—I refer to America: in that country only about twenty years ago foreigners were required to have lived in it for five years before getting their qualification. Latterly, the period has been reduced to twelve months in the most favoured state. I do not think, therefore, that we are acting illiberally if we place them on the same footing as our fellow-citizens. I agree with the remarks of hon. gentlemen about the university clause. I think that should be struck out. It is in the old Act certainly, but that does not make it any better. It is rather too conservative for a democratic country to give a member of Parliament to a hundred gentlemen because they are educated or have received their education at a certain place, whereas there may be five hundred gentlemen, equally well educated, in different parts of the colony who have not been educated at this particular university and who only get one vote. I think myself that very likely that clause will be eliminated. In pointing out the alterations which have been made in clause 31 the hon. gentleman has very properly taken in hand the making of claims clear and distinct, so that individuals will not get on the electoral rolls by simply describing themselves as freeholders or residents. I think that is a very good precaution, but how will it agree with the existing rolls? Unless the hon. gentleman makes a provision in this Bill for sweeping away all the present rolls and starting afresh with new rolls—how is it to work? Those men who put in their claim now will be put on the rolls with very different claims to those who are on the rolls already, and I may tell the hon. gentleman that that is the direction, I think, in which reform in the matter of Parliamentary elections should go. The great blot—for blot it may be called—which exists in this colony in regard to Parliamentary elections, is roll-stuffing and personation. Personation follows roll-stuffing. Now, how is the hon. gentleman to prevent roll-stuffing? There is nothing in this Bill to prevent it.

The PREMIER: Yes, there is.

The HON. J. M. MACROSSAN: Nothing whatever. There are hundreds of men who have been guilty of roll-stuffing, and there are a few in the city of Brisbane. In fact, in my opinion the rolls in the city of Brisbane are much better, more cleverly, and more scientifically stuffed than those in any part of the colony.

An HONOURABLE MEMBER: "Bulcocked."

The HON. J. M. MACROSSAN: Yes, "bulcocked," and very well "bulcocked" too. The effect of making electors put down the street in which they live, or the value of their improvements, will not alter the fact that the present rolls are very much mixed up, and if the hon. gentleman is really anxious to make reform it is in that direction reform should go. With regard to the present rolls, allowing them to be all equally stuffed alike all over the colony—and there is no doubt they are to a certain extent—how is this stuffing to be got rid of unless you make a fresh start with new rolls, and make the claims such as the hon. gentleman has put them in clause 31? It cannot be done in any other way. It would not be a very bad condition to have new rolls every year. Certainly it would cause a deal of trouble, but it is the only way to prevent roll-stuffing by making it such an irksome business on the part of those who do it that they would give it up. But I must remind the hon. gentleman that this is not done for the purpose of making money. The reforms aimed at in this Bill go on the supposition that men are bribed, or receive compensation of some kind for doing or not doing something in connection with elections. That is not the case. The men who do these things do them through party zeal, and not for the sake of making money or for any other purpose. But even party zeal would scarcely carry men so far as to continue work of that kind regularly year after year, and the only chance there is of doing away with it is to make a new roll every year, or at least to make a fresh start with this Bill on a new roll. The hon. gentleman must recollect that in England the corrupt and illegal practices have been in quite a different direction from those in any part of this colony. There they have been done by wealthy candidates who were able to spend £5,000, £10,000, or £20,000 on a single election, and who bought, no doubt, hundreds of electors. It is well known that some boroughs were always open for sale. Such has never been the case in this colony. By following the legislation of the House of Commons in respect to corrupt practices we have been going in an entirely wrong direction; and that is where I think the hon. gentleman has made a serious mistake. I have never yet heard of a case in this colony—and I have been present at many elections, and know the whole of them that have taken place in the North during the last twelve or fifteen years—I have never heard of a single case in which a man gave his vote or refrained from voting for the purpose of receiving any compensation whatever. If he did anything wrong it was, as I said, through party zeal, and not from any pecuniary

