Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 3 AUGUST 1887

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LEGISLATIVE ASSEMBLY.

Wednesday, 3 *August*, 1887.

Questions.—Fisheries Bill—first reading.—Audit Act of 1874 Amendment Bill—second reading.—Message from the Legislative Council—Appropriation Bill No. 1.—Divisional Boards Bill—committee.—Adjournment.

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

QUESTIONS.

Mr. ADAMS asked the Minister for Works—

1. When the extension of time given to the contractors for the completion of the Howard-Bundaberg railway line expires?

2. Is it the intention of the Government to push the line to completion at an early date?

The PREMIER (Hon. Sir S. W. Griffith) (for the Minister of Works) replied—

1. On the 1st September next.

2. I have no reason to doubt that the contractors will complete their contract as quickly as possible. It is the intention of the Government to open the line for public traffic as soon as the necessary works are completed.

Mr. NELSON asked the Colonial Treasurer—

1. Were the instalments received prior to the 30th June, 1886, of the sale of stock (£1,500,000) on 11th March, 1886, deposited as received at interest?—and, if so, how much interest accrued thereon from date of sale to 30th June, 1886?

2. Has the Loan Fund, seeing it was charged with the full half-year's interest on said stock due on 30th June, 1886, been credited with such accrued interest?

3. If so, where does such credit appear in the published Statement of the Public Accounts?

The COLONIAL TREASURER (Hon. J. R. Dickson) replied—

1. Yes. The instalments received prior to 30th June, 1886, were held in London by the Government bankers at interest, which, on 30th June aforesaid, amounted to £3,582 5s. 8d.

2. No.

Mr. NORTON asked the Secretary for Public Works—

Can he inform the House at about what date he expects the permanent survey of the Gladstone-Bundaberg railway to be sufficiently advanced to enable him to invite tenders for the construction of the first section?

The PREMIER (for the Secretary for Public Works) replied—

It is difficult to give an approximate date when tenders for the first section, Gladstone-Bundaberg line, can be invited, but the surveys are being proceeded with from both ends, and it is hoped they will be sufficiently advanced to enable tenders to be invited in about six months from present date.

FISHERIES BILL.

On the motion of the COLONIAL TREASURER, the House in committee affirmed the desirableness of introducing a Bill to make better provision for regulating the fisheries in Queensland waters.

FIRST READING.

The COLONIAL TREASURER moved that the Bill be read a first time.

Question put and passed, and the second reading of the Bill made an Order of the Day for Tuesday next.

AUDIT ACT OF 1874 AMENDMENT BILL.

SECOND READING.

The COLONIAL TREASURER said: Mr. Speaker,—The Bill, the second reading of which I have the pleasure of introducing to-day, may be described as a "non-contentious" measure, but it is one of very great importance, and I would ask for it the intelligent and fullest consideration of members of the House, because the primary object of it is to place the public accounts of the country in such a form that they may be easily intelligible to all who peruse them. Two sets of accounts are now published—namely, the Treasury Statements as published in the *Gazette* periodically, and the Auditor-General's report annually submitted to you, sir—and they should be in harmony in their respective results. Such, unfortunately, through the difference in the systems of bookkeeping, is not the case at the present time, and this Bill seeks to remedy that defect. I may say this is a matter which has necessarily obtained a very large amount of consideration and attention from the Government. It is not a mere matter of bookkeeping solely. If that were all, it would be comparatively easy to reconcile the two statements. The system of keeping the public accounts is one which is fraught with considerable consequences to what I may term the statistical departments of the Government, as well as to the money-spending branches, and it has always been recognised as desirable that the confusion which exists in the minds of the public who take an interest in the accounts should be removed by the two sets of accounts being brought into harmony. How to effect this object has given full and anxious consideration to the Government. The matter was first mooted by me in 1884, in the Financial Statement I then made to the House. I then stated :—

"When I last had the honour to submit my Financial Statement to the House, I dwelt on the inconveniences which I conceived arose from the Government Accounts being circulated for public information in two somewhat confusing, if not conflicting, forms. Hon. members are aware that the Public Accounts issued by the Treasury, and published in the *Gazette*, deal with the transactions comprised within the periods they represent—that is to say, the financial year, which commences on the 1st day of July and terminates on the 30th June following. Now, under the Audit Act, while the revenue receipts are still confined to this term the expenditure embraces not only the amount disbursed during the twelve months aforesaid, but also is charged with the expenditure which proceeds during the three months following—namely, up to the 30th September—on account of services which have been authorised by Parliament to be paid during the financial year ended on the 30th June previously; the result being that the Treasury Statement of the transactions of each financial year—compiled in terms of the Audit Act, and on which the Auditor-General bases his annual report—comprises twelve months' revenue and fifteen months' expenditure; that is to say, twelve months' full expenditure and the partial expenditure made during the following three months on account of services voted for the year. This, however, is only one phase of the question."

Then I proceeded to show that while the expenditure of the year under review had attached to it the expenditure for the subsequent three months, another divergence took place by which portions of the expenditure for the first three months, published in the *Gazette* as forming part of the whole expenditure of the year, had been charged back to the preceding year by the Auditor-General, and I concluded by saying :—

"I would further point out that the *Gazette* returns for the first quarter of each financial year are not framed to discriminate between the expenditure for the two services made during that period; consequently the public, and even hon. members, cannot learn the amount of actual expenditure for the preceding year until the Auditor-General's report is laid before Parliament; and, on account of this delay in closing the accounts of the year, his report frequently appears only before hon. members at the commencement of another session of Parliament, when possibly public interest in the Auditor-General's statistics, then dealing with such a remote period, has considerably decreased.

"I think hon. members will agree with me that the public accounts should be so framed as to afford full, exact, and early information in the most easily intelligible form; and, strongly impressed with this view, Government have during the short recess, and in pursuance of the promise made in my last Statement, given this matter due consideration; and I am now enabled to inform the Committee that an amendment of the Audit Act will be immediately laid before Parliament to deal with this subject."

That promise was made in 1884, but has not been fulfilled until the present session, as on further investigation of the matter it was found to be so extensive that it was deemed advisable to obtain the advice and consideration of the whole matter by the Auditor-General and by the Under Secretary of the Treasury. The result of their views was placed before Parliament last session in a printed return, which shows that there is a divergence of opinion on the subject between those gentlemen who have made the public accounts of the colony almost the study of a lifetime. Under the circumstances it has been somewhat difficult to decide in what form the public interests would be best suited. Briefly the contention of the Auditor-General goes to adopting the course pursued in Great Britain—that is, solely to charge the financial year with the expenditure made in that year, and then to commence the new year with fresh appropriation. I may say the system was tried in Victoria. The system we now have in operation—namely, to charge the expenditure for twelve months, and add to it the three months' expenditure made in the following year—was first adopted in Victoria, and then they adopted the practice in Great Britain of making the annual expenditure of the financial year the sole charge against that year; but after a lapse of a couple of years they reverted to a system approaching that we now have in use—that is to say, the expenditure for the financial year is added to by the expenditure made during two

months subsequently on account of the preceding year. There is a great deal of force in the position taken up by the Auditor-General—that the financial year, while it represents on the one side the actual revenue received within a certain period, should also represent on the other side the actual expenditure. But in an extensive country like this, where vouchers for payment may be delayed, there are practical difficulties in the way of obtaining these vouchers before the termination of the financial year, and under these circumstances I think the system would be exceedingly inconvenient, and would not really give a true account of the actual expenditure of the year. Supposing during the last week in June a large expenditure was made in the Gulf country, or some other district remote from Brisbane, the vouchers would not be down till the second week in July. Why should that expenditure be excluded from the financial year, seeing that the money was actually disbursed prior to the close of the financial year? The Auditor-General is of opinion that if the accounts were closed on the 30th June the unexpended appropriation might be carried forward in new ledgers; but the Treasury officers object, inasmuch as it would necessitate two sets of books being kept, which under the present system are merged into one on the 30th September. I need not read the views held by the Auditor-General and the Under Secretary for the Treasury, but hon. gentlemen who take an interest in public accounts will find that able arguments are used on both sides. The Bill provides a practical way of solving the difficulty with the least amount of embarrassment to the respective departments. I am constrained, however, to notice the Auditor-General's view, because in his last annual report he refers to the matter. In the 35th and 36th paragraphs he says:—

"I understand that a Bill to amend the Audit Act of 1874 in certain particulars will probably be introduced during the present session of Parliament. Anyone who has attempted to follow the figures connected with the Consolidated Revenue Fund contained in this report will have seen the numerous adjustments needed to make the figures harmonise with those in the Treasury statements published in the *Government Gazette*, and how necessary some change undoubtedly is.

"At the close of last session copies of correspondence and memoranda upon the subject between this office and the Treasury were laid before both Houses of Parliament for the information of honourable members. My own conviction, strengthened by reflection since the correspondence with the Treasury above referred to took place, is, that if votes were taken for services *coming in course of payment at the Treasury during the year* all difficulty and ambiguity would be removed. The following clause submitted for the consideration of the Treasurer at the time contains the principle advocated by me:—

> "All estimates of expenditure chargeable to the Consolidated Revenue Fund submitted to Parliament shall be for the services coming in course of payment during the financial year, and all balances of appropriation which remain unexpended at the end of the financial year shall lapse and be written off. Provided that it shall be lawful for the Governor in Council to authorise any vote or portion of a vote for public works and buildings, or for other services of a like nature to be brought forward and made available for future expenditure."

I can only say, Mr. Speaker, that while I attach very great importance to the recommendation of the Auditor-General, and while my own feeling would lead me in this direction if the colony were compact and communication could be established between all parts in the course of, say, twenty-four hours as in Great Britain, this system of closing accounts on the 30th June would command my consideration, and, I think, support, but for the reasons I have already given. The difference caused by the delay of vouchers would mislead the public and neutralise the desire which it is the object of the Bill to promote—namely, a true statement of public receipts and expenditure within a certain period of time. This matter has received considerable attention not only in this country but in some of the other Australasian colonies also. The Comptroller or Auditor-General of New Zealand in 1881 visited the different colonies and went largely into this matter. His view leans towards the system in Great Britain; at the same time he is forced to admit that there are objections to the adoption of that system in these colonies. Referring to Victoria, he says:—

"By the Audit Act of 1859, it was provided that the appropriations should expire at the end of the financial year, except for payments coming due under any contract entered into during such year, for which the votes were kept alive for twelve months longer. By an amending Act in 1872, this extension of the Appropriation Act was abolished, and the votes were made to apply only to such services as might come in the course of payment during the year, thus adopting the English system of finance.

"This, however, was again altered by an Act recently passed in 1880, which keeps the Appropriation Act alive for services of the year for two months after its close. In practice this is held to apply only to money earned and due before the end of the year.

"The reason which has been given for this recurrence to an obsolete system"——

That is the system we pursue at present—

"is that, where the payments are closed on the last day of the financial year, it is open to the Treasurer to include or exclude, at his pleasure, certain expenditure, and so manipulate the finance of the year for political purposes."

Well, Mr. Speaker, I would not be deterred from advocating a change in the direction desired by the Auditor-General, simply on the ground that the Treasurer of the day might resort to any such paltry device to improve his position; but I will do so for the reason I have already mentioned—namely, the extent of the country, and the consequent delay in regard to vouchers. There is another very strong reason. If we were to close the books on the 30th June, all moneys then unexpended would have to be re-voted; and I can quite imagine the annoyance many members would feel, after having obtained special votes, at having to fight the battle over again. That is an objection which cannot easily be overcome. The present Bill is a compromise between the view of the Auditor-General and that of the Treasury officers. It simply insists that the accounts as published in the *Gazette* on the 30th June shall be submitted to the Auditor-General within two months, and thereupon the Auditor-General will, as at present, examine and certify to them and make his report. Under the present system the Auditor-General's detailed report does not reach us in the ordinary course till the session following the financial year to which it relates, though this year, through the expedition of the Audit Department, the Auditor-General has already furnished us with a statement in brief relating to accounts passed up to the 30th June last. Now, this Bill provides that the detailed accounts, as soon after the 30th June as practicable—certainly not later than two months afterwards—shall be in the hands of the Auditor-General, and after examination by him shall be submitted to Parliament; so that at the latest Parliament will receive the Auditor-General's report by September on the transactions up to the 30th June previous. The two months might possibly be reduced, and I was desirous that it should be curtailed to one month, but as the permanent officers of the Treasury informed me that there might possibly be a difficulty in completing the accounts by that time, the period of two months was introduced into the Bill. I think hon. members will agree that this provision is a very desirable one. The Auditor-General's report is an authoritative document verifying the Treasurer's

statement, and it is desirable that it should be received with the least possible delay; and although the mode in which we propose to enable the House to receive it is not altogether in accordance with the views of the Auditor-General, still the object sought for will be attained. In that light I believe the Bill will be acceptable to hon. members, and I say again that I shall be glad to receive the suggestions of hon. members who take an interest in the public accounts, with a view to make the Bill as perfect as practicable, and at the same time not to embarrass the departments unnecessarily. By the 11th clause of the present Act, upon the Treasurer signing a warrant for unauthorised expenditure, it is forwarded to the Auditor-General, who makes a statement to the effect that no provision has been made by Parliament for this expenditure. This is sent on to the Governor, who notes the objection of the Auditor-General, but nevertheless upon the warrant from the Treasurer sanctions the payment of the money. Now, there is no limit fixed to this expenditure. The Government of the day, if they choose and the Governor agrees, may expend as much money in the shape of unauthorised expenditure as Parliament annually appropriates. Now, I think this is an unwise discretion for Parliament to concede to any Government, and therefore the mode of administering unauthorised expenditure in future is amended by this Bill in the 5th, 6th, 7th, and 8th clauses—

"Whenever it appears necessary for the public service that money should be expended in excess of or in anticipation of parliamentary appropriation, the Minister for the service of whose department such expenditure is required shall make a written statement, setting forth the reasons which render such expenditure necessary, together with the estimated amount thereof, and shall submit the same for the consideration of the Governor in Council, and the Governor in Council may approve the service and authorise the expenditure of such money; and the Auditor-General shall from time to time be advised of all such services as are so approved, and the amount of expenditure authorised in each case.

"Provided that the total amount to be so authorised in any one year shall not exceed one hundred and fifty thousand pounds, except in case of grave national urgency, of which the Governor shall be the judge."

I think it is wise to fix this limit of £150,000, which is a liberal limit, but which, considering the growing circumstances of the colony, I do not think can be looked upon as an excessive one. Our unforeseen expenditure for the last three or four years has varied from £100,000 to £125,000; and while I think Parliament ought to exercise control over the Government of the day, still they ought not to restrict it to such a degree as to impair their duty to the public in case of emergency. In case of grave national emergency, such as——

Mr. MOREHEAD: A Chinese invasion!

The COLONIAL TREASURER: A foreign invasion or anything of that sort, or any unforeseen matter arising, it is intended that the Government of the day, the Governor approving, should be authorised to exceed that amount. But I am of opinion that it is wise to fix a limit, and not leave the Government absolute masters of the situation, to expend any amount they think proper.

† "All sums paid in excess of parliamentary appropriation under the authority of the last preceding section shall be charged by the Treasurer to an account to be called the 'Unauthorised Expenditure Account,' under such divisions and subdivisions as he may think proper, and an abstract of the same shall be prepared by the Treasurer and laid before Parliament within ten days after its first sitting day next after the end of the then financial year; and all sums so paid shall be included in the Supplementary Estimates for the year in which the payments have been made.

"If the Auditor-General, on examining any instrument received by him from the Treasurer under the provisions of the 9th section of the principal Act, finds that the sums therein stated, or any of them, are not then legally available for or applicable to the services or purposes therein set forth, he shall withhold his counter-signature from the certificate, and shall return the instrument to the Treasurer for correction, attaching thereto a written statement setting forth the grounds on which he withholds his counter-signature.

"Provided that any sums the expenditure whereof has been approved by the Governor in Council in excess of or in anticipation of parliamentary authority under the provisions of the last preceding section but one shall, for the purposes of this section, be deemed to be legally available for and applicable to the services so approved.