interest he had in the election. The direction in which the hon. gentleman is causing reforms to take is, I think, a wrong direction, and the result I believe will not be that which he intends and expects. Let us now turn to Part VI., the part which the hon. gentleman supposes to be new, but which really is not new. It is simply a part of the old Act elaborated, more diffused, put into a greater number of words, and by that means probably made more incomprehensible, and more difficult for the Elections and Qualifications Committee to come to an unbiassed judgment—if that is possible—at any time. In section 69 of the Act of 1874, under the heading of "Bribery," we have all the phases of the subject mentioned in this Bill, only they are mentioned in about half a page, whereas in this Bill it takes three or four pages to deal with them. The same things are in the Act which passed the House of Commons in 1883, which, in its turn, was simply an alteration of the Act of 1854. The clause in the old Act commences with the offence of giving money or any other article to an elector to influence his vote, and the same thing is in the new Bill before us, only more elaborated—quite a long rigmarole of legal terms put down as a new clause. Then we have the holding out to any elector any promise or expectation of profit to influence his vote. The same thing is here in other words. Then we come to the making use of threats, and to the treating of an elector by supplying him with meat, drink, or lodgings. Both those are in the measure before us. But who ever heard of a man being supplied with these things in Queensland? I never did. It has been done at home, I know. Then we come to the payment of an elector for joining in any procession. I have seen but few processions in connection with elections. In fact, I may say that this particular clause in our Act of 1874, and preceding Acts, are simply taken from the Acts I have already quoted as having been passed in 1854 by the House of Commons; and that Act was only a continuation of the Act going back to the beginning of the present generation, and with regard to bribery and corruption going back to the beginning of the last century. The whole of Part VI. in this new Bill is contained in one single clause of the Act of 1874. I really do not know what is the use of introducing a Bill of this kind with such a flourish of trumpets, especially when the reforms it contains are in the wrong direction. I quite agree with the hon. member for Fassifern, that some of the penalties attached to the Bill are too severe. When we come to make certain acts, which have been considered by thousands of very good men in England as not very immoral, illegal by Act of Parliament, and place that Act on the same footing as an Act providing for a violation of the moral law, such as theft, burglary, house-breaking, or something of that kind, we may go too far in the direction of penalties. It is rather too much to give a man two years for some of the offences mentioned in this Bill, and to deprive him of all parliamentary privileges for seven years afterwards, when at the same time we read of men being sentenced by the judges of our courts in different parts of the colony to twelve or eighteen months' imprisonment for robbery, embezzlement, cattle-stealing, and other serious offences of that kind. I say that in the face of those facts it is rather too much to expect that people will put up with the severe penalties that are mentioned in the Bill. I believe in placing every impediment that can be placed in the way of illegal practices at parliamentary elections. I believe in trying to prevent personation and roll-stuffing as much as possible, these being the two offences to which the people of this colony and the colonies generally are most liable; but I do not think they should be punished in this severe manner. The penalties might be very much reduced, and the prevention would probably be much more effective. Now, there is another—what I may call a penalty—the limitation of time for prosecutions in clause 110. Why should that absurd clause be taken verbatim—with the exception of the substitution of the Committee of Elections and Qualifications for the High Court—from the English Act of Parliament? The time in which a man can be sued for any offence under this Act is extended to two years, so that anyone who has a spite against a man who has been a candidate, or against any person who has acted in a strong spirit of party zeal at the elections, is given time to get up a prosecution against him, while the delay deprives the defendant of much of his chance of proving his innocence, since people are continually leaving the district. In England men live in the same street of a town for years—sometimes they are born and die in the one street—while in this colony men move about in all directions. Why should not the time be limited as much as possible so as to give the accused person every opportunity of proving his innocence? This is what comes of taking an English Act of Parliament and placing it on our Statute-books without considering for a moment whether it suits our circumstances or not. I hope, Mr. Speaker, that this Bill will not pass as it stands at present; in fact I am certain it will not—no Bill ever does; I hope there will be some very important amendments made in it. But I hope, above all, that an amendment will be made which will fix the Government to the responsibility of bringing in a Bill—because it will require a Bill for the purpose, I know—to do away with the Elections and Qualifications Committee, and to put their work on the shoulders of the judges. We cannot claim in this House to be purer, more honourable, more disinterested than they are in the House of Commons; I think that admission will be made by every member in this House; yet when the members of the House of Commons saw that it was necessary to legislate against the evil and corrupt practices which had been carried on for centuries in England, they also saw the necessity of taking the trials out of the hands of the political opponents of the men who were tried, and placing them in the hands of the judges of the land, to whom they might look for fair play. The Elections Committee of the House of Commons were not the nominees of a Minister or of the Speaker, as is the case here; the members were chosen by ballot; yet even under that system it was found impossible to get rid of party zeal and partisan bias. If it was so there we know from experience that it is more so here. The members of the committee are not selected by ballot, but are appointed by the Speaker, who himself is elected by the dominant party. I think if the hon. gentleman at the head of the Government really has the interest of purity of elections at heart he will go the step further which has been spoken of on both sides of the House to-night. I hope hon. members on that side of the House will give their opinions freely. Many of them have been members of that committee as I have been, and if they have had the same experience that I had they have probably come to the conclusion that I came to after sitting on it some years ago. I told the Speaker that if he selected me as a member of that committee I would refuse to act, and he might do as he chose—that I would not be a party to the farce of trying a man when we could not try him fairly and honestly. It was utterly impossible for men to get over their party bias in trying such cases. I found it so the second year I was in the House—some eight or nine years ago—and I determined never to sit again. I think that every honest-minded

man in this House, who thinks the matter over seriously, will come to the conclusion that it is much better to delegate that work to the judges of the land, even with a little extra expense, than to go on as we do now.

Mr. JORDAN said: Mr. Speaker,—I hope we shall not stultify ourselves in this Assembly by taking any action which would give the idea that we have not confidence in each other; and that members of this House, when they are nominated by yourself or any other hon. gentleman at the request of the Speaker, are not qualified to take evidence and come to an honest conclusion on any question brought before them as members of the Elections and Qualifications Committee. I have had some experience of this matter myself; in fact, I was an interested party some years ago, and the decision which was given in my case was unfavourable to the dominant party and to myself.

Mr. MOREHEAD: It must have been a very bad case.

Mr. JORDAN: It was a very bad one, as I shall explain. I lost my seat by one vote. I was nine months behind the other gentleman before I appeared on the field; I had no committee; I never asked for a vote; I did not allow anyone to ask for a vote for me. At the first meeting we held, I told the gentlemen who had signed my requisition and who pledged themselves to vote for me and do all they could in my favour, that I would release them from that pledge. I told them to hear the other candidate and vote for the man of whom they most strongly approved. I lost my seat, as I said, by one vote. There were corrupt practices there. There were public-houses open all over the district; but I never gave away a pint of beer in my life.

Mr. MOREHEAD: Stuck to it yourself.