"If the Treasurer disputes the grounds on which the Auditor-General withholds his counter-signature to any such instrument, the question shall be referred to the Attorney-General for his opinion, and shall then be submitted to the Governor in Council.

"If the Governor in Council considers the reasons set forth by the Auditor-General insufficient, he may countersign the instrument, and return it to the Treasurer. Provided always that in any such case the objections of the Auditor-General, together with the opinion of the Attorney-General and the decision of the Governor in Council, shall be, as soon as conveniently may be, laid before both Houses of Parliament."

Now, I consider this is certainly a step in the right direction. I do not know any other colony or country where the Government have unlimited powers of expenditure. In the mother colony, New South Wales, the Treasurer gets a vote of a certain lump sum, which is not to be exceeded, and cannot be exceeded until a fresh appropriation is made. Then for this £100,000 he gets an Act of indemnity, so that even in the mother colony the expenditure is very circumscribed compared with what it is here. I think under all the circumstances hon. members will agree that this Bill is a considerable amendment on the Audit Act. That is the second improvement to which I have drawn attention; there are two others. At the present time we have absolutely no authority under the Audit or any other Act to make an agreement for the conduct of the Government banking. The system we adopt at present is really *ultra vires* of legislative sanction; and I think the Government ought not to be saddled with a responsibility of this sort without being fortified by a legal enactment that they have power to make an agreement with a bank or banks. The present Government have distributed the funds to various banks in the colony, and have exercised, to my mind, a very wise prudence in so doing; but, at the same time, it is a fact that they have done so merely following the precedent of former years. The funds held by Government becoming so large, and being inconvenient for one institution to retain, it was found absolutely necessary that they should be distributed. No one, I think, will object to that system, nor is it intended to cast any reflection upon it. It is highly desirable that our funds should be invested in public banking institutions, so that some portion of them may be available, and also be fructifying. Still, it is only right and proper that the Government ought to be authorised by statute to make agreements with the banks. That is provided for in the 10th section, wherein it is stated:—

"The Governor in Council may from time to time agree with any bank or banks upon such terms and conditions as he may think fit for the receipt, custody, payment, and transmission of public moneys within or without the colony, and for advances to be made to the Treasurer, and for the charges in respect of the same and for the interest payable by or to such bank or banks upon balances or advances respectively, and generally for the conduct of the banking business of the Government.

"Provided that no such agreement shall be made for a period of more than three years unless it contains a provision that it may be terminated at any time after it has been in force for three years, on six months' notice to that effect being given by the Treasurer."

The Bill thus, Mr. Speaker, contains four important matters: the first dealing with the vexed question of the termination of the financial year, and endeavouring to institute a harmony between the Auditor-General's statement and the Treasury account; the second limiting—and limiting wisely, I think—the Executive of the day to a certain amount of expenditure during the recess, and under safeguards which will ensure that the amount of such unforeseen expenditure shall be communicated to Parliament immediately on its re-assembling; and the third and fourth are together authorising Government to make agreements for the conduct of the public banking business, and also agreements for the deposit of certain funds which may remain in their hands from time to time. These four proposals have been framed after very anxious consideration, and I trust the Bill will be received by hon. members favourably. I would also express a hope that I may receive the benefit of the advice of hon. members who have devoted consideration to this subject, and who have given their attention to the correspondence which has been published by Parliament from the Auditor-General and the Under Secretary to the Treasury, whose skill in accounts and whose opinions will furnish very good means for arriving at a decision on the subject. I beg to move that the Bill be read a second time.

Mr. NELSON said: Mr. Speaker,—I am sorry that I cannot congratulate the Colonial Treasurer on this proposed piece of legislation. The subject, as he very well said, is a very important one. It does not, of course, deal with the methods of finance, but with the form in which the results of that finance are to be presented to this House and to the public, which, I agree with him, is a matter of the very greatest importance. There are two methods by which this object could be attained. We are also fortunate in having two skilled advisers to advise us in this matter, the one the Under Secretary to the Treasury, and the other the Auditor-General. Each of these gentlemen suggests to us a different method, and when I look at the two I am bound to say that both methods are good. Each possesses its own advantages and its own disadvantages, and if we stick to either the one or the other we should have some security that our accounts would be presented to us in an intelligible light, in which there would be some scientific precision. But the proposed method, which the Colonial Treasurer tells us is a compromise between the two, makes a regular hash of the whole concern; and I really hope that hon. members will weigh this matter thoroughly before they come to a decision. The method proposed by the Under Secretary to the Treasury is, in effect, to leave well alone. The system we are pursuing now has its advantages, one of them being that any appropriation made by this House can be traced through the Treasury books from the time it was appropriated to its ultimate expenditure, and it affords the fullest opportunities for audit; so that we have a very good security that the money has been devoted to the object to which this House intended it to be devoted. But the great objection to that is that it is slow in its progress, and that we do not get the results we want until the lessons we might learn from seeing the results put before us come too late. Let us inquire what our object is in making any change at all. We cannot improve on the system in any way, as I have said; at least I do not think we could do much in the way of putting before members and the country the duly audited accounts of the parliamentary appropriations for the services of each year. In that light, the present system I believe to be about as good as could be devised. But I do not think that is the whole object we have in view. The main object in asking us to recast our Audit Act is to bring more expeditiously before us and before the public the public accounts in such a shape that any man of ordinary intelligence would be able to understand and make himself acquainted with the financial condition of the colony at the end of any particular financial year. In fact, we want to popularise the accounts as much as can possibly be done. I can easily understand, Mr. Speaker, that people in the old country, when they read in the opening sentences of the Budget Speech of the Chancellor of the Exchequer that his income for the year is ninety millions odd, and that his expenditure is perhaps a few thousand less—I can easily understand men imagining that the magnitude of the figures is altogether beyond their comprehension, and that it is utterly useless to attempt to comprehend them. But it is not so in our case. Our accounts are small, comparatively speaking, and I have never been able to see why they should not be presented to us in a way in which any man of ordinary intelligence would be able to grapple with them with little or no difficulty. I think the proposition of the Auditor-General, which has great merits also, would effect that object, and I believe that is the main object to be effected. If we adopt what the Colonial Treasurer proposes to us in this Bill, we are losing one of our best securities, and the returns presented before us will not be an account of the year, but we shall have an account for three months of one year and nine months or so of another. There will be no completeness in the accounts. It will not give us in a complete form the transactions of any one financial year. We want to see the result of one year's transactions by itself, so that we can compare it with the year before and make our calculations as to what we want for the year to come. That, I think, is one of the great objects that we have in view at the present time. As hon. members will see, I have a great leaning towards the Auditor-General's scheme, and I believe it would be effective. The process to me seems one that is extremely simple. On the 30th of June the Treasury closes for that financial year. It does not matter whether the votes are spent or not spent, the Treasury closes on that date, and there will be no authority for any further expenditure whatsoever for the year that is then closed.

The COLONIAL TREASURER: That is going beyond the Auditor-General's suggestion.

Mr. NELSON: I am coming to that; wait until I have finished. The Auditor-General suggests that that may not work well with regard to buildings and things of that sort. Well, sir, I do not care whether it would work well with regard to them or not. The hon. the Treasurer put a very *ad captandum* argument before the House when he said it would be very inconvenient if some hon. members had succeeded by any means—he did not name which—in getting votes passed for some buildings in their constituencies, and at the end of the year the money had not been spent and consequently would lapse. But I say, sir, that if the money had not been spent within the financial year that is *primâ facie* evidence that it was not required to be spent, and ought, therefore, to lapse; but, if it is found absolutely necessary, the money can be re-voted. Besides, that will give the House an opportunity for reconsidering that particular matter. The circumstances may be changed during the year; the condition of the colony also may be changed; it might not be desirable to re-vote that particular sum, and the House would then have an oppor-

tunity of reconsidering the matter. We are not to look at what is convenient for individuals: we are to look at what is best for the colony as a whole; and I think it would be better for the colony as a whole if the accounts should close finally on the 30th June, and no further expenditure be allowed after that date until it has been authorised by the House. What would be the effects of such a system? In the first place, it introduces an element of the utmost simplicity into the accounts. It would put them into the same shape as every tradesman and artisan in the country is in the habit of keeping his accounts, and, by analogy, he will be able to understand more easily how the public accounts are kept. And that is what we require, what we wish. We want every man in the colony—because every one in it is deeply interested in it; there is nothing that interests him more — to be put in a position to be able to inform himself as to the real state of affairs. Another very good result that would follow from it would be this: It would compel the Treasurer for the time being to make his Estimates a little more accurate than we are in the habit of getting them now. He would not then be able to allow margins of £50,000 or £60,000; he would have to make his calculations a little closer, and have to stick to them with a little more fidelity. Another very good result that I think would follow would be this: That it would be absolutely compulsory upon the Administration, for the time being, to call the House together sometime before the 30th June, probably not later than the beginning of May, because he would have no authority to spend any money except what was in the Appropriation Act for the financial year. The Premier very well remarked last night that there are always some little supplementary estimates. Our object, of course, is to reduce them to a minimum, and if this amendment of the Auditor-General is carried out in its entirety, if the law is respected by the Administration—which perhaps is making rather too large an assumption—supplementary estimates would have to be passed before the end of the financial year. That is the course adopted in the House of Commons, which meets generally in January or February, and if the Supplementary Estimates are not passed before the 31st March there is something to be said about it. That I think in itself goes a long way to recommend the plan proposed by the Auditor-General. There are other things which I hoped to see in this Bill, and which I am disappointed at not seeing. The Treasurer, we know, has been ruminating over this matter for many years. I see that ten years ago and more he was advocating the very thing I am advocating now—the same thing as nearly as possible—and I expected that when he did come forward with an Audit Bill he would give us a comprehensive one instead of what he admits himself is a small Bill like this—merely a compromise, and making a mess between two good systems, the result being about the worst we could adopt. I expected, for instance, to find something in the Bill making it compulsory upon the Administration to give us some proper detailed accounts of the expenditure of the Loan Fund. At present we have practically given up control of the Loan Fund altogether. At the beginning of Parliament, in one night, we appropriate some £10,000,000 of money nearly, and from that day for ever afterwards we do not know what becomes of the money. Nobody can tell us whether it has been properly spent or not, or whether it has been properly audited. It is voted in large sums of £100,000, or half-a-million here and half-a-million there, and as to the expenditure I will put it to any member of this House if he would be prepared to go before his constituents and say that of his own knowledge, his own scrutiny, his own investigation, he could warrant that that money had been properly spent, or that the colony has got value for it. I defy any member of this House to go before his constituents and say so. In fact, we get no information with regard to loan money. It seems to be the policy of the Government to keep it in the dark and let nobody know what they are doing. I will just give hon. members an example of how the accounts of loan expenditure are put before us. On page 623 of the *Government Gazette* hon. members will find the whole loan expenditure for last year, amounting to £1,943,585—that is all we get, Mr. Speaker, for nearly £2,000,000—the whole thing is comprised in about three inches by seven inches of print. How can anybody tell from that what has become of the money? There is no provision in this Bill to give us any more information, and whenever anybody asks for information he is treated as if he were impertinent or intruding. Then I thought the Treasurer would have seen his way to introduce the system, also adopted in the House of Commons, of having a Standing Committee of Public Accounts. The House of Commons, years ago, found out that no officers, no deputy, however efficient or however honest he might be, was able to do the work of supervising the public accounts, and that they must do it themselves. Hence the appointment of this Committee of Public Accounts. That is the supreme tribunal with regard to the finances of the country. The Auditor-General there occupies a similar position to that which he does in this colony. He reports to this committee upon the expenditure of all the departments. The accountant of each department has then to go before the committee and justify himself for all the accounts which the Auditor-General has passed under review. He stands in the position of Crown Prosecutor for the country, and they have to account for any malappropriation, unauthorised expenditure, or any other irregularity that has been committed during the year. How do we stand here? The Auditor-General reports to the House, and there is an end of it; we hear no more about it. Nobody takes any action. We cannot expect the Treasurer to get up and censure himself; and if members of the Opposition take the matter in hand we get very little support. Here is a report full of items requiring attention, and who is going to apply a remedy? Why, I consider the report of the Auditor-General is simply wasted. We pay an officer a large annual salary and we don't get one-twentieth part of the value out of him that we ought to get. That is one of the suggestions I mentioned before, and one, I think, which the sooner we adopt the better, as we shall never get the finances of the country properly audited and investigated until we have something of that kind. The committee, of course, is appointed on non-political principles. The Speaker nominates an equal number from both sides of the House, and the system has given universal satisfaction, and is acknowledged throughout Europe to be better than that of France, Italy, Belgium, or even Germany. I believe that the audit of the stores in Germany is considered better than that in England, but then, on the other hand, the transactions are nearly all reduced to cash, and that is what I propose to do here. Let us make up our cash on the 30th June, and have done with it. It has been suggested that I might illustrate further the operation of this committee of accounts. They have the last year's expenditure before them, and look first at the excesses of expenditure, as we should be able to do if we had the system of accounts I now advocate. The department guilty of an excess

of expenditure has to appear before the committee and state what their justification is. If they cannot justify it, then the committee insists upon the money being refunded. I remember one case. A deputy was sent out to the Cape, and an account was sent in for some £14,000. The committee investigated it and disputed the account. They allowed a certain portion to pass, another portion they ordered to be paid back to the Treasury, another portion they charged to the colony, and the remaining portion they passed on to another year to give time to find proper vouchers. But we have nothing of that sort. When the Auditor-General reports to us, his reports are nothing more than dead-letters, for the simple reason that no action is taken upon them. Well, then the next point that occurs to me to ask is this: Is the system of closing the accounts definitely on 30th June practicable? That is a point on which I speak with a great deal of diffidence. I see the Treasurer himself, who has been a strong advocate for it, is now wavering in his opinion, and whether his being in office has anything to do with it I do not know. The Auditor-General himself when in the Treasury could not be got to see it. He advocated the retention of the present system when he was Under Secretary, but since he has been Auditor-General, and up to his latest advice contained in the present report, he is evidently in favour of adopting this system. But I say that I speak with a great deal of diffidence. It must be borne in mind, and must be apparent to the House and the country, that we are in an unfortunate position in this House, and we are in rather a singular position because it so happens that there is no member in this House, except Mr. Dickson himself, who has had any experience in the Treasury. That is a very anomalous state of affairs.

Mr. MOREHEAD: Let us alter it.

Mr. NELSON: In the House of Commons there are generally four or five ex-Chancellors on one side or the other who have had experience, and who are prepared to criticise and suggest amendments, or to support any proposals brought forward; but here at present there is not a single person who has had any experience in dealing with the Treasury, so that we must attach full weight to the Treasurer's opinion. Evidently the Treasurer would like to see this scheme of the Auditor-General's carried out, but he is dubious about its being practicable. But, on the other hand, we know it has worked for many many years in England, where they have a gross revenue thirty times that of ours, and a net revenue forty-five times as great. If they can work it there, and it costs no more, I do not see why we should not be able to work it here. The Colonial Treasurer says that some expenditure may take place at Cape York in the last week of June of which we might not get advices for weeks. Well, so is revenue received there, but there is nothing in that. There is nothing shown in the receipts but what comes into the Treasury on or before the 30th June, and we can arrange the same with regard to expenditure. If a small householder pays his accounts monthly and makes up his yearly balance on the 30th June, he will not be able to pay and include his June account, because it will not be rendered; but that does not affect his yearly accounts, because the same will happen again at the end of his financial year, and the error at the beginning is compensated for by the error at the end. We get pactically twelve months' expenditure in the year, and surely that ought to be sufficient, and ought to give us a proper knowledge of how we stand; so that I do not see any great point in the Treasurer's objection. So much with regard to the mode of putting the accounts before us. I am a strong advocate of having the year finish on the 30th June, and all transactions closed for that year, even to the extent of buildings and everything else. I do not see that there is any great trouble to be gone to in re-voting those items which are absolutely necessary; we shall then have an opportunity of reconsidering those matters, but if we start any new principle let us start fair and thoroughly. Then again, with regard to unauthorised expenditure. I hope that hon. members when they look at the Bill will not be carried away by this grand phrase, the "Governor in Council." What check is he? We have no security in handing over expenditure to the Governor in Council. What does it mean? At present it only means J. R. Dickson, and he is actually asking the House to give him authority to spend £150,000 whenever he chooses, and wherever he likes. I thoroughly agree with him that there should be some limit, but I do not see any occasion to anticipate unauthorised expenditure. In case of any sudden emergency let the House be called together and it will then give him authority, but if we authorise the Treasurer to spend the people's money in that way, without his getting the sanction of Parliament, we betray the confidence our constituents have reposed in us. That may be said to be impracticable, but we can easily get over that by still voting a little on account. I would not object to that, so long as the vote is made by the House, and not, as here proposed, by the Governor in Council. I do hope hon. members will look at this Bill carefully, and insist upon having the matter dealt with in one way or another, and not go into a middle course, and at the same time do away with all the security we have at present, without providing any security whatever in its place.