Mr. JORDAN: It was proved before the Elections and Qualifications Committee that there had been many irregularities—that one gentleman voted without a voting paper. At that time the law required that every elector should have a voter's right, but this man voted without his right. Several other corrupt practices were fully proved, and yet the seat was not given to me. The fact is, I believe, that the committee is influenced—or rather, is disposed to favour the sitting member. If they are influenced at all outside the evidence itself it is in favour of the member actually holding the seat. Certainly, in one case that came before the Elections and Qualifications Committee, on which I had the honour of having a seat the session before last, the decision was against the sitting member, but that was because the evidence was so strong that the committee could not possibly come to any other conclusion. In the other cases it was given in favour of the sitting members. I feel sure, sir, from my own knowledge, that we, as members of this House, are better qualified than the judges of the land to come to an honest conclusion upon these questions, and I should be very sorry indeed if we were to stultify ourselves by expressing any contrary opinion or by altering the law as it stands. It does not follow that we should always follow the example of the Imperial Parliament. The hon. member for Townsville, in the excellent speech he has just made, alluded to the gross bribery that has been practised systematically for years in Great Britain, but he has admitted that there is very little bribery in this colony; and the hon. the leader of the Opposition has said that drink is given away more from good fellowship than for the sake of bribery. Therefore I do not think that there is any necessity here for following the example of the Imperial Parliament by relegating these matters to the judges. There appears to be a disposition in Great Britain to fall down and worship the judges, but we do not need to do so in this colony. I have very great respect for any gentleman who occupies the high position of a judge of the land, but I would not for a moment admit that he would be likely to perform those duties better than we ourselves. There are other matters in the Bill of which I fully approve, and which I think will be a great improvement on the present Act, while I would not like to do anything to limit the franchise in the slightest degree. I should like to see clause 9 eliminated. I fully agree with what has been said by other hon. gentlemen on that question; but I do not agree with the hon. member for Balonne, that no man should have a vote unless he can read and write. We are bringing out to the colony shiploads of people from Great Britain, consisting almost exclusively of the working classes, many of whom are steeped in ignorance, but who are still good, honest, hard-working men, and I should like to see every one of them have a vote the moment they land. I do not even see the necessity for six months' residence. I believe, sir, in universal suffrage—in manhood suffrage—that every man who has arrived at the age of manhood has a natural right to the franchise. It is a right that every man should possess unless he has forfeited it by the commission of some crime; and therefore I would do nothing that would in any way tend to limit it in this colony, but would rather extend it in every possible way. Before I sit down, I should like to say that I was surprised to hear the remarks of the hon. member for Fassifern and other hon. members, especially the hon. the leader of the Opposition, to the effect that no man could read the evidence given before the Elections and Qualifications Committee in the cases alluded to without coming to the conclusion that the committee had not acted in accordance with the evidence given. I appeal to hon. gentlemen of this House who listened to the hon. member for Carnarvon in the elaborate and able speech which he made on this subject when the report of the committee was laid before the House, and I am satisfied in my own mind that there was no member who listened to that speech who was not convinced that we had come to an honest and righteous conclusion. As to the fact alluded to by the hon. the leader of the Opposition, that four members of the committee always voted together, and that they were supposed to be in favour of the existing Government, I would point out that that was because the evidence compelled them to do so. They could not do otherwise; and the fact that the committee were not unanimous, and that the other three members voted in opposition to them, was because—I would not like to say because they were influenced by party motives, but because the evidence was so adverse to the interests of their party that they felt compelled to do so.

Mr. FOOTE said: Mr. Speaker,—I do not intend to make many observations in reference to this Bill. My intention was to deal with its provisions more especially in committee. With very few exceptions I think we are all agreed as to the various clauses it contains. However, we profess to have the purity of elections at heart, and what this House desires is to have simplicity—to have an Act that is simple in itself—that can be read and understood by every elector in the land. There are some grievances which have been referred to, such as roll-stuffing and personation. These have been crying evils ever since we have had responsible government, and we have had to contend with them from time to time. Acts have been passed in succession, with the intention

that one should be better than the other, and in some instances they have been improvements upon their predecessors. I believe myself that the Act at present in force is the best we have ever had; but one difficulty which this colony has to contend with is that many portions of the population are of such a migratory character that in many instances the names of many electors appear on almost every roll in the colony, and hence arises the very easy opportunity there is for personation in every electoral district. My principal object in rising this evening is to say something in reference to some remarks that have been made regarding the Elections and Qualifications Committee. I have always noticed, since I have had the honour of a seat in this House, that there has been a bearing to either one side or the other upon that question; that when one side is convinced and think they have done justice to the country, the other side is sure to think that they have done great injustice, and have committed a very great wrong. However, I believe myself—and I have sat upon many committees—and I will give every member of this House credit for the same thing—that they have done the best they could according to the lights they possessed in reference to the subject placed before them. I do not believe that the evils that have been referred to would be removed by referring questions of this kind to the judges of the Supreme Court, instead of to the Elections Committee of this House, In that case I see greater difficulty. In this country we are not all so wealthy that we can afford to spend £50,000 or £60,000 upon an election, nor yet even as many hundreds; and there are many cases in which, if a question were referred to the Supreme Court instead of being dealt with by a committee of this House, it would have a very bad effect, for the simple reason, sir, that it would cost so much that the constituencies would rather lose than go to the trouble and expense of bringing an action in reference to an election. I do not think any man in this colony would undertake an action in the Supreme Court in order to recover his seat; and what would be the result? It would amount to this: that the man of means and of influence would be able to carry out corrupt practices at elections in a high-handed manner because no one would dare to go against him, on account of the expense. It cuts both ways. There are many difficulties in any way we choose to take it; but I trust that we shall try to make the best we can of the Bill. So far as I have seen of it, there are some very good clauses in it; but I certainly do hope that we shall not revert to the old practice of collecting the rolls every year, because it will amount to this: that the trouble will become greater than the electors care to put themselves to to get their names on the roll. Therefore I think it is the duty of this House to have the Bill of a very simple character. There is a great deal in the administration of a measure of this sort. If it be in a simple form it is easily carried out, but as well as being complete in a simple way there ought to be means of revising it in a simple way. There is a great difficulty in revising the rolls and striking out the names of parties who are known to be absent or dead, and in cases where names are on two or three times, or spelt wrongly, or the qualifications are wrong. Many of these things should, I believe, be put in the power of a tribunal or a committee elected for that purpose in each electorate to deal with. At any rate, if it had not power to strike the names out, they should be instructed to make out a list of them, and submit them, with what evidence they might have, to the revision court as a guide. I still think, as I have already said, that this House will do very wrong if it delegates powers it now possesses to the judges of the Supreme Court in preference to Elections Committees.