Mr. MOREHEAD said: Mr. Speaker,—As no hon. member on the other side feels inclined to reply to the arguments adduced by the hon. member for Northern Downs, I take the opportunity of saying a few words. I do not intend to speak at any great length, because the question has been very fully and ably dealt with by the hon. gentleman I have just named, and I heartily concur in what has fallen from that hon. member with respect to the keeping of the public accounts. I think that possibly—in fact I will say certainly—the hybrid system suggested by the Colonial Treasurer will result not only in failure but in great confusion and discomfort to members of this House. But what I want particularly to point out to the House is, that if this Bill passes in its present shape, under the 5th clause, a most important and, to my mind, damaging change will be made in regard to the position of this Assembly. Heretofore we have been considered the absolute custodians of the public purse. Whenever any extraordinary expenditure has been entered into by the Ministry of the day, they have had to come down and ask for a condoning Act to be passed by this House in the shape of an Appropriation Bill, giving them liberty to do that which the ordinary law of the land does not admit of their doing. In the 5th clause I find a completely changed set of circumstances. I find it is proposed to give the Government of the day power to spend sums of money up to £150,000 in excess of or in anticipation of parliamentary appropriation whenever to them it appears necessary, if this clause should become law. But there is another portion of the clause to which I would direct hon. members' attention, and which I think goes a long way to prove that the visit the Premier made to England has infused in his mind an Imperialistic feeling, which I do not know will be shared in either by the members of this House or by the electors

of the colony. I call the attention of hon. members to the second portion of the 5th clause, wherein it is stated—

"Provided that the total amount to be so authorised in any one year shall not exceed one hundred and fifty thousand pounds, except in case of grave national urgency, of which the Governor shall be the judge."

I, as an Australian and as a member of this House, object to the introduction of that word "Governor" into this clause or into any Bill introduced under the responsible government of this country. The Governor has no right to be put in the position of being the judge in any matter where the expenditure of the public money is concerned. We are the custodians of the public purse. The House of Commons of England has always laid down that rule, and I do not think there can be found a precedent where Her Majesty has been given such a power as is proposed to be given to Her Majesty's representative in this clause. I distinctly object to it, and I hope that clause at any rate will be amended. I think a so-called "Liberal" Government should be very careful about bringing down a Bill with such a clause as that in it. The Governor, with all due deference to so high an official, is after all only a figurehead. I have said that before in this House and I say it again now. We form here practically, to all intents and purposes, a republic, and the Government of England has been described as a limited republic. We are in much the same position, and consequently I distinctly object to the Governor having such a power given him by statute as is proposed to be given him under this Bill. I think clauses 6, 7, and 8 materially interfere with the position of the Auditor-General. It must be remembered that the Auditor-General is not a Civil servant, but a servant of the Parliament, one who stands between the Ministry and the Parliament, and on many occasions, it must be known to hon. members present, the Auditor-General has exercised his functions in that respect; though on some occasions he may have gone beyond what his functions were, he has, at any rate, on occasions exercised the power which I think it was intended he should possess. Under clauses 6, 7, and 8 it is proposed to divest him of that power, and vest it in the Ministry for the time being. I call particular attention to clauses 7 and 8. Clause 7 provides that—

"If the Auditor-General, on examining any instrument received by him from the Treasurer under the provisions of the ninth section of the principal Act, finds that the sums therein stated, or any of them, are not then legally available for or applicable to the services or purposes therein set forth, he shall withhold his counter-signature from the certificate, and shall return the instrument to the Treasurer for correction, attaching thereto a written statement setting forth the grounds on which he withholds his counter-signature.

"Provided that any sums the expenditure whereof has been approved by the Governor in Council in excess of or in anticipation of parliamentary authority under the provisions of the last preceding section but one shall, for the purposes of this section, be deemed to be legally available for and applicable to the services so approved."

Though at first glance the Auditor-General would appear to be really obtaining the powers he ought to possess, we find that is not so, as in clause 8—

"If the Treasurer disputes the grounds on which the Auditor-General withholds his counter-signature to any such instrument, the question shall be referred to the Attorney-General for his opinion, and shall then be submitted to the Governor in Council.

"If the Governor in Council considers the reasons set forth by the Auditor-General insufficient, he may countersign the instrument, and return it to the Treasurer. Provided always that in any such case the objections of the Auditor-General, together with the opinion of the Attorney-General and the decision of the Governor in Council, shall be, as soon as conveniently may be, laid before both Houses of Parliament."

Assuming that the House was not sitting at the time, those powers would be vested in the Government for the time being, for a considerable time; because the Colonial Treasurer and the Attorney-General are not likely to be at loggerheads, and, of course, the Governor in Council means the Executive for the time being. I think this is rather a dangerous alteration in the existing condition of things. That is my opinion upon the matter, which is one that concerns no party, but the whole of the Assembly and the whole Parliament. I maintain that under the clauses to which I have called attention a proposal is made to deprive Parliament of one of its most important powers. Those, to my mind, are most serious grounds of objection. I agree with what the hon. member for Northern Downs has said with respect to keeping the accounts, but that is a matter that must rectify itself. If the proposal made under the Bill is found not to work properly it will be amended. What I object to is the dangerous surrender of the privileges of the House to the Ministry for the time being.

The PREMIER said: Mr. Speaker,—I am glad the hon. gentleman has spoken as he has done, because he has shown that he has not carefully studied the provisions of the Bill. There are two main questions which arise in dealing with the subject: one, the period within which the money appropriated by Parliament for services is to be expended; and the other, the expenditure of money before obtaining the authority of Parliament. The hon. gentleman thinks the Bill introduces great changes in the direction of giving more power to the Government; but instead of introducing changes in that direction, it curtails the power of the Government in regard to the unauthorised expenditure of money. He also thinks that it introduces a new power in respect to the Governor, but he is entirely wrong; in that respect the Bill merely declares what is now the law in a pointed form, so that more attention may be paid to the fact than has lately been the case. With respect to the period, I know there is a great deal to be said in favour of the view adopted in England—namely, that the money voted for a year must be spent within that year, and that the appropriation ceases to be operative as soon as the twelve months have expired. All money spent out of the Treasury must be appropriated by Parliament before it is spent; it is unlawful to spend any public money except with the previous sanction of Parliament. The practice is for the Treasurer to bring down his estimate of what will be the necessary expenses of government during the year, and Parliament authorises the expenditure of the money. There are two things to be considered in this connection. First, we know that all the money voted for a year cannot be expended in the year in a place like Queensland, where liabilities must be incurred on account of many works and services, for which payment cannot be made during the twelve months; besides, it is quite impossible to anticipate exactly what will be required. Dealing with the first question: in 1874, when the question was considered, it was thought that, with a few exceptions, three months after the expiration of the financial year would be sufficient to allow claims to come in. That was a rule of convenience. The Appropriation Act stood for the twelve months, and for three months afterwards, which was thought to be so long, as it would take, under ordinary circumstances, to pay the debts incurred during the year—in some cases for salaries, and in others, works and services. It must be remembered that in this country the amount expended on works and services cannot be estimated exactly, as it can in England, for instance. With respect

to salaries, in England there is no difficulty in paying them all within the financial year; but in this colony it could not be done in all parts of the colony—at any rate it would not be convenient to pay them all within the financial year. If the English system were in force here, it would be necessary to re-vote all those amounts, due but not paid in the year, in the succeeding year. The next year there might be a lot of salaries not paid, different from those unpaid before, so that the amounts would be continually varying, and that would give rise to a great deal of confusion, because you would not be able to conveniently compare the amounts of one year with those of another. With respect to works and services we know that a great deal of work is done in the way of contract here, particularly buildings; and the money authorised to be expended during a year is very often not all spent for a year or two afterwards though the contract is made. Therefore the Act of 1874 provides that, when an engagement is entered into, authority to expend the money voted for the work shall continue until the money is paid in pursuance of the engagement. In England the expenditure is upon particular services, mainly upon work done in the dockyards and shipbuilding.

Mr. MOREHEAD: There is the Post Office.

The PREMIER: Yes. For the services I have mentioned the Government can calculate almost exactly what they will require. If they decide to spend £3,000,000 in building ships they can spend £3,000,000. They can estimate more accurately than we can how much will come in course of payment—not liability—during the year. There is great difficulty in estimating the amount accurately here, and it would require a more expensive staff if we kept our accounts with that precision. Apart from that there is the time it takes to pay money here, and by accident some money belonging to one year's Estimates might be charged to another year's accounts, simply owing to the time required for a letter to reach its destination. Extending the period is a simple matter of convenience, and the present system secures in that respect a perfect auditing of accounts. But hon. members have been in the habit of complaining for some years that the present system causes them trouble, because, first of all, the report comes in so late, and secondly, the transactions dealt with in the Auditor-General's report are not the transactions for the same period, or indeed the same transactions as those disclosed by the Treasury statements published in the *Gazette*. There is, no doubt, some ground for complaint, and the Government propose to improve the system. The present system is a good one, and obviates in many respects the inconveniences of the other. We propose, therefore, not to disturb the present system of allowing the Appropriation Act to run on for three months after the end of the financial year; but, to remove the confusion that exists in the minds of hon. members, the Auditor-General will be required, besides his detailed audit that comes in after September, to give a special report on the annual statement of the Treasury. That will give the Auditor-General a little more trouble, but will not lead to any confusion of accounts. The auditing will be as perfect as now, but in addition to that hon. members will have a report from the Auditor-General upon the actual transactions of the past year. The hon. member opposite talked about confusion. How will any source of confusion be introduced into the accounts of the colony by simply getting additional information upon them? It is idle to say there is additional confusion. The matter would be simpler in one way if we adopted the system of accounts ending on the 30th June, but that would give rise to a great deal of practical inconvenience. Now, with respect to unauthorised expenditure, I pointed out just now that there must be such expenditure. At the present time the Government can spend as much as they please unless the Governor stops them. The Governor has the power of vetoing unauthorised expenditure. Upon that subject there was some very interesting correspondence between the Governor of New South Wales and the Secretary of State in 1867 and 1868, to which I will refer directly. It is idle to pretend that the Government can keep exactly within the authorised expenditure. In all countries there is some provision made for unforeseen expenditure. In New South Wales and Victoria there is a lump sum placed on the Estimates and voted every year for what they call the "Treasurer's Advance Account." That is given to the Government to do what they please with during the year. They have to submit particulars of it afterwards, but the money is placed at the Treasurer's credit to spend for any purpose the Government please. That is how the difficulty is got over there. I believe the amount in New South Wales and Victoria is £100,000; the amount proposed here is £150,000, but that is a matter of detail. At the present time there is no limit. The 5th clause contains a limit, and not an extension, of the power of the Government as it at present exists. But whatever fixed limit might be laid down by Act of Parliament, there might be circumstances when the Government would be bound to disregard that limit; that is to say, they would be bound to use their physical power over the Treasury to spend the money for the necessary purposes of the State, taking their chance of afterwards being indemnified by Parliament, or of being prosecuted for misappropriation of public money. Suppose, for instance, after the whole of the amount authorised had been expended, there were a sudden invasion, or a sudden outbreak of disease—cholera, smallpox, pestilence——

Mr. DONALDSON: Call Parliament together.

The PREMIER: Parliament could not be called together to deal with every sudden emergency. No one who has ever written on the subject or thought on the subject would say that the Government were bound to do that. It might be a time when it would be very undesirable to call Parliament together. They must have power to spend money without special authority then, and that power is recognised everywhere. What is proposed to be done now is to limit the power at present existing. Then the hon. member for Balonne seems to think that clauses 6, 7, and 8 take away the control of the Auditor-General. There again he is wrong—they give the Auditor-General greater powers. At the present time, all that is done when the Auditor-General says that the money has not been voted, is that the warrant goes back to the Treasury, and the money is paid on the authority of the Government. There is another important alteration. When the Auditor-General says that money is not legally available, it may be a question of fact or of law. For instance, if he says that the money is not available because the total amount—say £100—has been spent, that is a question of fact. But if the money had been voted for a particular purpose, and the Auditor-General did not think the expenditure was in accordance with that purpose, that might be a question of law, on which the opinion of the Attorney-General would be very valuable. The Auditor-General is therefore bound to give his reasons, and if he mistakes the purpose for which the money is voted, the question is determined by the

Governor in Council, who, it appears to me, are the persons to whom this Parliament would prefer to entrust a decision of that kind. As for the remarks of the hon. member with regard to the authority of the Crown—which is nevertheless a branch of the Constitution, and I think, in the opinion of the majority of members of this House, a most important branch of the Constitution—I say his observations on that point are entirely beside the mark. If the hon. member were acquainted with the constitutional authorities on the point, he would know that it is the function of the Governor, as representing the monarch, to see that his Ministers are not disobeying the law.

Mr. DONALDSON: He might assist them to break it. Governor Darling did.

The PREMIER: A governor may do wrong as well as other people.

Mr. MOREHEAD: With the assistance of a lawyer he might do anything.

The PREMIER: The question arose in New South Wales in 1867 or 1868. If hon. members are not familiar with this case, they are surely familiar with the Victorian case, where Governor Bowen failed to uphold the supremacy of the law, and was reprimanded for it. I am referring now to "Todd's Parliamentary Government in the Colonies," page 436, where an extract is quoted from a despatch written by Secretary Caldwell to Governor Darling:—

"But while it is the desire of Her Majesty's Government to observe to the utmost the principle which establishes ministerial responsibility in the administration of colonial affairs . . . . nevertheless it is always the plain and paramount duty of the Queen's representative to obey the law, and to take care that the authority of the Crown, delivered to his Ministers through him, is exercised only in conformity with the law."

Now, according to the hon. member for Balonne the Governor has no such function whatever.

Mr. MOREHEAD: I never said so.

The PREMIER: Though the hon. member did not use those words, that is the proposition his arguments tended to prove. I do not know whether he knows it; I believe the hon. gentleman does not always know what proposition he is contending for. In 1867 or 1868 Governor Belmore wrote to the Colonial Secretary for instructions (page 437) "as to whether he was legally and constitutionally competent to exercise a discretionary power under such circumstances as had been done by his predecessors in office since 1858." That was to authorise Ministers to spend money without an Appropriation Act.

"In reply he was informed that a Governor could not legally authorise the expenditure of public money without an Appropriation Act, and that he was bound to refuse to sign a warrant sanctioning any such expenditure which had not been authorised by law. But that, as in England so in New South Wales, occasions of supreme emergency might arise, which would justify a departure from ordinary rules, and wherein, upon the advice and responsibility of his Ministers, and after a careful consideration of the particular circumstances, the Governor might exercise such an authority.

"Every case of this kind must be determined on its own merits; but as a rule the Secretary of State was of opinion that such irregular expenditure could only be justified, 'first, on the ground of necessity; or secondly, on the ground that it is sure to be subsequently sanctioned—joined to strong grounds of expediency, even though short of actual necessity.'"

Those are the only conditions on which a Governor could authorise the expenditure of money without an Appropriation Act. Hon. members will see that the proviso to the 5th clause, which the hon. member objects to, is simply laying down in clear words in the statute itself the rule of constitutional law which already prevails.

Mr. MOREHEAD: Todd is a greater authority to-day than yesterday.

The PREMIER: I do not think the hon. member has the least idea what Todd writes about. These books on constitutional law deal with principles; the hon. member does not seem to be able to grasp principles. In a subsequent letter of the 16th June, 1869, in reference to further correspondence which had taken place, the Governor having authorised expenditure on the authority of an Appropriation Act passed by the Assembly and not passed by the Council, the Colonial Secretary, Lord Granville—

"Pointed out that any such proceeding was at variance with the instructions contained in the foregoing despatch from the Duke of Buckingham; and observed that a temporary inconvenience to certain Civil servants could not be regarded as an unforeseen emergency, or as a case of expediency that would justify a violation of law. He added that 'except in case of absolute and immediate necessity' (such for example, as the preservation of life), no expenditure of public money should be incurred, without sanction of law, unless it may be presumed not only that both branches of the Legislature will hold the expenditure itself unobjectionable, but also that they will approve of that expenditure being made in anticipation of their consent."

You cannot, I think, improve upon that definition. At page 439 there is another passage to the same purport, which I may read:—

"In a case of emergency, it might become necessary to overstep the law; but some one must decide whether, in fact, such a contingency had arisen. The Ministry claim that they should determine the question. 'But, so long as the letter of the law imposes on "the Governor" the responsibility of preventing a breach of the law, this duty must be fulfilled by him. The personal responsibility of the Governor in no way absolves him from attaching great weight to the opinions of his Ministers in respect to fact, law, or expediency.' But 'he remains in the last resort the judge of his own duty, and is not at liberty, on the advice of his Ministers . . . . to commit an act contrary not only to the letter but to the spirit of the law.'"

The Audit Act requires the personal sanction of the Governor for every item of expenditure; it is the same in all the Audit Acts of all the colonies. He is the officer upon whom is imposed, by the Constitution, the duty of seeing that the public money is properly expended, and no other person is entrusted with that duty; he is the ultimate tribunal. And in inserting the proviso to the 5th section, to which the hon. member objects, we are simply embodying the principle which has been observed ever since the Constitution was established, and which has been laid down by the highest authorities. There is nothing to complain of in that. As to whether £150,000 or £100,000, or any amount should be fixed upon, that is a question of detail. But there must be some power to sanction the expenditure of money in anticipation of parliamentary sanction. That is a power which I agree ought to be most jealously watched and scrutinised, and, if exercised, ought to be most fully accounted for to Parliament. With regard to what the hon. member for Northern Downs said about a committee of public accounts, I have always had a strong inclination to agree with him. I do not know what practical difficulties there may be in the way, but theoretically I believe it is a most important part of the functions of Parliament that it should have due supervision over the public expenditure. Whether that may be a convenient way of doing it, in the present circumstances of the colony, is a matter on which I express no opinion; but in theory I entirely agree that such a committee of public accounts would be entirely in accordance with the spirit of our Constitution.

Mr. NORTON said: Mr. Speaker,—I did not intend to take part in the discussion to-day, because there were other hon. members on this side of the House who had studied the question

with the view of discussing it; but after hearing the speech of the Premier I am forcibly reminded of what took place some time ago when it was proposed to allow the public to use ordinary postage stamps and duty stamps either for the one purpose or the other as they might find it convenient. The hon. gentleman's arguments on this question remind me of the arguments which were adduced by the authorities against giving that convenience to the public. The public did not care a straw whether anybody knew how many duty stamps and how many postage stamps were used, but they did know that it would be a very great convenience to them to have one stamp which would do for either purpose. But the officials, when they went into the subject, proved almost beyond the possibility of dispute that the thing would never work at all. They showed how the public convenience should be sacrificed, I will not say to the whims, but to the peculiar ideas which the officials had formed as to the method which ought to be followed. As a matter of fact the change has taken place, and the public are allowed to use one stamp for either purpose, and they find it a great convenience; and yet somehow or other the officials manage to keep up a fairly correct or approximately correct account of the revenue derived from postage stamps and the revenue derived from duty stamps. At any rate, in the returns which they give us we have figures showing approximately what the amounts are. It is no use saying what can or what cannot be done when the public want a thing to be done. What they want is to be able to understand these accounts—that they be made as simple as possible. Only last session the hon. member for Warrego, I think, speaking on the subject of the public accounts, said he did not believe there were six men in the House who really understood anything about them, and that assertion seemed to meet with the approval of the House; and, if that is the case here, how many persons are there outside who are able to ascertain what the public accounts mean? I cannot understand why the accounts should not be balanced on the 30th June, in the same way as those of any public company or private firms may be. What is the practical difficulty in the way? The accounts in all public companies can be always balanced on the 30th June, and, if they can do it, why cannot we? All the arguments urged against it are mere official arguments, and, if the convenience of the public is to be considered, then all these arguments may be cast aside as so much chaff. With regard to this 5th section, which proposes to authorise unauthorised expenditure—rather a paradox, by the way—to the extent of £150,000 in one year, I cannot help viewing it with suspicion. At the present time the Ministry of the day have it in their power, as the Chief Secretary rightly put it, to expend any money they choose without the authority of Parliament; but the advantage of this is that it is a thing left to their honour not to expend more than is actually necessary. But if this section is passed in its present form authority is given to them to expend £150,000 in each year without asking Parliament how it should be expended. That is as much as saying, "If you expend that amount we won't inquire very particularly about it; you have authority to spend £150,000 without asking us." The consequence will be that the Government will probably fall into the way of spending that £150,000, or something near it, simply because they have legal authority for doing so in an Act of Parliament. That is the danger I see. I do not see why Ministers should not take the sole responsibility for whatever expenditure they may deem necessary. They have that authority now, and what occasion is there to alter it? Have any Government, in this colony at any rate, done anything to justify that power being curtailed? I do not think anything of the kind has ever been done, and I am quite sure that if hon members on either side of the House look at the matter in that way they will see it is undesirable to fix the amount of unauthorised expenditure which may be made. With regard to the question of the Governor being introduced, I do not know exactly what the law is now, but I believe that it is as the Chief Secretary put it—that all money spent must have the approval of the Governor. He has power to negative. As far as I know he has no more than that; I may be wrong. But this Bill gives him power to do more; it gives him power to actually expend money without the sanction of Parliament at all.

The PREMIER: Under conditions.

Mr. NORTON: I would not, under any conditions, give such a power to the Governor, whoever he may be. Why should not his Ministers take the responsibility of it?

The PREMIER: I suppose they would.

Mr. NORTON: It is a responsibility they ought very properly to have, without desiring to implicate the Governor in any quarrel that may arise in consequence of it. I object decidedly to the Governor's name being brought in at all; and I am sure that hon. members, upon looking into the matter, will agree with me in this—whether they disagree with me on other points or not—that it is undesirable that any Parliament should place in the hands of a Governor power to spend money because he thinks the occasion is such as to justify it. Let us give no power to the Governor which he does not now possess. In fact, I think the more we restrict those powers the more we shall be acting in accordance with the Constitution under which we live, and the more we shall be acting in conformity with the will of the people generally throughout the colony. Last night the Chief Secretary, speaking on another subject, said:—

"The rule of our Constitution is that not one farthing of public money can be spent by anyone unless authorised by an Act of Parliament."

But, sir, this Bill will give authority to spend £150,000 that has not been authorised in any other way than by the Bill itself, if it becomes law. It also gives power to the Governor to authorise expenditure which Parliament may afterwards not approve. I say that if anybody is to exercise that power it ought to be the Ministry of the day—the Governor in Council. The Governor will then be able to express his views, and he may veto the expenditure. I say that if any power of that kind is to be given, at any rate do not mix up the Governor with it.

Question—That the Bill be now read a second time—put and passed, and committal made an Order of the Day for to-morrow.

MESSAGE FROM THE LEGISLATIVE COUNCIL.

Appropriation Bill No. 1.

The SPEAKER announced that he had received a message from the Legislative Council intimating that that Chamber had agreed to the above Bill without amendment.

DIVISIONAL BOARDS BILL.

Committee.

Upon the Order of the Day being read the House went into committee for the further consideration of this Bill.

Question—That clause 16, as follows:—

"No person who—

(1) Holds any office of profit under the Crown; or

(2) Is concerned or participates in the profit of any contract with the board; or

(3) Has his affairs under liquidation by arrangement with his creditors; or

(4) Is an uncertificated or undischarged insolvent; or

(5) Has been convicted of felony, unless he has received a free pardon or has undergone the sentence passed upon him; or

(6) Is of unsound mind;

shall be capable of being or continuing a member of a board.

"Provided that nothing herein shall disqualify any person from being or continuing a member of a board solely because he is concerned or participates in a transaction with the board in respect of—

(1) A lease, sale, or purchase of lands; or

(2) An agreement for such lease, sale, or purchase; or

(3) An agreement for the loan of money, or any security for the payment of money; or

(4) A contract entered into by an incorporated company for the general benefit of such company; or

(5) A contract for the publication of advertisements in a public journal."

—be amended by inserting after the last amendment the words "is a holder of a licensed victualler's license; or"—put.

Mr. DONALDSON said he trusted the amendment would not be passed, because it was a gratuitous insult to every licensed victualler in Queensland to say that they were not competent to take their position upon a local board. He had come in contact with publicans, and had proved them to be an intelligent class, far more intelligent, perhaps, in country districts than the local storekeepers. A publican would not be able to use his power on his own behalf, if a member of a board, as much as a local storekeeper could, and yet if the amendment passed the publicans would be shut out from having any voice in the expenditure of rates in the districts in which they resided. He was not an advocate for the publicans in all cases, or in favour of giving them undue privileges, but he always contended that a gross injustice was done them by preventing them from sitting on divisional boards. Last year he took action similar to that he took now, and on that occasion the Committee certainly did amend the Bill. But in another place that amendment was struck out, and an attempt was now being made to make the Bill the same as it left another place last year. The present amendment was an undue reflection upon a large and intelligent class, and he did not think they were justified in passing it.

Mr. NORTON said he hoped the hon. gentleman would not press the amendment. The expression of the Committee last year was very clear and decided, and a division was not even called for. He did not see why publicans should be branded. Publicans were eligible to sit in that House, and why should they not be entitled to take a seat on a divisional board? Surely if they were good enough for the one they were for the other. Besides, he would point out that a great improvement had been made since the time the present Licensing Act came into force. He quite admitted that some years ago some very undesirable men obtained licenses.

Mr. DONALDSON: The ratepayers would not return bad men.

Mr. NORTON: Probably not. But since that time a very great improvement had taken place, both in regard to the style of the houses they occupied and to the class of men who were licensed to keep them. The hon. member, in introducing the amendment, was quite right perhaps, to give expression to his own views, but after the strong expression of opinion last session, unless hon. gentlemen had changed their minds considerably, he would do well, after the discussion, not to press it to a division.

Mr. ADAMS said he was surprised when he heard the hon. gentleman try to introduce the amendment after the discussion that took place last session. He gave the hon. gentleman credit for doing the best he could in the interest of the public generally; but he must say he was casting a slur upon a large number of individuals in the colony who as a rule were really respectable. Not only that, but they were enterprising, and there was not the slightest doubt that they did what they possibly could to advance the interests of the colony. It was hardly wise for the hon. gentleman to get up and move that amendment. As had been pointed out by the hon. member for Port Curtis, the Bill had been amended in such a way that it was scarcely possible for a publican to be elected to a board. He did not remember any case in Queensland, where the Divisional Boards Act had been in force, where there had been anything done by any boardsmen that had been a disgrace to themselves or the country. He remembered in New South Wales some years ago something which directed attention to the matter, and the consequence was that a clause was inserted in the Queensland Local Government Acts. As the hon. member for Port Curtis had said, if a publican could have a seat in that Assembly he was good enough to have a seat on a divisional board. Some hon. gentlemen objected to a clause in the Bill which allowed a Chinaman to become chairman of a board; and surely hon. members would not class the publicans of the colony as worse than Chinamen. There were some Chinamen in the colony who were worthy citizens, but he maintained that, as a rule, Chinamen should not have an opportunity of sitting on boards. It would be unwise to stigmatise a lot of people in the manner they were in the amendment, and he thought that a slur had been cast upon them all by even attempting to introduce it.

The PREMIER: No.

Mr. ADAMS: Taking all things into consideration it would be unwise, and he hoped for the credit of the hon. gentleman himself he would withdraw the motion.

Mr. MACFARLANE said, of course, he quite approved of the amendment; but not for the reason that had been stated from the other side of the Committee. He had no fault to find with the country publicans any more than with town publicans. He was not sure that publicans could not be kept out of the boards without the amendment by the clause as it stood. If they looked at the first paragraph they would see the words "holds an office of profit under the Crown." He maintained that publicans held an office of profit under the Crown, and would prove it. They were licensed by the Crown to hold a monopoly, and holding that monopoly they were receiving a benefit from the Crown that no one unlicensed could receive. He knew that would not be received as good law; but so far as his lights enabled him to understand it, they could effect the intention of the amendment by that first paragraph. However, he would not use that argument. He approved of the amendment because publicans were placed in an invidious position. They were doing a publican a wrong to allow him a seat upon a country board, because although the rest of the board might elect him chairman of that board he could not sit as a magistrate, and consequently

he was placed in a false position. He thought it was a shame to put a man in such a position, and if he were a publican he would not accept a seat on any board where he could not rise to the highest position on that board. He said further that it was not fair to place the publican in such a position, and that the Government were not justified in putting any man in such a position. There was another argument. He did not say anything at all about the intelligence of the men. They might be quite as intelligent or more so than other people on the board, but the Committee would be placing a power in such a man's hands that he ought not to possess—that of influencing employés under the board to patronise his hotel. It was a very easy matter to advise a man to go to a particular public-house, when it was known that one of the board was a publican, and there could be no doubt that to men in the country districts there would be a great temptation.

Mr. DONALDSON: Does not that apply to the storekeeper?

Mr. MACFARLANE said it did not. A storekeeper gave value for the money received.

An HONOURABLE MEMBER: So does a publican.

Mr. MACFARLANE said that was not the case. A man might spend the whole of his wages in a public-house when he ought to take the money home to provide for his wife and family. If he spent it in provisions he was doing his duty, but he did not provide for his family by spending his money on drink. He was sure the people themselves would be glad if such a restriction was placed upon publicans. They had no desire for public-houses. The publicans were in a position of having a monopoly of trade, and he did not think that exemption was any hardship.

Mr. ADAMS said, after listening to the hon. member, that another point suggested itself to him, namely, that it would be wise also to disqualify the storekeeper. The hon. gentleman said the publicans had a monopoly, and if they had, he would like to know how it came about. If they had got it, it came about in this way: A new Publicans Act had been passed, in which very severe restrictions were imposed; power was given to the inhabitants to demand a poll to decide whether new licenses should be granted, and, above all, the publican had to produce a character before getting a license. The Government actually gave the power to the inhabitants of a municipality to take a vote and give a monopoly. There was no doubt that a publican had to prove that he was a respectable character before he could get a license, whereas a storekeeper needed no character. Now he had known men—publicans in his electorate and in other places—who were large employers of labour, and had paid their men by cheque rather than in cash so that there would be no excuse for them, and so that they could not say they were induced to spend a solitary cent on the premises. He could give several instances of that kind, and he thought, before a slur of that kind was cast upon a body of men, some inquiry should be made into their characters as a body of men. There was no doubt about it, as he had said, that the publicans as a class had done a very great deal for the colony.