Mr. BLACK said: Mr. Speaker,—It is quite evident that the chief difference of opinion in this House in connection with the Bill is on the question of the constitution of the Committee of Elections and Qualifications. I must say, however, from what little experience I have had in connection with that committee, that the sooner the power is placed in the hands of a judge of the Supreme Court the better. I had considerable experience the session before last in this matter, and I can say I came to the same conclusion as the hon. member for Townsville arrived at some years previously—that it is a perfect farce to submit any question connected with elections to a tribunal such as this House constituted upon that occasion. Of course, hon. members may say that that is because I happened to be upon the losing side. I was one of the three, unfortunately, but I was very well able to judge from the way in which evidence was taken and the way conclusions were arrived at, that the dominant party were almost certain to return members considered favourable to their cause, and reject those belonging to the other side. That was the conclusion I arrived at, and I believe that in the opinion I am expressing I shall be supported by the majority of the people in the colony. I believe, from what I have ascertained, that the general feeling of the public is adverse to the constitution of our Elections and Qualifications Committee. The hon. member for South Brisbane, if he has proved anything—and it was the incompetency of that committee, as far as I can gather from his remarks—proved that his opponent at the time he referred to had been guilty of personation, and had even been guilty of bribery in treating, and that yet the committee seated his opponent and decided against him.

Mr. JORDAN: I must be allowed to correct the hon. member. I did not mention my opponent, nor do I believe he would be guilty of anything of the kind. I said "irregularities," and that one gentleman voted without having a voter's right.

Mr. BLACK: The hon. gentleman at all events believed that his opponent should never have enjoyed that seat—that it was an unjust verdict—and I believe that the hon. gentleman came to that conclusion on just grounds. I defy any member of an Elections and Qualifications Committee—such as I have seen of them—to avoid showing a partisan spirit. Where would be the loss to the country in allowing the judges of the Supreme Court or any one of them to decide in these cases? We know from their high standing that they are men of strict impartiality, and that they occupy the honourable position they do—that is, as a rule—in fact, I will not say as a rule, but I say distinctly that they are not gentlemen who would be actuated by any political spirit at all. It has been urged by the hon. member for Bundanba that the expense would be so great as to preclude any possibility of election petitions being brought forward at all. I maintain in a matter of such importance as this, if a case were well grounded, the country should pay. It is not right that the expense of protesting against an illegal election should fall upon an individual; and I believe that in every case where it is fairly proved that the protest is entered for sound reasons the country should pay the necessary expense of bringing the case before the judges. There is one omission that I notice in this Bill, which I refer to, because I noticed it in the Elections and Qualifications Committee,

of which I was a member; and that is, I cannot see that any provision is made for the irregularities committed by the returning officer. In one of the two cases before that committee last year, the sitting member was unseated owing to an irregularity of the returning officer; and in the other case the irregularity of the returning officer enabled a gentleman to take his seat for a constituency against the wishes of the majority of the electors. The irregularities of the returning officers in those two cases were judged by the committee in a totally different way. It so happened that the hon. gentleman who was unseated through the irregularity of the returning officer belonged to this side of the House, while the hon. gentleman who was seated through the irregularity of the other returning officer happened to be on the other side. These are matters on record, and in framing a Bill like this it is only right that where the candidate cannot possibly be shown to have influenced such irregularities some provision should be made that the irregularity of the returning officer should not practically disfranchise the majority of electors in an electorate. I must say that I believe in the education test. I consider that any elector wishing to exercise the grand privilege of the franchise in this country should be able to read and write. I cannot help remarking upon what fell from the hon. member for Fassifern upon that subject. He objected to the education test, and at the same time he stated that we were introducing thousands of immigrants from the old country, and referred especially to their poverty and ignorance. I think voters who could be referred to as being so extremely ignorant should not be entitled to the franchise. The hon. member for South Brisbane went further, and said that a number of the immigrants we are introducing, and who, he claims, should be allowed a vote even without the condition of six months' residence in the colony, were steeping in ignorance.

An HONOURABLE MEMBER: Steeped in ignorance.

Mr. BLACK: Well, "steeped in ignorance"; and I maintain that that is a good reason why they should not be entitled to the privilege of the franchise. We ought to take into consideration the fact that we are spending something like £150,000 a year for educating the young people of this colony, and I would not consider it any hardship to any elector to expect that he should be able to write sufficiently to sign his own name before he could vote. If he knew that he could only enjoy the privilege of the franchise upon those conditions, I believe there are very few who value their electoral rights at all who would not take an opportunity of learning to write, not only to enable them to enjoy the privilege of the franchise, but to enable them to participate, by a knowledge of reading and writing, in the affairs of the country. I think every member of the House and every elector in the colony will be only too glad to see a Bill passed that will have the effect of purifying our elections; but I very much fear that this Bill, although it is full of penal clauses, will not have the effect it is intended to have. I would go further even than is suggested in this Bill, and I would not only make it illegal to treat with food or drink, but I would actually prohibit the opening of public-houses on the polling day. I believe that would have a very beneficial effect in purifying our elections. I see no reason why that should not be the case. I suppose a clause of that kind would have to be inserted in the Licensing Act the Premier proposes to introduce very shortly. I am not sure whether it is a clause which properly belongs to a Bill of this kind, but I throw out this suggestion to the hon. member in charge of the Bill, and if he thinks it worthy of consideration I trust he will see that some clause to give effect to it will be inserted. Scenes take place on the polling day at some of our elections which are a disgrace to civilised society, and they are brought about entirely by the amount of drink which is freely given on those occasions. I quite agree with the objections made by hon. members to the 9th clause. I see no reason why we should pass a clause in this Act providing a member for a university which is not in existence. I think it will be quite time when a university of Queensland is established that we should have a member for that university. I take it for granted that we are not likely to have a university, with a hundred graduates or students, for the next ten or fifteen years, and it will be very easy to insert a clause providing a member for a university when the necessity arises. In the meantime I hope to see the clause struck out. Another clause I take exception to is the 8th clause, describing the disqualifications. I have never been able to see why the members of the Police Force should not have votes. It has not been pointed out by hon. members on the other side where the justice of their disqualification comes in. There can be no reason why, if members of the Civil Service are allowed to vote—and I maintain that they are decidedly entitled to vote, for they have the education which fits them to vote—I see no reason why, if they are entitled to vote, the members of the Police Force should not also be entitled to exercise the privilege of the franchise. I am told that one of the reasons why the Police Force were originally left off the roll was that they chiefly participated in the collection of the rolls. Why that should be considered a disqualification I do not know; but while passing this Bill, now that this disqualification, if it be one, no longer exists, I hope an act of justice will be done to an important portion of the community and that they will be permitted to enjoy the same privilege which other colonists and the members of the Civil Service undoubtedly enjoy. In clause 31 it states that in putting in a claim for registration upon the electoral roll a very ample description of the grounds upon which the claim is made shall in future be inserted. I think that a very good clause indeed, but I cannot help noticing that in the very next clause—clause 32—it is set forth that no claim shall be rejected for informality. In the one clause it is very precise, and is made almost imperative, that the claimant for a vote shall state his residence, and where his property is situated—the value of it, how long it has been held and is likely to be held, and other things; but in the very next clause we are told that a claimant shall not be rejected for informality. That is to say, if the claimant declines to give the information which the 31st clause says he must give, by the 32nd clause the claim still holds good, and cannot be rejected for informality. There was one remark, which I think a very good one indeed, and which fell from the hon. member for Fassifern, and it was that the elections should all take place on the same day. I fail to see why that should not be the case. Of course it would be very inconvenient for the Government at times, because we know that they like to keep certain constituencies in view in the event of their being defeated in any election, so that they may have a chance to secure the support of other electorates. I do not think, however, that it is a good thing, as we saw at the last election, gentlemen defeated for one constituency travelling all over the country trying to get a seat elsewhere. I certainly think that some of these punishments for corrupt practices are a great deal too severe;