Mr. FOOTE said he did not think that it was the intention of the mover of the amendment to cast any reflection upon publicans. His intention was, that if there was any influence at work—and ne had not heard that there was—if there was any, all temptation should be removed out of the way of such men. The hon. member no doubt thought that by adopting the amendment all temptation would be removed. But they would require to go further than that in order to make out a very good case. They would require to amend the clause so that no publican should be a contractor under the board, because if he was a contractor he would have far more power over the men than if he was simply a member of the board; and he thought the amendment of the hon. member infringed a great deal upon the liberty of the subject. He did not think it fair to say that because a man followed some particular calling in life he should be prohibited from enjoying certain privileges. He did not think it right that they should interfere to that extent with the liberty of the subject especially since they had passed a measure which placed such very great restrictions upon the liquor traffic. He could not quite agree with the hon. member for Ipswich, Mr. Macfarlane, that the publican held an office of profit under the Crown. He did not quite follow the hon. gentleman's argument nor did he understand how it could be applied. Notwithstanding the fact that a man was a publican he might prove to be a very good member of a board, and render very good service in that position. If they began with the publicans they might go all round, and apply the disqualification to bakers and butchers and others. It was utterly impossible to make people sober by Act of Parliament. There should, of course, be certain restrictions placed upon the sale of liquor, and proper and careful watch kept over it; but he was convinced they often did more harm by over-legislation than by dealing with all matters in a liberal spirit, and it was impossible to make men given to intemperance sober men while they could get within reach of liquor. If they could not buy it they would steal it, and all the legislation in the world would not meet the case. He would mention again what had been suggested before, that the Government, which received so large an income from the sale of spirits and licensed publicans, should establish an inebriate asylum, so that when men wasted their substance in drinking and refused to work for their families, they might be sent there and made to work and be paid at a reasonable rate; and after deducting the cost of their expense to the asylum, the balance could be sent to their wives and families. A measure of that sort would have a beneficial effect, and would be calculated to check to some extent the demoralising influences of intemperance. The proposal to disqualify publicans involved, to his mind, too great an infringment upon the liberty of the subject, and he therefore could not support it.

Mr. JORDAN said the hon. member who proposed the amendment urged that he was not actuated by any prejudice in doing so, as he was not a teetotaller. He (Mr. Jordan) was a teetotaller, and he was not ashamed to say so at any time, and he would like everybody in the colony to be a teetotaller, but they could not bring that about; it must be left to the good sense and discretion of the people themselves. It was, of course, desirable that the members of boards should be respectable men, and he was happy to say that a great many men who kept hotels in this and in all the large towns of the colony and even in the bush could be reckoned amongst the most respectable members of society; therefore it would be unfair to place them in such a position as by an Act of Parliament to say that those men, who carried on a lawful business—because it must not be forgotten that their business was legalised—should be debarred from being members of divisional boards. They were, in many instances, most respectable members of society, carrying on a lawful calling in a respectable and reputable manner, and on what ground the Committee could

say those men were not fit to sit on divisional boards he could not say. He thought it most unreasonable and unjust. The hon. member for Port Curtis had said, with a great deal of common sense, that if persons who kept public-houses were eligible for seats in that House, on what principle of common sense could it be said they should not be eligible for seats on divisional boards? The hon. member for Ipswich said that as they were not eligible for appointment on the Commission of the Peace they were not eligible as chairmen of divisional boards; but it did not follow that because they should not be chairmen of boards they should not be members of boards. It was rather an additional reason why they should not be excluded from seats upon divisional boards, if the ratepayers chose to elect them to such a position.

The PREMIER said there was nothing to prevent a licensed victualler, being a member of a divisional board, being elected chairman of the board, and acting as a justice, though he could not of course in that capacity act as a member of a licensing board. He did not propose to address himself at any length to the question. Whenever the matter had been brought before the House he had always been opposed to the disqualification of publicans, and the Government proposed to adhere to their views on that subject.

Mr. FERGUSON said that, as far as his experience went of publicans as members of divisional boards and municipal corporations, he might state that he had sat in Rockhampton councils for years with publicans, and they had even been elected mayors, and had made very good mayors. He could see no reason why they should be debarred from acting on divisional boards, when under the Local Government Act they were allowed to become members of councils all over the colony. If they were allowed to act on councils in the leading cities of the colony, they might surely be allowed to act on divisional boards. It was much harder to get a proper board in the country divisions than in those around towns, and in many cases it would be very hard to get a board at all if publicans were to be disqualified from acting. As a rule they were men who were capable of taking part in public affairs, and there was no reason whatever why they should be prohibited from taking a seat on a board if the ratepayers chose to elect them. The whole matter was in the hands of the ratepayers, and there was no danger of the ratepayers electing as a member of the board a publican whose character rendered him unfit for the position. The ratepayers had the privilege of electing the man they thought most fit for the position, and they might be trusted to use the privilege carefully.

Mr. KELLETT said that when Her Majesty thought fit to make a publican a C.M.G. he did not see how they could decide to debar publicans from seats on boards. His knowledge of them was that they were just as respectable as any other class of society. He had known some very bad storekeepers—men who had sold single bottles for years; and greater harm had been done in some of their stores than in any public-house in the colony, because women went there to get drink when they would not go elsewhere. There had been a great deal of harm of that kind done around Ipswich, to his knowledge, and in other towns in the colony. The matter had been pretty well decided in the House before, and he did not think the disqualification of publicans would ever be carried in the Committee.

Mr. SHERIDAN said he sincerely hoped no law would be passed inflicting greater disabilities upon a very respectable class of the community—namely, the publicans. If they were to be prohibited from being chairmen of boards why not prohibit distillers, members of co-operative societies, members of clubs, and brewers? Publicans as a community were just as respectable as other people. In one of the other colonies there was a publican who signed his name with C.M.G. at the end; and it was reported that one of the Ministry in a neighbouring colony was a publican. If they could rise to such high positions in the neighbouring colonies, why should any disability be imposed upon them in Queensland? He hoped the amendment would be withdrawn, because if it went to the vote it would be lost by a very large majority.

Mr. GRIMES said he could not see the force of the argument of the hon. member for Port Curtis, that the amendment should be withdrawn because it was not pressed to a division last session. In his opinion a retrogressive step was taken last session in allowing publicans to be eligible for seats on divisional boards. Those who supported the amendment had nothing to say against the respectability of publicans as a class, but they thought it was not right that the calling should be represented on divisional boards, because the fact of a publican occupying such a position enabled him to push his trade better than he could do otherwise. An hon. member had said that they were enterprising men. He acknowledged that; and if their calling was a right one they should be diligent in their business. But if they were diligent in their business, did it tend to promote the advancement of the district, to better the condition of their customers, or to increase the comfort and happiness of their homes? He was sure that if they allowed the clause to pass without the amendment, and publicans became members of boards, it would make a great difference in country divisions. It must be remembered that in country divisions three members chosen from the various subdivisions formed the improvement committee, and in many cases the chairman of the committee was their only clerk of works, and there was no one else to let out work or engage men.

Mr. DONALDSON: In what country districts is that done?

Mr. GRIMES said it was done in some country districts where there were small divisions; there were numerous cases in which it occurred, and it was known that there was a tendency to employ only those persons who would deal with the members of the committee and who would be likely to be good customers. For that reason he thought it was very objectionable to allow publicans to be members of boards. It had been said that the same objection was applicable to storekeepers, but he would point out that the business of a storekeeper did not do the same amount of harm as that of a publican. The purchase of groceries and clothing added to the comfort of a family, but the purchase of what was sold by the publican had the contrary effect. It had often been stated that they could not make men sober by Act of Parliament. He certainly thought that if they could not make men sober by Act of Parliament, they might remove temptation in a great measure by legislative enactment, and help them to keep sober; they might make it easier for men to do right, and harder to do that which was wrong, by Act of Parliament. But he was sorry to say that they were tending in the direction of making men drunken by Act of Parliament. That was the tendency in the administration of some of their laws. He would just refer to one instance as an illustration to show how it might work in the case of divisional boards. On some of the railway lines land was resumed for railway

purposes, and the owner had no option in the matter, but must allow it to be resumed. He (Mr. Grimes) thought it was a shame when land was resumed for that purpose to allow it to be used as sites for public-houses, which had been done in one or two instances with which he was acquainted. In one case the original owner of the land entered a very strong protest, objecting to publicans being allowed to continue to occupy the land. How did the system work? Why, a contractor picked out spots which he claimed were in his hands to do what he liked with until the railway was constructed, and allowed them to be used as sites for public-houses. He had some relatives, friends, and camp-fellows who were very closely connected with him in business, and perhaps also by blood. Those persons were put into those houses and there was a tendency to reject applicants for labour or for small contracts who were not disposed to spend their money in those places. He knew that for a fact. It had occurred on one line at least, and that not very far from Brisbane. The workmen had told him that it was impossible for them to save anything while engaged on the railway line, and he had known them leave the railway and go to him and work at cutting cane for half-a-crown a ton sooner than continue on the line, simply because they could not save a single penny there. They were expected to knock down every penny over and above their board at those public-houses. It was a monstrous state of things that they should allow Acts of Parliament to be used in that way as a means of encouraging the people to spend the earnings of their labour in drink. He would not pursue that matter any further, but would just add that the attention of the Commissioner of Railways had been called to it, and instructions had been given for the houses to be removed. Up to the present time, however, they had not been removed, although the instructions were given two months ago. That was the sort of system which might be carried on if they allowed publicans to occupy positions on divisional boards. He hoped the Committee would retrace the step they took last session, and allow the law to remain as it was now in that particular.

Mr. PATTISON said he was quite at a loss to connect the closing remarks of the hon. member for Oxley with either the amendment or the motion. They were dealing now with the question of whether publicans were fit to sit on divisional boards, and he thought the hon. member had been referring to what were properly known as shanty-keepers. Hon. members knew very well that where railways or other works were in course of construction there were generally a number of camp followers, and the shanty-keepers came almost first. He took it that the hon. member was referring to that class of people.

Mr. GRIMES: No; they are licensed houses, not shanties.

Mr. PATTISON said the houses might be licensed but the licenses were not permanent; they knew that very well. He thought the matter under discussion was very well thrashed out last session, and he was sure that more than two to one were then in favour of the clause as it now stood. He believed that under the present law a publican could not be a member of a divisional board. The Bill now before them, however, did not contain that disqualification, and he thought that whatever the committee had agreed to last year, after a long discussion, should be adopted. The hon. member for the Valley, in proposing his amendment on the previous evening, admitted that many publicans in towns were very respectable men. He (Mr. Pattison) could also speak a word in favour of country publicans, and say that they were in every respect equal to men holding licenses in towns. Many of them were equal in intelligence to the hon. member for the Valley, Mr. S. W. Brooks, and that was saying a good deal. He could name one or two who took an active part in public matters. One publican at Rockhampton was leader of the Farmers and Graziers' Association. He had sufficient ability to prepare and read interesting papers that were quoted in agricultural journals far away from where they were delivered, and he was fit to take a seat in that House or any other Assembly. He (Mr. Pattison) could give that as his testimony of country publicans, of whom Mr. Brooks appeared to know very little. The clause provided that if a man had been in gaol, once he was released he was qualified to become a member of the divisional board, but if the force of circumstances had driven a man to become a licensed victualler, no matter how respectable he might be, or what his bringing up might be, he was looked upon as not fit to take part in the ordinary affairs of his division. The amendment would be casting a slur on a very respectable body of men, and he hoped the Committee would adhere to the decision arrived at last year, and leave the Bill as it stood.

Mr. MOREHEAD said he agreed with every word that had fallen from the last speaker, who might have made his argument still stronger by pointing out that not only in large centres of population, but in the outside districts, a man could not obtain a publican's license without a very close scrutiny into his conduct and reputation. He had to go through an ordeal much stronger than almost any other individual who might become a member of the divisional board. Everyone would admit that before a publican could get his license he must prove to the satisfaction of the bench that he was a thoroughly respectable man.

Mr. MACFARLANE said the arguments with regard to the character of the publicans were altogether beside the question. He had not heard a single individual on the Government side of the Committee say a word against the character of a publican.

Mr. NORTON: Then you have not been listening.

Mr. MACFARLANE said he was not present at the discussion on the previous night, and he had not heard any member disparage the character of the publican. All that had been said was against the trade; no member said that a publican was not fit to sit on the boards because of his character.

Mr. NORTON: Yes, it has been said.

Mr. MACFARLANE: Some remarks had been made by the junior member for Stanley, Mr. Kellett, whom he would call a gentleman, because, according to an oration they had just heard, there was no other gentleman in the House. That gentleman seemed to know a great deal about Ipswich, and had spoken of the bottle system as existing in Ipswich. He did not know how the hon. member had found out what he knew about it; he (Mr. Macfarlane) knew nothing about it. He wished hon. members would be consistent. If there were to be no disabilities at all, let them do away with all the disabilities that were placed on publicans. According to an Act they passed not very long ago a publican could not be mayor; he could not be a member of the licensing board. He thought he was right in saying that a publican could not even be a juryman when life and death was concerned.

Mr. DONALDSON: Nonsense!

Mr. MACFARLANE : It was so in Scotland, and he thought it was the same in England. It just showed that a publican had some disabilities, and if there were to be no disabilities let them sweep them all away, and put a publican on the same level as other people. At present they were under disabilities all over the world—the trade was everywhere recognised as dangerous to the community.

Mr. LUMLEY HILL : No !

Mr. MACFARLANE said he did not believe in placing them under any disabilities as far as their character was concerned, but as far as their trade was concerned it was the opinion of all countries that there should be disabilities. If the Bill passed as it was proposed, giving publicans power to sit on the boards, before many years it would be found that they had done one of the worst things they could have done as legislators.

Mr. LUMLEY HILL said the hon. member for Ipswich now shifted the onus of the odium from the publican to the trade which he adopted, but he (Mr. Hill) denied entirely that any odium should attach to that trade or any other trade. It was a very useful business indeed. The publicans were almost more than useful; they were necessary to a great many people of the country who had to travel about and make use of their houses. It was the fault of the individual if he abused the use that could be made of those houses ; it was the fault of the individual if he could not control himself sufficiently to avoid making either a beast or a fool of himself—it was not the fault of the trade or of the individual publican. In some isolated cases, of course, it might be the fault of the individual publican, who led weak-minded people to drink more than was good for them, or more than they were able to pay for ; but, taking it by itself as a business, it was just as respectable as that of any man, and just as necessary to a certain portion of the community as that of the man who kept a store and sold tea, or sugar, or soap, or tobacco, or clothes. He (Mr. Hill) had met very many good publicans and some bad ones ; he had met good grocers and bad ones too ; he had met a good many of both sorts in all ranks of life. He did not see why publicans should have any disability placed on them as citizens of the colony, and he certainly thought that to pass a sweeping censure either on them or the business they pursued, ill became that Committee.

Mr. S. W. BROOKS said he thought the matter had now been talked about long enough. He was somewhat amused at the persistent way in which those who had opposed his amendment had spoken as if he were introducing a disqualification. They seemed to be quite oblivious of the fact that the meaning of his amendment was " Do not alter the law as it is." A publican at the present time could not be elected a member of a divisional board. Many hon. members seemed to think that a publican had that qualification now, and that he (Mr. Brooks) was seeking to deprive him of it. Even if he were, disqualification was not necessarily a degradation. Disqualification did not necessarily rest upon evil ; it was not a degradation to the man. He had been turning up *Hansard* for 1878, when the Divisional Boards Bill was introduced, and he would quote the following extract from the speech made by Sir Thomas McIlwraith in moving the second reading of the Bill :—

"The next large division of the Bill referred to the qualification and disqualification of members, which was to a considerable extent taken from the Local Government Act. There was one exception, however, which seemed to place publicans in a somewhat invidious position, and that was that no person holding a publican's license should be eligible for membership of a board. The reason for that was that, as the boards had to elect their own chairman, who was *ex officio* a justice of the peace, it might possibly occur that in some small bush constituencies the publican—on whose premises most of the cases arose which went for adjudication before the court of petty sessions—might be the chairman of the board, and being in virtue of his office a justice of the peace, he might adjudicate in cases in which he was directly interested.. The rule had always been not to appoint persons holding a publican's license to the Commission of the Peace, and it would have been a departure from that wholesome rule had not some such disqualification been inserted in the Bill."

Those were straight, fair words, and they seemed to him to go right to the heart of the matter. A man elected on a divisional board had a right to all the positions for which that election qualified him. He might become chairman of the board, and it need hardly be said that to place some publicans in that position would be to place in their hands an amount of patronage and control over labour and small contracts which would very likely be used in an improper manner. In saying that he had no desire to cast a slur on the whole order of publicans ; he should be very sorry to do it ; but he was not going out of his way to say some of the things about them which had been said that night. Anyone acquainted with the character of some bush publicans would know that if they held the position of chairmen of divisional boards they might do much harm to the men who were employed, or who wished to be employed, by those boards ; and how they might interfere with the contracts. If a publican were the chairman of a divisional board he could not take his seat on the licensing bench. Take the case of, say, the Toombul Division. If the chairman was a publican he could not take his seat on the licensing bench when any matter came before them for adjudication, and the district would be practically disfranchised, because there was no representative of the board present. He should say no more on the matter. He had done what he felt to be right. It was purely spontaneous, and was not prompted by any organisation or party. In the interests of the country he believed the law ought to remain as it was. Were the publicans dissatisfied with the law as it stood ? Had they petitioned to have the disqualification removed ? If they had complained of it, they had not made their complaints heard in a constitutional way. Putting it on the lowest and simplest ground, the law was fair, and to alter it would be to introduce an element of possible and very likely evil. His sole desire was that the law of the land should be such as would tend to the good condition and prosperity of the population of the land, and he believed that the removal of that disqualification would very likely have a tendency in an opposite direction. Seeing no prospect of having even a reasonable minority, he did not intend to press the amendment to a division, and with the leave of the Committee he would withdraw it.

Mr. MOREHEAD : I object to its being withdrawn.

Question—That the amendment be withdrawn —put and negatived.

Mr. NORTON said the hon. member for Ipswich (Mr. Macfarlane) had asserted that nothing had been said against the character of the country publicans. But last night, after that hon. member had left the Chamber, the following words were used by the mover of the amendment :—

"They all, or most of them, knew that the holders of publicans' licenses in some country places were not by any means the same sort of men as the publicans in towns, where some of them visited occasionally, and who were very respectable men ; and the Committee should, as far as possible, guard against the intrusion of unworthy persons on boards."

With regard to the quotation from the speech made by Sir Thomas McIlwraith on the subject

'n 1879, he would point out that in 1882 an amendment was proposed by the hon. member for Gregory, Mr. McWhannell, to remove the disqualification, and that it was supported by Sir Thomas McIlwraith, who withdrew what he had previously said against the publicans. The division took place in a thin House, and the amendment was lost by thirteen votes to twelve, so that the question was almost settled in favour of the publicans then. If they wanted to raise the character of publicans generally, they ought not to disqualify them unless there was some special reason for doing so. The more disqualifications were introduced the lower would any class of men become. No doubt there were some publicans, both in town and country, who ought not to hold licenses ; but those were not the men who were likely to be elected members of divisional boards.

The HON. J. M. MACROSSAN said the mover of the amendment had quoted from a speech made by Sir Thomas McIlwraith in 1879. The hon. member must not forget that was eight years ago, and that they had all, he hoped, grown wiser since that time. For the bare possibility of one unfit man becoming a member and chairman of a divisional board, the hon. member wished to disqualify a whole class; some hundreds of men in fact. As to the licensing bench, the same disqualification extended to mayors of municipalities who happened to be engaged in the trade ; but in that case provision was made that another member of the municipality should take his place on the bench. And since 1879 they had passed a Justices Act, by which, if a man went on the bench to adjudicate upon a matter in which he was interested, he was liable to punishment ; so that all the instances quoted by the hon. member fell to the ground entirely. The hon. member also complained that members were arguing as if he were introducing a disqualification. He (Mr. Macrossan) said they were not doing anything of the sort. They were arguing for the removal of the disqualification which existed, which was passed in 1879. He supposed he (Mr. Macrossan) must have voted for that disqualification in 1879, being a member of the McIlwraith Government, but he was certainly wiser now than he was then, and he should decidedly vote against the amendment of the hon. member if it went to a division.

Mr. STEVENS said another weak point in the argument of the hon. member for Fortitude Valley—who introduced the amendment—was this: A storekeeper occupied exactly the same position in a bush township as a publican did. If the publican supplied the men in the district with liquor, the storekeeper supplied them with rations and tools, and would have just as much power to compel those men to deal with him as the publican would. Again, in the outside districts, publicans had often been the means of the close settlement that had taken place. Enterprising, pushing men went out into those districts at risk of considerable loss to themselves, and after a time they started a store, which induced carriers to settle round, and so a township sprung up. In many cases, of course, they were shanty-keepers, low-class publicans, who started in those places ; but was it at all likely that the ratepayers would put such men as those on the divisional boards?

An HONOURABLE MEMBER: Certainly not.

Mr. STEVENS said he thought the hon. member for Fortitude Valley cast a slur upon the ratepayers more than on the publicans. The amendment was an insult to their understanding. Were they likely to put a publican on the board if he would abuse his trust more than any other man? This state of things reminded him of the old days when a Jew was not allowed to have a seat in the Imperial Parliament, and a butcher was not allowed to sit on a jury to try cases of capital offence, because he was supposed to be a cold-blooded man. That was very much the same kind of thing ; but he thought that as they grew older they grew wiser, and if publicans had been labouring under this disability for some years that was no reason why they should labour under it any longer. If the amendment went to a division he hoped it would be lost by a considerable majority.

Mr. FOXTON said one thing which fell from the hon. member for Fortitude Valley he thought was deserving of remark, especially as he had not heard any answer to it. That was his statement that the publicans were not agitating in any way for the removal of this disability, and that they had not felt it as a grievance. He could assure the hon. gentleman that on that point he was mistaken. It was a grievance in many districts. He knew as a fact that in three bush towns he could name, as soon as this disability was removed, there was a publican in each who would be elected to the divisional board ; so that there could be no doubt in the minds of the people of those respective districts that they were the most eligible men to sit on the boards, not only from their character, but from being men of some standing as far as means were concerned, and from the fact of their long residence in the district and knowledge of the requirements of it. It must be borne in mind that in many outlying districts there was a dearth of men who were able to devote the necessary time and attention to the duties of the boards. In one town he could name—a small one certainly—the one publican was probably the only resident who would be elected to the divisional board. As it was, there was not a single divisional boardsman elected for that township. He was quite sure that in the country districts the removal of the disability would be followed with very excellent effects.

Mr. ADAMS said he would very much like to enlighten the hon. member for Fortitude Valley a little, because it was evident that he had not read as much as he ought to have done upon the subject they were discussing, and certainly when he referred to what a publican might do sitting on the bench it was clear that he knew very little about it. The mayor of a municipality was supposed to be a member of the bench —a magistrate of the town—but if he was a publican, and happened to take a seat on the bench, he would be liable to be mulcted in the sum of £50, and he did not think that very many publicans would venture to go so far as that. He himself had happened to hold the honourable position of mayor for two years, and he was sent for on two or three occasions to be sworn in to sit upon the bench, but he very quietly pointed out that if he did so he should leave himself open to a penalty of £50. Therefore he did not think any great injury would be done by publicans in that way. What he did was to recommend to the Government another of the councillors to take his place, and that, he believed, was what was invariably done throughout the colony. Therefore the hon. gentleman could shake off his conscience any idea that the publicans would do much harm by sitting upon the bench.

Mr. KELLETT said the hon. member for Ipswich, Mr. Macfarlane, seemed to have taken offence at some remarks which had fallen from him, and said that he was personal. He (Mr. Kellett) was certainly not personal to him, and did not intend to be, because he had no knowledge that the hon. member had ever sold bottles of grog out of his store. He (Mr. Kellett) did not intend to

impute anything of the kind. He did not wish to speak worse of Ipswich than of any other town in the colony, because he had great respect for that town, having lived there a great many years. What he did say was that it was a well-known fact—and if the hon. member did not know it, he was certainly the only man of twenty-one years of age and upwards in Ipswich at the present day who did not know it—that bottles of grog had been sold retail in most of the stores of the town. He (Mr. Kellett) could appeal, in confirmation of that, to all the members for Ipswich in that House.

An HONOURABLE MEMBER: What about wheat tonic?

Mr. KELLETT: As for personality he had been in no way personal, unless it was that he had mentioned the fact that a leading publican had been made a C.M.G. That was the only personal matter he alluded to, and he should think that when such a high authority as Her Majesty thought fit to put a publican in that honourable position, they were certainly entitled to be members of a divisional board. He was sorry that the hon. member for Ipswich should think that he had said anything derogatory of Ipswich, or in fact of any other town in the colony, but, as a matter of fact, for many years the storekeepers had sold just as much as publicans. And in his opinion the publicans were, in a great many cases, a more respectable body than many of the storekeepers in towns he could mention. As for immorality, publicans were not a bit worse in that respect than storekeepers. Even some storekeepers who were Good Templars had other vices which were a great deal worse, and there were instances in which they had left behind them some nice little remembrancers of their morality.

Mr. S. W. BROOKS said the hon. member for Stanley and another hon. member had made reference to a publican having been made a C.M.G., but he (Mr. Brooks) ventured to say that they did not know what they were talking about.

An HONOURABLE MEMBER: You do.

Mr. S. W. BROOKS: He did; as he was in Sydney at the time. The gentleman referred to no doubt saw his public-house now and again, perhaps once or twice a week.

An HONOURABLE MEMBER: He was licensed.

Mr. S. W. BROOKS: That did not touch his point. The gentleman held a license and saw his public-house probably once or twice a week. He had been a successful man; he had made a great deal of money, and somehow or other he was made a C.M.G. He (Mr. Brooks) did not know how it came about that he got it or why he got it, but that did not touch the question at all. His opinion was that the control of the spigot was a dangerous thing, and to put the power in the hands of a publican was dangerous. It would come out at election times and in many other ways. He meant at divisional board elections, not parliamentary elections.

Question—That the words proposed to be inserted be so inserted—put.

The CHAIRMAN: Did any hon. member call for a division?

Mr. MOREHEAD: Yes.

The PREMIER: Who called for a division?

Mr. MOREHEAD: I did.

The PREMIER: Then you must vote with the "Ayes."

Mr. MOREHEAD: I will. We will separate the sheep from the goats somehow.

The Committee divided, the hon. member for Balonne sitting with the "Noes."

Mr. S. W. BROOKS: Mr. Fraser,—I claim that the vote of the hon. member for Balonne be included with the "Ayes," as he called for the division.

The CHAIRMAN: I have to ask the hon. member for Balonne whether he gave his voice with the "Ayes"?

Mr. MOREHEAD: I called for a division with the "Ayes."

The CHAIRMAN: That is the same thing.

Mr. MOREHEAD: No; it is not. I have shown that I did not intend to vote with the "Ayes."

AYES, 5.

Messrs. Bulcock, Morgan, S. W. Brooks, Macfarlane, and Morehead.

NOES, 29.

Sir S. W. Griffith, Messrs. Groom, W. Brookes, Norton, Dickson, Moreton, Chubb, Rutledge, Buckland, Lalor, Dutton, Jordan, Adams, Pattison, Kellett, Wakefield, Lumley Hill, Ferguson, Aland, Bailey, Donaldson, McMaster, Mellor, Stevens, Foote, Nelson, Sheridan, Macrossan, and Foxton.

Question resolved in the negative.

The PREMIER said that last week the hon. member for Port Curtis called attention to the latter part of the clause, which referred to the exceptions from disqualification, as follows:—

"(1) A lease, sale, or purchase of lands; or

"(2) An agreement for such lease, sale, or purchase; or

"(3) An agreement for the loan of money, or any security for the payment of money; or

"(4) A contract entered into by an incorporated company for the general benefit of such company; or

"(5) A contract for the publication of advertisements in a public journal."

Those exceptions were contained in all Municipal Acts. The attention of people in this colony was first called to the matter by the case of the late Mr. Beattie, who was a member of the House. He took a lease of the municipal wharves, being at the time an alderman of the municipality, and the exceptions which were contained in all Municipal Acts were not contained in the Act in force at that time. Proceedings were taken against him, and the court was bound to hold in accordance with old English decisions that he was disqualified from sitting as an alderman. The law was immediately altered and made in conformity with the laws of other places where municipal institutions existed. Those exceptions were in the Local Government Act. They were omitted by mistake from the original Divisional Boards Act, but were afterwards inserted, and he did not think there was any reason to fear that the mere fact of a member of a board being a lessee under the board would be a dangerous person to be on the board. The same thing applied to an agreement for a lease. As to the agreement for the loan of money or security of money he did not think it necessary to disqualify for that, because they did not allow boards to borrow, although members of the board might be sureties for the repayment of an overdraft. With regard to the last two exceptions, he thought they might fairly stand, and that no danger was to be appre hended.

Mr. NORTON said he had been looking through the debates which took place at the time of the introduction of the amended Act of 1882 when the exceptions were introduced into the Act, and there seemed to have been no discussion upon the desirability of giving those powers to members of boards. His own opinion was that to allow a member to retain his seat on a board unless he was a member of an incorporated company under contract with a board was a dangerous power to give, and he might just as well be an ordinary

contractor under the board. Then again with regard to the lease, sale, or purchase of land. In that case the member would be simply selling land in which he was interested, and he would have a voice in the decision as to whether the land should be bought. It appeared to him a dangerous power. He did not know of any case where it had not worked well, but he was sure the Premier would see that it gave an opportunity to a member of the board to do what no member of a board ought to have power to do—to use his influence towards carrying out a scheme in which he was personally interested.

The PREMIER said there was, perhaps, some reason to fear danger in the case of sales of land. But it was not likely that the boards would buy land except for the purposes of roads. If a piece of land happened to belong to a member of a board he would have to forfeit his seat or go before arbitrators—that was, if the exception was not allowed to stand. He thought the clause might safely be left. There was a certain amount of danger, of course, but he thought it safe to leave the clause as it stood.

Mr. NORTON said the risk was not where land was required for a particular purpose, but where one member of a board had influence enough to effect a sale to the board. That was where the danger came in. He believed the discussion, as to the power being given to a member of a board to have dealings with the board, took place on the original Bill when it was introduced, but then, as far as he could remember, the discussion was confined to the fact of a member being one of a registered company.

The PREMIER said it was introduced in the Municipalities Act of 1873 in consequence of proceedings against Mr. Beattie. Under that Act it was provided that the word "contract" should not extend to "any lease, sale or purchase of any lands, tenements, hereditaments, or to any agreement for any such lease, sale, or purchase, or for the loan of money, or to any security for the payment of money only." The other two provisions were added in the Act of 1882.

Clause, as amended, put and passed.

Clause 17—"Defective election, etc., not to invalidate proceedings"—passed as printed.

On clause 18, as follows:—

"The office of a member or chairman shall be vacated—

(1) If he is or has become disqualified or has ceased to be qualified under the provisions of this Act; or

(2) If he has been absent from three or more consecutive ordinary meetings of the board extending over a period of three months at the least, without leave obtained from the board in that behalf: or

(3) If he is ousted from the office by the Supreme Court.

"Any member who, being disqualified, or whose office has become vacant as aforesaid, knowingly continues to act as a member of the board, shall be liable to a penalty not exceeding fifty pounds."

Mr. NORTON said he thought the word "knowingly" was used in the wrong place in the latter part of the clause, and did not express the intention of the clause. What was intended was that a man should not continue to act knowing that he was disqualified, or that his seat had become vacant. If a man acted at all he did so knowingly, though he might not know he was disqualified.

The PREMIER said he thought it amounted to the same thing with a different form of words, and was not of much consequence.

Mr. W. BROOKES said he believed that what the hon. member wanted to have clearly conveyed was that a man must have acted as a member of a board, with a full knowledge of his own disqualification when he did so, before he became liable under the clause. He was inclined to think the expression in the Bill did not convey that. It seemed to be unimportant, but it might turn out not to be.

Mr. NORTON moved the omission of the word "knowingly," with a view of inserting the words "knowing that he is so disqualified, or that his seat has become vacant," after the word "board" in the last line of the clause.

The PREMIER said that, as the Act was to be interpreted by laymen, if any doubt might arise on the point in the mind of any layman it was as well to remove it.

Amendment agreed to; and clause, as amended, put and passed.