but these are minor details, which I take it for granted will be dealt with when the Bill is committed, and I hope the penalties will be very considerably modified. One thing I cannot help noticing in connection with this matter, which is, that no member's seat will be safe if the provisions of the Bill are strictly carried out. A member will always be at the mercy of anyone who chooses to call himself his agent. What constitutes an agent should be more clearly defined than it is at the present time in this Bill. I think, too, that hon. members will agree with me that it is not right that a threat of prosecution should be held over a member's head in this House two years after he takes his seat. If this clause is taken from the English Act, it is only right to point out that whereas English Parliaments last for seven years, it is proposed by our Government to reintroduce their Triennial Parliaments Bill; so that if three years is considered a proper time in England to keep a member in terror of prosecution, one-third of that time is certainly sufficient to hold such a threat over members in Queensland

Mr. MACFARLANE said: Mr. Speaker,—It appears that the greatest point of contention in this Bill is the power proposed to be vested in the Elections and Qualifications Committee. I do not think there are many members in this House who are entirely satisfied with the Elections and Qualifications Committee, but the difficulty is to find a better tribunal. I have in the past sat on the Elections and Qualifications Committee and may have to do so again, and of course I am not going to say that that committee would not act as fairly as the judges. But, as I have said, there is considerable dissatisfaction with that tribunal; and, that being so, the question for us to consider is, whether we can devise a better tribunal before which cases in which charges are brought against a member in connection with his election may be tried? Some hon. members are for going in for judges, but I do not see that they would be any better tribunal than the Committee of Elections and Qualifications. Perhaps that may be because I have not a good opinion of lawyers. I think the judges are just as political as we are; and, that being so, I am of opinion that the House ought to try to devise some better tribunal that will meet the views of both sides of the House and the views of the country. I was trying to think out a scheme when coming down in the train to-day, and I asked myself the question, why should we not substitute something different from either the judges or Elections and Qualifications Committee? A plan was suggested to my mind of appealing to a jury of electors throughout the whole colony, but I do not know whether it would be workable. The plan was to elect seven men, one from each of the largest constituencies in the colony, and for these seven men to be the judges who should try whether there has been bribery or corruption in connection with the member whose seat is disputed. This suggestion only occurred to me to-day as I was thinking over the matter on my way down, and I put it before the House for what it is worth; but I think something is required to meet the views of members of Parliament, as well as the outside public and the Press. There is no doubt that there is dissatisfaction with the present system, and what we have to do is to try to devise something that will meet the case. So far as the change from the Elections and Qualifications Committee to the judges is concerned, I am entirely opposed to that suggestion. I for one, although I have no feeling with respect to the Elections and Qualifications Committee, would, were my seat disputed to-morrow, rather have the case decided by that committee. We have only to act as we would like to be acted by, to be pure in our motives, and to obey the laws laid down in this Bill, and we can defy the Elections and Qualifications Committee or any other tribunal. I hear an hon. member say, "What about your agent?" Well, I do not know that any agent would be foolish enough to spend money in an election unless it was supplied to him by the candidate, and I would have no fear of not being acquitted by the committee of any action that I should be accused of in that direction, even were the whole of the members of the committee appointed from the other side of the House. I agree with some members who have already spoken, in the opinion they have expressed as to the 9th clause of the Bill. I do not think the time has come yet to pass a clause giving a member to a university; such a provision might fairly be left out until a university is established in the colony. There is one remark I should like to make on the 17th clause, which deals with the annual electoral list. In the form of claim, it is proposed that an elector shall give his christian name and surname, his residence, his qualification, and his place of abode. I think we ought to go further, and demand that he shall not only give the place of his abode, but the number of the section and subsection of the allotment on which he resides. I have known a number of cases in which men have given their place of residence as North street or West street, but the allotment on which they lived could not be found—indeed, in many instances it could not be found on the plan.

Mr. MOREHEAD: You can always find it in Ipswich.

Mr. MACFARLANE: Anyone who puts in a claim for a freehold should be compelled to give the number of the section or subsection, whatever it may be. In reference to the penalties for treating, seeing that this Bill proposes that a man shall have no power to give another man a bit of bread and cheese during an election, I do not see what use the public-houses are on that day at all. What is the use of a public-house if you cannot give a man a drink? And what is the use of keeping eating-houses open if you cannot give a man a meal? The Bill prohibits the giving of drink or food, and it would be far better to shut up the houses during elections, at least during the hours the election is going on—say from 8 o'clock in the morning till 4 o'clock in the afternoon. We punish men for falling into temptation; but it would be far better to remove the temptation from them; it could do no harm, and would very likely do some good. I approve of what has been said with regard to stuffing the ballot box. As I said before, there is no occasion to make a long speech, so I will not detain the House any longer. There are only a few new things in the Bill. The penalty clauses have received sufficient attention at the hands of hon. members, and on the others I will say no more at present.