On clause 19, as follows:—

"At the conclusion of the annual election in every year one-third part of the members of the board shall go out of office by rotation, except in the case of a subdivided division, when one member in each subdivision shall go out, and the members who shall so go out shall (except as hereinafter provided) be the members who have been longest in office without re-election.

"If, by reason of two or more members having become members at the same time, it is not apparent under the foregoing part of this section which of such last-mentioned members ought at any time to go out of office, the member or members of them who has or have attended the meetings of the board the least number of times in the preceding year shall go out, or if any such members have attended an equal number of times, then the member or members who, at his or their election, received the least number of votes shall go out, and if they received the same number of votes, then it shall be decided by lot which of them shall go out."

Mr. NORTON said the clause provided that under certain circumstances it should be decided by lot which member or members should go out, but it did not provide who was to decide the lot.

The PREMIER said the phrase had been in use for many years, and he had never heard anyone say that he did not know what it meant before. It was a practice in existence from prehistoric times. The matter would, he supposed, be decided by those whose numbers were equal by tossing up a coin, or some other way. It was not necessary to say in the clause that a coin should be used or that two straws of unequal length should be used.

Clause put and passed.

Clauses 20 to 27, inclusive, passed as printed.

On clause 28, as follows:—

"The following shall be the qualification of voters at elections of members or auditors:—

"Every person, whether male or female, of the full age of twenty-one years, whose name appears on the rate-book of the division as of the occupier or owner of rateable land within the division shall, subject to the provisions hereinafter contained, be entitled to vote in respect of such land, and each such person shall be entitled to the number of votes following, that is to say—

If the land, whether consisting of one or more tenements, is liable to be rated upon an annual value of less than fifty pounds, he shall have one vote;

If such value amounts to fifty pounds and is less than one hundred pounds, he shall have two votes;

And if it amounts to or exceeds one hundred pounds, he shall have three votes.

"When a division is subdivided, every person entitled to vote shall be so entitled for every subdivision wherein any rateable land in respect of which he is so entitled is situated.

"Provided that no person shall be entitled to vote unless before noon on the day of nomination all sums then due in respect of any rates upon the land in respect whereof he claims to vote have been paid.

"And provided also that no person shall be allowed to give more than three votes at any election for a division or subdivision, notwithstanding that he is entitled to a larger number of votes in respect of land within the division or subdivision.

"Provided, nevertheless, that the owner and occupier shall not both be entitled to vote in respect of the same land. When the rates have been paid by the occupier he shall be entitled to vote and not the owner, but if the rates have been not paid by the occupier and the owner pays the same, the owner shall be entitled to vote."

The PREMIER said the clause provided that the rates must be paid on the land in respect to which the vote was claimed; but a ratepayer would not be prevented from voting from the fact that he had other pieces of land in the district on which the rates had not been paid. In other respects the clause was the same as the clause relating to the qualification of voters passed last year.

Mr. FERGUSON said that according to the clause a voter must be of the full age of twenty-one years. Under the Land Act of 1884, a person could take up land at the age of eighteen; and as soon as he took up land his name was entered on the rate-book, and he became, as far as the board was concerned, a ratepayer and qualified to vote. He did not think the returning officer would be able to refuse the vote of such a person who had paid his rates, and he thought the age stated in the clause should be reduced to eighteen years. He moved the omission of the word "twenty-one" with the view of inserting the word "eighteen."

The PREMIER said the matter was discussed at considerable length last year. The law allowed, for very good reasons, persons under the age of twenty-one years to become selectors of land; but there must be a fixed period at which the right to vote should be allowed to be exercised. The age of twenty-one years was an arbitrary period, but it had been accepted for a very long time as an age at which a man was supposed to have the faculty of judging for himself and exercising discrimination, and he did not think it desirable to reduce the age. It was lawful for boys and girls twelve or fourteen years old to own land, but that did not entitle them to vote. Another thing: the reduction would apply not only to selectors, but to all other persons, and there was no good reason why the line should be drawn at selectors.

Mr. FERGUSON said a great deal of trouble was caused in some divisions on account of the difference between the two Acts with respect to the age; and he had received a communication from the chairman of a division with reference to the clause. Returning officers were at a loss to know whether a person was eighteen or twenty-one years of age. They had no means of judging; and it was very hard to refuse a vote because a man was considered to be under twenty-one.

Mr. MELLOR said he was in accord with the hon. member for Rockhampton on the subject. The question had been discussed by divisional boards whether a person taking up land—which he was allowed to do at the age of eighteen—should not also be allowed to exercise the privilege of voting; and it was often said that he should be allowed to do so. Not only that, but persons who took up land were put down as ratepayers, and therefore voters, whether they were twenty-one or not. He knew that objections had sometimes been raised as to whether selectors were entitled to vote because they were not of the age of twenty-one years. Where there had been closely contested elections scrutineers had objected to certain persons on that ground. He thought it better to have a uniform age, and make it the same as it was under the Lands Act.

Mr. NORTON said he believed there had been a good many objections raised against persons under twenty years of age being allowed to vote at divisional elections, and that there had been some difficulty in discovering whether selectors were of the age to entitle them to exercise the franchise. It would much simplify matters if all selectors were allowed to vote, and then, the fact of a person holding a selection, and having paid all his rates, would be sufficient evidence of his qualification.

Mr. CHUBB said he believed that any person who was the occupier of land could appear on the rate-book, and there was no penalty provided for any person under the age of twenty-one years exercising the franchise. Under the 70th section the only questions that could be put to a person claiming to vote were—

"Are you the person whose name appears as A.B. on the voters' list for this division (or subdivision) being named therein in respect of land described as situated in [*here specify the street or other place as described in the list*]?

"2. Have you already voted at this election [for this subdivision]"?

No other question could be put.

Mr. NORTON: No, but the election may be upset.

Mr. CHUBB said that might be done if the parties went to the trouble of proving that a voter or voters were under the age of twenty-one years, but a person claiming to vote could not be asked the question whether he was of that age or not as the Bill now stood. The 80th section stated what the offences were, and voting under age was not one.

The PREMIER said when the Bill was brought forward last year the clause as introduced by the Government contained the following words:—

"And every such person of the age of eighteen years whose name so appears in respect of a selection under the Crown Lands Alienation Act of 1876 or the Crown Lands Act of 1884, of which he is the selector, and no other person shall be entitled to vote," &c.

But it was proposed that those words be omitted. He himself pointed out the innovation, and the result of the discussion was that members came to the conclusion that many inconveniences would arise by adopting that provision, and it was omitted. Why should a distinction be made between selectors and other persons? If a selector of eighteen years of age was allowed to vote, why should not a freeholder have the same privilege? He was convinced by the arguments of last year; and his hon. friend opposite, the member for Port Curtis, then objected to making the provision apply to selectors only. They must fix some age. Of course twenty-one was an arbitrary age, but he did not think that a young man of eighteen had arrived at the age of discretion for voting.

Mr. NORTON said it was an inconvenience to have to make inquiries as to the age of ratepayers, and, as had been pointed out, some difficulty had arisen on that point at closely contested elections.

The PREMIER said that to fix any age at all would involve an inquiry under certain circumstances, but those circumstances never arose except in the case of a sharply contested and disputed election.

Mr. McMASTER said he would like to know how a board was to enforce payment of rates if the owner of any land was under twenty-one years of age?

The PREMIER: They can distrain.

Mr. McMASTER said there might be nothing on the land to distrain. Many people bought land for the members of their families, sometimes in the names of very young children, and then the land was allowed to lie vacant for fourteen or fifteen years and no rates were paid on it. Under the Local Government Act a municipal council could lease land under such circumstances, and he thought it should be so under that Bill. In his opinion it was a hardship to compel owners of land to be twenty-one years of age before they could vote, and yet provide that their properties should be assessed and rates paid on them by the owners.

Mr. MORGAN said there was a proviso in the clause which read as follows:—

"Provided that no person shall be entitled to vote unless before noon on the day of nomination all sums then due in respect of any rates upon the land in respect whereof he claims to vote have been paid."

He understood that to mean that if a man held land in the various subdivisions of a division, and claimed to vote for one particular property, he might exercise the franchise, even though there might be an accumulation of arrears on other properties in that division. The effect of that would be that very soon there would be a larger amount of arrears of rates than there was under the present system, as many persons would probably pay the rates on one or two properties only in order to secure their vote at an election. He thought the system provided by the Local Government Act, by which ratepayers must have paid all the rates due up to a certain date before they were entitled to vote, was a very much better one than that proposed in the clause, and he did not see why they should have two such widely different systems in their local government. He thought that the one proposed in that clause would be found in practice to be a failure.

The PREMIER said he would answer the hon. member who had just spoken, after they had disposed of the first amendment, and give the reasons for the adoption of that provision.

Amendment put and negatived.

The PREMIER said that in reference to what had fallen from the hon. member for Warwick he would point out that a landlord might have several properties in a division, and it might be a bargain with his tenants that they should pay the rates. They might pay them very regularly, but one of the tenants might have omitted to pay the rates up to noon on the day of nomination, not because he did not intend to pay them, but simply by an inadvertence. The result of that would be that the landlord would be disentitled to vote, although the rates had been paid on all the other properties occupied by himself and his other tenants. He thought that would be very hard; indeed it would be to render a man punishable for the default of somebody else. It would amount to this: that every landlord would have to go round to his tenants before the day of nomination and see that all the rates were paid.

Mr. NORTON said he thought the objection taken by the hon. member for Warwick was a sound one, because, if the provision to which he referred were altered as he suggested, it would have the effect of compelling the owners of land to pay their own rates, and he was sure that in that case the rates would be paid much more regularly than they were at the present time.

Mr. MELLOR said he was sorry to see that they were drifting back again to the system of the old time. He thought it would be disfranchising the whole of the electors to allow owners to pay the rates if they liked. The occupiers were the persons who ought to pay the rates and vote.

The PREMIER said he had not explained that matter at length in moving the second reading, because it was fully discussed last year, and certainly the opinion of the House then, by a large majority, was that the occupiers and not the owners were the persons who should have the municipal franchise. The only way to give the occupiers the municipal franchise was to provide for their paying the rates, because it was the ratepayer who voted. Of course, if the occupier declined to exercise his rights, there was no reason why there should be no vote given in respect of the land, and it was therefore provided that if the occupier did not pay the rates and the owner did the owner should get the franchise. Of course who would get it would be a matter of arrangement between them, unless the Committee deliberately disfranchised one or the other; and it would be very unfair for them to say that under no circumstances should the owner vote, and very unfair also to say that the occupier should not vote. The Bill provided that the rate-book should state the names of both owner and occupier, and also by whom the rate was paid, so that it would appear by the rate-book who was entitled to vote. The matter was very fully thrashed out before, and he thought all the objections were answered before. It was the only way to secure that the occupier should vote if he chose. If he did not choose, the owner should not be disfranchised.

Mr. FERGUSON said he knew the matter was thrashed out last session, but he was still of the same opinion that it was a very bad clause. It would disfranchise a large number of people who had been accustomed to get their votes before. A landlord might have a number of buildings or farms leased out to tenants for terms of seven or ten years, a condition of the lease being that he paid all rates and taxes, and so the whole of the tenants—perhaps twenty or thirty of them—would be disfranchised. According to the Local Government Act the occupier was the voter whether he paid the rates or not; and if the clause were passed as it stood it would disfranchise a large number of people who had been used to get their votes before. He considered that the occupier of the property should have the privilege of voting, whoever paid the rates.

Mr. PATTISON said the clause threw all the power into the hands of the landlord, and deprived the tenant of his vote altogether if the landlord paid the rates. Last year they went to a division, and eight of them, he thought, were in the minority. He could only repeat what he said last year—that he thought it was a very great mistake.

Mr. McMASTER said he supposed that it would be almost useless to discuss the matter after the division of last year, but he would like to point out how the clause would act. If a man had a vacant block in the same division as he resided in; if he paid the rates, and voted, upon his house, but could not pay on the vacant land, the board could not force him to pay for a number of years. They could not put a distress on the land.

The PREMIER: There are plenty of other ways of making him pay.

Mr. McMASTER: I did not know that there was a provision that they can summon him for it.

The PREMIER: Clause 205.

Mr. McMASTER said he agreed with the hon. member for Rockhampton, Mr. Pattison, that a large number of ratepayers would be disfranchised by the clause. There would not be an election for years that might not be upset under that clause. He was satisfied that under

the Local Government Act the landlord and tenant both voted. If the landlords were struck off the roll in Brisbane, and the tenants only allowed to vote, there would be a riot among them, he thought. He did not think it was fair that the landlord, who was held responsible for the rates, should be debarred from voting at all. It cut both ways; a landlord, if he chose to pay the rates, might have twenty votes in his pocket, and he was only allowed three votes.

The PREMIER: What does he gain by that?

Mr. McMASTER: He reduced the number of votes and made it easier to win the election. However, the matter had been well thrashed out last session, and he did not suppose that if they divided the Committee again they would gain many more converts. At all events, he was satisfied that they could not very well prevent a landlord from voting on a property when he was responsible for the rates.

Mr. FERGUSON said it might happen that a landlord who was a candidate for election, and who had a number of tenants, might ascertain which of them was likely to vote in his favour and which against him; and he might allow the former to pay their rates and not the latter, carrying, as it were, their votes in his pocket.

The PREMIER said he would ask the hon. member if he wanted both landlord and tenant to vote. The arrangements between landlord and tenant could not be controlled; if a tenant did not want to vote he could not be made to vote by Act of Parliament; but if he did want to vote and paid his rates he had a right to vote. A tenant who wanted to vote might pay the rates and make the landlord pay the money back again. But if a landlord refused to let his land, except on the condition that the tenant should not pay the rates, he could scarcely be interfered with by legislation. If a tenant wanted to vote he had only to pay the rates to entitle him to do so. That was expressly provided, and it seemed the best system that could be devised.

Mr. FERGUSON said that in the case of a lease, one condition of which was that the landlord should pay the rates, if the tenant chose to pay them he could not get them back from the landlord.

The PREMIER said that in a case of that kind it was quite true that the tenant could not recover the amount of his rates from his landlord, because he had agreed not to do so; but, as between the board and the occupier, the occupier who paid the rates got the vote.

Mr. MORGAN said the provision appeared to be inserted for the protection of landlords. He would rather protect the tenants. The right to vote should be given to the occupier, if he paid his rates; and if he did not pay them the landlord ought not to suffer simply through the tenant's default; but he would make the landlord ultimately responsible for the payment of the rates. He objected to the provision because it would have the effect of encouraging men to pay rates only on one particular bit of land belonging to them in order to secure the vote, and to allow arrears to multiply on the other land they might own within the division. The provision in the existing statute that no man should have a vote unless the whole of his rates were paid would be entirely done away with, and it was one of the very best safeguards that local governing bodies had. Men did not pay rates simply because it was a provision of the law that they should be paid, or from a sense of duty, but principally to secure the right to exercise the franchise. If the existing provision were abolished arrears would multiply to an alarming extent, and in many instances boards would find themselves in a very awkward position. The Premier could easily frame an amendment to meet the case, and in doing so he would be acting not in the interests of the landlord, who was an individual, but in the interests of boards who represented the State.

The PREMIER said it was in the interests of all parties that occupiers should be able to take part in local government, but if the occupier declined to exercise his right some regard should be paid to the landlord. It was with that idea that the clause was framed. If they were to provide that no man should be entitled to a vote unless all the rates had been paid upon all the land in the division in respect of which he was liable, it would mean that before the day of nomination he would have to go the round of all his properties, perhaps thirty or forty in number, and at great distances apart, otherwise if one of his tenants had not paid he would be deprived of any vote. That seemed to him very unjust If the tenants had agreed to pay the rates it would be very hard to compel the landlord to pay the rates for the whole of them before he could vote.

Mr. McMASTER said that, with respect to arrears of rates on vacant land, he found by the 205th clause that the board could only sell what was on the property; they could sell the timber on it.

The PREMIER: But that is in addition to any other assets the owner may have.

Mr. McMASTER: Can they sell the property a man is living on if the rates on the other portion are not paid?

The PREMIER: Yes.

Mr. MELLOR: How many votes would man be allowed to give in each subdivision?