Mr. PALMER said: Mr. Speaker,—It is very evident from the debate that the point of contention in the Bill will be the constitution of the Elections and Qualifications Committee; and the two or three hon. members on the other side who have spoken in favour of what I may call this lop-sided committee have not, I think, said enough to convince anyone who is not already biassed as to the constitution of that committee. In the words of the member for Rockhampton, when he spoke last session on the question, it is simply a case of four to three—whatever way the evidence is taken it always turns out four to three, so that the party with four votes gains the day, and the party with only three votes goes to the wall. I notice that there have been thirty petitions against

elections since the separation of this colony from New South Wales, and the same question has always turned up as to the constitution of the committee. The Committee of Elections and Qualifications in England, chosen by ballot in the House of Commons, had the same disqualification as the committee here, where it is chosen by the party in power; and a Bill was passed there to refer election petitions to some other tribunal — to a superior court. One reason why many think judges better fitted to decide such questions than members of the committee is that they are men trained to take and analyse conflicting evidence, and consequently better able to do so than men who have, perhaps, never been used to that particular business. The first part of the Bill struck me at first as being merely a rehash of a great many Election Acts already on the Statute-book. It was only in the first session of this Parliament that an Amendment Act was introduced by the Premier, who stated that, had it been in force during the general election, it would have prevented a great many abuses; but before that Act has been tried we are asked to repeal it by the Bill now before the House. And there is one point introduced here which was objected to strongly by members representing pastoral and country districts, and which will require to be modified as the Bill goes through committee. I refer to the 69th clause, in regard to which I understood the Premier to say that voters would be confined to certain polling districts. As some electoral districts contain several polling districts there will be a great many men disfranchised if the clause should be retained. It will never work in large districts where men lead a roving life for a living, as drovers, shearers, miners, and such like, who will hardly ever be in their own polling district on election day. I therefore hope the Premier will see fit to have the clause altered. It may work in towns, but not in the northern and western parts of Queensland. In regard to the stringent clauses, I think the safest place for a candidate will be as far as possible from the polling district, because there is not the slightest doubt that he will commit himself if present during the election. If he himself should escape, his agents will be there to commit him in some shape or other. It is not provided here, as at home, that the names of agents and sub-agents and their addresses shall be made public on or before the day of nomination; and will anyone deny that this is unnecessarily stringent—"Any candidate found guilty personally of corrupt practices shall not be capable of ever being elected to the Legislative Assembly for that electorate"? But, if he should escape that, the punishment awarded, if he is found guilty by agents of corrupt practices, is that he shall not be capable of being elected to the Legislative Assembly during the Parliament for which the election is held. Then paragraph 3 of clause 93 says:—

> "A person who is convicted of any corrupt practice shall, in addition to any punishment hereinbefore provided, be incapable during the period of seven years form the date of his conviction—
>
> Of being registered as an elector or voting at any election in Queensland, whether it be a parliamentary election or an election for any municipal office, under any Act relating to local government."

So that he is not likely to miss being had in some way or other. Clause 100 goes in for the minutiæ of what are called illegal practices; and amongst other things it mentions "bands of music," "torches," "flags," "banners," "cockades," and "ribbons." I wonder that the kissing of babies was not included as an offence, for that, I understand, can be frequently charged against candidates. Clause 107 gives the power to the Elections Committee to except innocent acts from being illegal practices, but if the acts are innocent how can they be called illegal practices? This is probably, as the hon. member for Rockhampton suggested, a loophole by which the Government may pass their friends through. The opinion seems to be pretty universal that the tribunal for the trial of election petitions should be altered, and there is no more fit occasion for introducing a clause dealing with the subject than while this Bill is passing through the House.

Mr. KELLETT said: I have myself considered the subject of the Elections and Qualifications Committee before I had the honour of a seat in this House, and I was always of opinion that it was an unfair tribunal. I do not say for one moment that any hon. members who have acted on the committee have done anything but what they really thought was right, and given their decision honestly as they believed; but I am satisfied that gentlemen who are sitting and working together, and fighting against an opposing party, cannot free their sympathies from their own party, with whom they are working. For that reason alone we are to a certain extent prejudiced in favour of our friends. We get heated during election times, when a great many ugly things are said and possibly nasty things done, and our prejudices lie so with our friends that an Election Committee are too much induced to decide with their own party. Then again, I think the constitution of the committee — four to three — is unfair, as of course the four are picked from the Ministerial side of the House. If there was a ballot for the appointment of the committee I think it would be much fairer. I should refuse to act on an Elections Committee, because it is possible I might be led away as I believe others have been. That is the chief objection I have to this Bill, and I was in hopes that in the first Election Bill that came before the House the existing tribunal would have been wiped away altogether. There is very little more for me to say, because other members have gone into the subject very fully, but one thing I must allude to is the qualification clause excluding the Police Force from having a vote. I do not see why the Police Force should be debarred more than any other branch of the Civil Service, but I should very much like to see the Civil Service, as a body, debarred from voting. My reason for that is that it is to the interest of Civil servants to increase the expenditure of the State in every possible way. It is to their interest to get for themselves the most pay and the least work, but it is the interest of other members of the community to be as careful as possible and to watch closely that revenue does not exceed expenditure. The Civil servants are a body whose interest it is that the expenditure of the country should increase. The more billets that are created, the more room there is for extra emoluments and extra employment for their friends, and for that reason I think Civil servants should not have a vote. It has been said that it would be a hardship to deprive them of it; but I do not see where the hardship comes in, because when a gentleman is appointed to a position in the service he can be told what his salary is, what his hours will be, and that he will have no vote. He accepts those conditions, so the hardship ceases. Certainly the right has existed amongst previous Civil servants; but if the new ones are given to understand that they shall not vote for the return of members to Parliament, I think that will be a decided change for the better. It was remarked by the hon. member for Mackay that he agreed with the member for Fassifern, that elections should all take place on the one day. I decidedly object to that, for the very

simple reason that if it were so we might wipe out every qualification except that of six months' residence. I do not see what use a property qualification would be under those circumstances. Under the Divisional Boards Act, according to a man's property so he has one, two, or three votes; but in voting for the return of a member to Parliament every man is on the same footing, and he has only one vote in his district. But, on the other hand, he is entitled to have votes in other districts by virtue of his property qualifications. It would be a perfect absurdity, therefore, in my opinion, that such a principle should be embodied in the Bill, and if it was so the whole tenor of the Bill would have to be changed. The member for Burke said that the regulations as to polling districts would be a great grievance in the outside districts, because a number of men who were constantly on the move would be thereby disfranchised. I think he has not carefully read the clause, because no elector is disfranchised under the Bill; if a man should not happen to be in his polling district he can vote openly in any other part of the district. That provision must have escaped the hon. member's attention. I think with other hon. members that some of the penalties are too high altogether. We propose by this Bill to kill a man and crush him afterwards. I believe in the penalties being severe, to a certain extent. I believe in the practices of personation and roll-stuffing being put down, and if nothing else is done by the Bill it will effect a great improvement in that respect. We can scarcely go too far in putting down personation, but, for all that, the penalties might with some advantage be made less severe.

Mr. SALKELD said: Mr. Speaker,—Fault has been found with members for making speeches in committee which they ought to have made on the second reading of a Bill; so I think it well to say now the few words I have to say on the measure before the House. In a general way I heartily agree with the Bill, but there are some things in it with which I do not agree. I will refer first to the 9th clause, which provides for a university member as soon as we have a university established with a hundred graduates. Several hon. members have expressed their disapproval of the insertion of this provision in the Bill before we have a university, but I object to it, whether in prospective or in actuality. I cannot see the reason for giving 100 men power to elect a member of this House when the average number on the present rolls for each electorate is from 1,000 to 1,100 men. It is simply put in because there happen to be university members in the House of Commons; but I believe the tendency of feeling here on that subject is in an adverse direction. I am glad we have such an excellent system of education, and should be glad to see it more generally available, but I cannot see that because a hundred or more men have the means to attend a university, it makes them so much wiser and better than the usual run of electors in the colony as to give them ten times as much political power. I shall certainly oppose that provision. With regard to the tribunal before which contested elections should be tried, I agree with many hon. members as to the advisability of having them tried before a judge. In saying that I am not making any reflections upon past and present Elections and Qualifications Committees. I am sorry that so much capital has been made out of the proceedings of the committee which sat at the beginning of this Parliament, because it has made members on this side a little chary in expressing their opinions unless they intend to join in the hue and cry raised against it. Have those who raised that cry ever read the evidence on which that committee went? If they have, I cannot understand their raising such a storm, and trying to fix a stigma upon it. If anyone will read the evidence—I have read it from end to end—he must come to the conclusion that at any rate in two of the cases the decision was that to which any right-minded man must have come. With regard to the third case, the Burnett election, my own judgment would have been contrary to that arrived at by the Elections and Qualifications Committee, because of the fact that the votes which the committee refused as illegal was no fault of the electors. They were as good electors as any on the roll, and their votes were refused, not from any fault of their own, but from the fault of an officer. Of course, there is a great deal to be said on the other side, that if that decision had not been given it would have interfered with the secrecy of the ballot; but I would have gone in for what appears to me to be the equity of the case. The most serious question in connection with the changing of the electoral tribunal is that of cost. I do not think the Supreme Court judges are so much better men than the average member of this House, and they are both personally and politically biassed, although they are not aware of it. They are men like ourselves, and all men mixed up in political life receive impressions and have ways of looking at things which have more or less a tendency to prejudice them. Those gentlemen are now, of course, removed from the heated arena of politics, but I am afraid that the cost of contesting a seat that ought to be contested, in the Supreme Court, would be so great as to deter a majority of men from attempting it. But for that I should certainly vote for the trial of disputed elections before a judge. The question has been raised about holding the whole of the elections on the same day. I have considered that question carefully, and although I know that objections may be raised with regard to the property qualification of electors and votes in more electorates than one, I think the advantages of having all the elections decided on one day would far outweigh its drawbacks. As at present, the party in power have the right to fix the dates for all the elections, and they generally select a number of places to begin with that they think they are likely to carry. It is a weak point with electors generally that they like to be on the winning side. Leaving out the extreme partisans on either side, the majority of the electors like to return the member who is likely to sit behind or upon the Treasury benches; and when the first batch of elections is fixed to take place on a certain date it becomes a determined struggle to secure those seats, because whoever wins them gains the majority, unless there is a very strong feeling indeed prevalent. If all the elections throughout the colony were fixed for the same day it would, by removing the motives which zealous partisans have for securing the first batch or two, give a better reflex of the actual state of political feeling in the colony. In reading over the different penal clauses, I must say I do not attach much importance to any of them. I see there is possible danger of our becoming victims of actions of which we know nothing. I hope this House will guard carefully against anyone losing his election by the action of a professed friend but real enemy. I do not attach much importance to eating and drinking, and that kind of thing, or to members and their friends making promises to vote in certain ways; I think it is almost beyond the power of an Act of Parliament to keep people straight if they will go wrong in these matters; but we ought to do everything to secure that no man who is properly

qualified should be deprived of his vote, either directly, by some unscrupulous person personating him, or indirectly, by fictitious names being placed on the roll. Perhaps some of these clauses might be modified; but that can be considered in committee. We ought certainly to guard carefully against any man, who has contested an election fairly and honestly, losing his seat by the action of some professed friend. There were some revelations of that sort in England, but I do not remember their exact nature; I did not think much about them till I heard the debate to-night. I believe this Bill will be a very useful measure. I hope it will improve the conduct of elections in Queensland, and assist materially in arriving at the unbiassed verdict of the electors of the colony.

Question put and passed, and the committal of the Bill made an Order of the Day for to-morrow.

CROWN LANDS ACT OF 1884 AMENDMENT BILL—SECOND READING.

On the Order of the Day being read by the Clerk,

The HON. SIR T. MCILWRAITH said: Mr. Speaker,—I do not rise exactly to a point of privilege, but it is almost equal to that—to draw the attention of the Premier to the custom of the House during the last seven years, that no fresh debate should be commenced after 9 o'clock at night. That was adopted at the suggestion of the hon. member himself.

Mr. MOREHEAD: If it would be saving the Premier any trouble, I will move the adjournment of the House myself.

The MINISTER FOR LANDS: This Bill, Mr. Speaker, proposes to make certain amendments in the Land Act of 1884, one of which is to give the Governor in Council power to suspend the operation of the 43rd section of that Act, so as to be able to deal with certain lands in the districts named in the schedule. Many hon. members must know what is the general character of the lands still available for occupation in the districts named here. They are composed in many instances of broken scrubby ridges, and poor, sterile, stony ranges, with here and there fine isolated patches, but so difficult of access, so difficult accurately to describe, that it is almost impossible for any survey to be carried out in those districts so as to meet the requirements of settlement. In all the older districts named, of course selection has been going on; the land has been picked over and over again; and though the 44th clause enables the Government to suspend the operation of the 43rd clause, and map out the land on maps or plans, still those maps or plans or descriptions must hang on certain well-defined points; and in many cases these lands are so situated that there is no alienated land near enough to the points it is necessary to define. Consequently there is nothing upon which they can hinge. It has been said over and over again, not only in the papers but also in this House, that the Government have not brought forward land to meet the requirements of settlement. All those lands that are available at the present time to be dealt with for selection, or for survey, are of this character, and they have been offered in quantities under the 44th section, but the boundaries are of such a character that it is impossible to pick out the spots which can be utilised by selection. Consequently, by opening up pieces of country to this kind of selection—before survey—it will enable those who have an intimate knowledge of the different tracts of land of this character, in the various districts mentioned, to go into them and pick out the pieces they want, they themselves marking their boundaries as provided by the Bill—that is, fixing a starting point, and showing the exact position of the land they wish to acquire. It is only people in the immediate neighbourhood, who have taken a great deal of trouble in exploring the country, who will be able to take up these patches for settlement; and to expect surveyors, or anybody else in the employment of the Government, to go into these places without an intimate knowledge of the country and to pick out the pieces that are desired to be selected is simply impracticable. It is therefore thought desirable to ask the House to consent to an amending Bill of this kind, to enable the Government to deal with pieces of land of this description that are scattered about in different parts of the country. Of course, wherever land is of such a character that a survey can be carried out under the 43rd section, that will be done. The provisions of the Bill will only be made applicable in those places in which it is absolutely impossible to deal with the lands in such a way under the Act as to meet the requirements of selectors. The next clause of the Bill is intended to apply to selectors under the Act of 1876, or any previous Acts, or the holders of freehold land—to place them upon the same footing as selectors under the present Act. Under the present Act they are debarred from taking up land adjoining their present holdings, unless they reside personally upon the land taken up. Hon. members can understand the case of a man with 320 acres which may be either freehold or selected, under the Act of 1876. The maximum quantity he can take up in an agricultural area is 1,280 acres; but he cannot take up the adjoining land as allowed under the 75th and 76th clauses of the present Act, and hold it as contiguous land. Therefore it would be real hardship to those men who have acquired land under the Act of 1876, or who possess small freeholds, to prevent them from taking advantage of the 75th and 76th clauses of the principal Act. This will enable them to do that by allowing them to take up land to the maximum area allowed by the principal Act. The proviso at the end is to prevent advantage being taken of the special provisions given by the 74th section of the principal Act, which may be termed, I suppose, the homestead clauses, by which men were enabled to take up land at 2s. 6d. per acre on condition of expending 10s. per acre in improvements, but they were not allowed to acquire more than 160 acres. This proviso is to prevent that being made use of to extend the opportunities of acquiring land, except under the provisions laid down in that clause. I have not the slightest doubt that the provisions, as well as that providing for the requirements of selectors under the Act in the different districts of the colony, will receive the approbation of the House. In the other matter of selection before survey, in certain parts of the colony, I also feel satisfied that those who know the conditions of the older districts, where land has been so thoroughly picked over that it is impossible for a survey department or any officers connected with it to carry out the surveys in such a way as to suit the requirements of selectors, will approve of the amendment. I admit that in a great many instances the land taken up will be in small isolated spots in different districts, but still it will give an opportunity to those who are desirous of doing so, of taking up the land. Wherever the land is of good quality, such as open forest land, or anything of that kind, there is no intention to deal with it under the clause. In those cases surveys will be carried out as provided for in the principal Act, because it is very desirable, both in the interests of the selector and of the country, that survey should precede selection where you can make it contiguous blocks, one following

upon the other; but in the class of country to be dealt with by this Bill it is simply impossible to do so, and it has been felt as a hardship by men who have a knowledge of these somewhat inaccessible tracks that they should not be allowed to utilise their knowledge by selecting such spots as they desire to make use of. This measure will enable them to do so. I beg to move that this Bill be now read a second time.

Question put.

The HON. SIR T. MCILWRAITH: I move that the debate be now adjourned.

The PREMIER: As it appears to be the general wish of the House not to proceed with the debate on the Bill to-night, I offer no objection to the motion.

Question put and passed, and resumption of debate made an Order of the Day for to-morrow.

ADJOURNMENT.

The PREMIER, in moving the adjournment of the House, said the order of business to-morrow would be the introduction of the Licensing Bill, upon which he intended to make some explanatory observations; the second reading of the Crown Lands Bill; and the Marsupials Destruction Act Continuation Bill in committee.

The House adjourned at twenty-eight minutes after 9 o'clock.