The PREMIER said the provision was perfectly clear—

"When a division is subdivided, every person entitled to vote shall be so entitled for every subdivision wherein any rateable land in respect of which he is so entitled is situated."

According to that alone a person might have fifty votes; but then came the proviso that "no person shall be allowed to give more than three votes at any election for a division or subdivision." Three was the maximum in an undivided division or a subdivision.

Clause agreed to with verbal amendment.

On clause 29, as follows:—

"When more persons than one are joint occupiers or owners of any land, each of such persons shall, for the purpose of the last preceding section, be deemed to be the occupier or owner of land of rateable value equal to that of the whole of such land divided by the number of such occupiers or owners, not exceeding three.

"In case more than three persons are joint occupiers or owners of any land, the persons to be deemed occupiers or owners for the purpose of voting shall be those three whose names stand first in order upon the rate-book in use, or, if no rate-book has been made, upon the valuation and return made as prescribed by the Valuation Acts."

Mr. FERGUSON said there was one part of the clause that he did not agree with at all. As it stood, the single owner of a property was entitled to three votes, and no more; but if there was a firm of three owners, each of the three would be entitled to three votes, or nine in all, for the one property. There was something unfair in that. Again, by the following clause, joint-stock companies could have only three votes, through their chairman or manager, no matter what the value of their property was; but, as he had pointed out, under the clause before the Committee, three joint owners could have three votes each. He did not know

whether it was worked in the same way in some parts of the colony as in others, but he knew some men who were joint owners of property, and had each another property in the same division, and they had each three votes for each property; so that they had practically eighteen votes. He thought that was giving too much power to a few people. It would enable a few firms or joint owners of property to almost carry an election if they liked.

The PREMIER said he did not see any danger that was likely to arise from the clause. It had always been in force here. If there were two pieces of property adjoining, each of which would give three votes, and the owners joined together as partners, why should they not have six votes between them? And supposing there was another piece adjoining, and the three owners went into partnership, why should they not still be entitled to nine votes? Of course there must be a maximum, and that proposed was thought to be a fair limit. As far as his knowledge went, the clause had worked conveniently.

Mr. PATTISON said as far as he understood the hon. member for Rockhampton he had pointed out the case of two properties adjoining each other. The individual who owned one of these properties got three votes, while his neighbours—a firm of three persons—got nine. That was what the effect of the clause would be if passed as it stood.

Mr. FERGUSON said that was clearly the effect of the clause as it stood—that while one property owned by a firm of three persons would be entitled to nine votes, that owned by one person would be entitled to only three, although the qualification was exactly the same. In the one case the owner got three votes and in the other nine.

The PREMIER: No; only one each. Three votes divided amongst three.

Mr. FERGUSON: Was that principle carried out?

The PREMIER: It ought to be.

Mr. FERGUSON said he would ask hon. members present to say whether it had been carried out in this city. He believed it was a fact that in some cases the partners of a firm were allowed three votes each.

The PREMIER: No; if the property was only worth £100 a-year, only one vote each. He had never heard anything so absurd as what the hon. member had stated. The Act was perfectly plain. It said—

"When more persons than one are joint occupiers or owners of any land, each of such persons shall, for the purpose of the last preceding section, be deemed to be the occupier or owner of land of rateable value equal to the whole of such land divided by the number of such occupiers or owners, not exceeding three."

That meant that if there were three joint owners each was to be deemed to be the owner of rateable property worth one-third of the whole, and if the land would entitle to three votes, each would be entitled to one vote, or three votes for the whole lot. If the land was worth three times as much each would have their votes.

Mr. McMASTER said as a rule he agreed with the hon. member for Rockhampton, but he was rather inclined to disagree with him on the present occasion. According to the clause they had just passed, a person was entitled to vote if his land was worth £50. If a firm of three individuals held property amounting to the same in value, they would be entitled to one vote each, and why should they not vote? He considered that if three partners joined together in a property each should be entitled to representation according to the value of his right in that property. If a man had a property worth, say, £500 or £1,000, he should be entitled to a vote, and why should not the partners in property have a vote according to their interests in that property? He thought they were justly entitled to it, otherwise they would simply be putting the right of two partners into the hands of one. Under the Local Government Act the votes were allowed in accordance with the rates paid, two votes being allowed for £5, and three for £10, beyond which they could not go. He certainly thought that three partners were entitled to three votes each if their property was worth it, and they paid their rates upon it.

On the motion of the PREMIER, the word "annual" was substituted for the word "rateable" in the 4th line of the clause.

Mr. ADAMS said the hon. member for Fortitude Valley had fallen into an error. Three persons holding property together were not entitled to three votes each. Supposing three individuals held a piece of property, only the votes of the first one of the partners who came would be recorded.

Clause, as amended, put and passed.

On clause 30, as follows:—

"When a corporation or joint-stock company are occupiers or owners of rateable land, the chairman or manager of the corporation or joint-stock company may, at the request of the corporation or joint-stock company, be entered in the rate-book as the occupier or owner of the land, and in any such case the chairman or manager shall, for the purpose of voting at elections, be deemed to be the occupier or owner of the land, instead of the corporation or joint-stock company."

The PREMIER said there were some verbal alterations in the clause as compared with the form in which it stood last year. It was proposed, in order to remove the anomaly, that a company had no voice in local affairs. The occupiers, of course, were the company, whether they were the owners or not, and he saw no reason why they should not be entitled to vote.

Mr. MOREHEAD asked whether it was intended that the occupier or the chairman or manager of a corporation should have one vote or three. He supposed they would have the same power as an owner under the most favourable conditions.

The PREMIER: Yes. If he remembered correctly the Bill of last year read, "the chairman or directors," and here it was proposed to read, "the chairman or manager." It was open to the objection that the maximum number of votes would be three.

Mr. MOREHEAD said that would put the corporation in rather an unfavourable position, assuming that the property was valuable. Joint-stock companies generally had seven members, and those corporations or companies would be placed in an inferior position to that of an ordinary partnership where there were only three partners.

The PREMIER said he had called attention to the matter because it was one which might escape notice. The expression formerly proposed was "the chairman or directors," which was unsatisfactory, because the directors might not be in a place where they could vote. Perhaps it would be as well to include the directors as well as the manager, and then if they were on the spot they would be able to vote. He moved that the 2nd line of the clause be amended so as to read, "the chairman, directors, or local manager," &c.

Amendment agreed to.

The PREMIER said another amendment was necessary. He moved that after the word "owner" in the 5th line of the clause the words "or occupiers or owners" be inserted.

Amendment agreed to.

On the motion of the PREMIER, the word "such" was substituted for the word "the" in the same line.

On the motion of the PREMIER, the clause was further amended by the insertion of the word "directors" after "chairman" on the 8th line; the insertion of "local" before "manager" on the 8th line; and the insertion of the words "or occupiers or owners" after "owner" on line 10.

Clause, as amended, put and passed.

On clause 31—"Who to be electors before valuation made"—

The PREMIER said the 2nd and 3rd paragraphs were new, but they would commend themselves to hon. members as being very reasonable.

Clause put and passed.

Clauses 32 to 45, inclusive, passed as printed.

On clause 46, as follows:—

"Every person who—

(1) Procures himself to be nominated as a candidate for the office of member of the board knowing himself to be under the provisions of this Act incapable of being or continuing such member; or

(2) Knowingly signs a nomination paper nominating or purporting to nominate as a candidate for such office a person incapable of being or continuing such member; or

(3) Knowing that he is not qualified to vote at an election of member, signs a nomination paper nominating any person as a candidate at such election;

shall for every such offence be liable to a penalty not exceeding fifty pounds."

The PREMIER said the penalty was proposed to be raised from £20 to £50. A person who deliberately put the ratepayers to the expense of an election, knowing that he had no right to do so, deserved a higher penalty.

Mr. PATTISON said the clause went further than that. Supposing a ratepayer signed a nomination paper in favour of a person incapable of being a member, even he came under the penalties of the clause. He might do it even after his rates were paid, and might suffer a penalty of £50.

The PREMIER: And serve him right too.

Mr. MOREHEAD said he thought the previous penalty was quite high enough. He did not say £20 was high enough if a man really intended to do a dishonest act, but the word "knowingly" might really cover an innocent man.

The PREMIER: Oh, no; it may not.

Mr. MOREHEAD said that if the word "knowingly" meant with knowledge that he was doing a wrongful act, he would withdraw his objection, but the objection of the hon. member for Blackall seemed to him a very good one. A person might know and believe that the man whose nomination paper he was signing had done everything that the law said he should do before he was nominated, but he might be trapped and made liable to a penalty of £50. For that offence he thought £20 would be a very heavy penalty.

The PREMIER: It might be a shilling.

Mr. MOREHEAD said he admitted it might be less, but he thought even £20 would be quite enough to punish anyone for knowingly signing a nomination paper in favour of an incapable person. When the Premier proposed a higher penalty he should give some good reason for it. If he could have shown that cases had occurred warranting the increase of the penalty he would agree with him.

Mr. PATTISON pointed out that the nomination paper was often signed many days in advance of the nomination day, and a man might sign a nomination paper or send in one fully intending to pay his rates before the day of nomination, and if from any cause he neglected to do so he would come under the penalty provided in the clause. Such a case as that was quite possible.

The PREMIER said that a man who had not paid his rates should not sign a nomination paper or send in one. Where the law said he should not do a thing, why should he do it with impunity? He might put a division to the expense of a contested election, and he should not be allowed to do so on payment of £20.

Mr. ADAMS pointed out another case that might occur. A man might own three or four properties in a division and receive the rate-papers for only three of the four. He might pay his rates upon those, and the other might be missed, and yet if he signed a nomination paper, under the circumstances he would render himself liable under the clause.

The PREMIER: That is provided for in the Bill.

Mr. MOREHEAD said the penalty should be left at £20, as no good and sufficient reason had been given for increasing it. If it had been found under the existing law that the penalty was not sufficient he could not object much to its being raised, but he had not heard that was so. He would, therefore, move the omission of the word "fifty" with a view of inserting the word "twenty" in the second last line of the clause.

Mr. McMASTER said the penalty should be a high one, otherwise a man might be put to the trouble and expense of contesting an election merely because a man wanted to make a stir. The penalty should be made considerable to prevent people being nominated simply for the purpose of raising opposition to a candidate.

Mr. MOREHEAD said he hardly followed the hon. member when he said the penalty should be made high, simply because some individual might choose out of whim to put a division to the cost of an election. They knew that any man in the House or outside of it could involve the colony in much greater expense by depositing £20, and standing for any electorate in the colony, and why should they inflict a much heavier penalty for a minor offence?

The PREMIER said the cases were not analogous. A man in contesting an election put down £20 and tried his chance for election, but the clause was intended to deal with the case in which a man deliberately put a division to the expense of an election for nothing, knowing all along that he could not be elected, or that the man he nominated could not be elected. It also dealt with the case of a man signing a nomination paper knowing he was disqualified.

Mr. MOREHEAD: You should make that criminal.

The PREMIER said he thought the penalty of £20 too small for it, and if the case did not deserve it he supposed the maximum penalty would not be inflicted.

Mr. PATTISON said there were safeguards in the clause that should not be forgotten. First of all, the candidate could see that the man he requested to sign his nomination paper was duly qualified to do so by having paid his rates, and then the person receiving the nomination paper could also exercise a safeguard.

The PREMIER said the hon. member's observations only applied to the third branch of the section, and he would point out again that

the clause dealt with a person putting the division to the expense of an election in vain and knowing it would be in vain.

Mr. MOREHEAD said the same argument would apply if the penalty was made £500. If the hon. gentleman could assure the Committee that the penalty at present provided was insufficient to prevent impropriety or wrong-doing under the clause he would withdraw his objection. If he could mention a case that had occurred, deserving of a higher penalty than already provided, there would be a good reason for the proposed increase in the penalty.

The PREMIER: I am not aware of any.

Mr. McMASTER said there was a great difference between a person who illegally signed a document and a person who stood for legislative honours. In the case of the latter it was the fault of the electors who did not give him sufficient votes, if he failed to get in. Under the clause two or three persons might say, "We will bear the £20, only let us have a contested election." There was a great difference in a man doing that and in a man throwing himself upon the tender mercies of the electors for parliamentary honours.

Mr. MOREHEAD asked whether any prosecutions had taken place under a similar clause in the present Act?

The PREMIER said he had never heard of any, but the law was being amended, and it was thought desirable to increase the penalty. He did not see any reason for discussing the matter any longer.

Mr. MOREHEAD said that as the crime had not yet been committed he should have thought the punishment had up to the present time proved sufficient. Did he understand that the Premier intended to accept the amendment?

The PREMIER: No.

Mr. MOREHEAD said that if the hon. gentleman had made out a case in favour of increasing the penalty he would have acceded to the proposition. There was no hon. member who did not want elections kept as safe and secure as possible, but till a case was made out in favour of increasing the penalty the Committee ought not to accept the proposition.

The PREMIER said the Government had in the Bill fixed the penalties according to the offences; and the offence to which the penalty of a fine of £50 was attached in the clause seemed much more serious than many which carried penalties of £20.

Amendment negatived, and clause passed as printed.

Clauses 47 to 50, inclusive, passed as printed.

On clause 51—"Poll, how taken"—

The PREMIER said the poll would be taken by open voting, unless it was directed by the Governor in Council that the voting should be by post.

Clause put and possed.

On clause 52—"Voter may vote for number of members to be elected or any less number"—

The PREMIER said the clause allowed "plumping," as hon. members would observe.

Clause put and passed.

Clauses 53 and 54 passed as printed.

On clause 55, as follows:—

"When a vacancy arises from any cause except annual retirement, a separate election shall be held to fill such vacancy, and such election shall not be held on the same day as an election to fill any other vacancy in the board, or in the representation of the same subdivision, as the case may be."

The PREMIER said the clause was new, and was intended to remove the difficulty that arose sometimes, when several extraordinary vacancies occurred at the same time. For instance, three members might resign at once—one whose term of office expired during the present year, another's next year, and another's the year after. Members must be elected to fill their places, but if the elections were all held on the same day there would be almost inextricable confusion. When members had been so elected, the Attorney-General had, he believed, been called upon to say whose seats they filled respectively. The new provision might cause a little extra expense, but he did not see any other way of meeting the difficulty.

Mr. ADAMS said that in the division of which he was a member, when there was likely to be a vacancy from resignation, they endeavoured to stave it off till the general election came round, so as to have all the elections on one day. That saved expense and did not lead to confusion.

Clause put and passed.

Clauses 56 to 64, inclusive, passed as printed.

On clause 65—"Ballot-papers to be printed and furnished"—

Mr. MOREHEAD said the last paragraph of the clause provided that—

"If two candidates have the same Christian name and surname, the residence and description of each such candidate shall be added to his name on the ballot-paper."

What did that mean? Did it mean that a personal description of the candidate should be given? The word "description" was too suggestive of the police court, and he thought some other word might be substituted.

The PREMIER said the technical word was "addition," but he was afraid that if they put in "addition" the people would not understand it.

Mr. MOREHEAD: Put in "occupation"; that would be better.

The PREMIER said perhaps it would. He had no objection to it, and would move that the word "occupation" in the last paragraph be substituted for "description."

Amendment agreed to; and clause, as amended, put and passed.

Clauses 66 to 71, inclusive, passed as printed.

On clause 72, as follows:—

"No voter shall at any election be required to answer any question, or to take any oath, affirmation, or declaration, except as aforesaid. And no person claiming to vote at an election shall be excluded from voting thereat except by reason of its appearing to the presiding officer upon putting the questions hereinbefore prescribed, or any of them, that he is not the person whose name appears on the electoral roll or voters' list, or rate-book, or is not the occupier or owner of rateable land in the division or subdivision, as the case may be, or that he has previously voted at the same election, or except by reason of such person refusing to answer any of such questions or to make such declaration."

The PREMIER said an amendment was necessary in that clause. There was nothing in it to provide for the case of a man who had not paid his rates. Of course, if a man had not paid his rates his name would not be on the voters' list, and if his name was not on the voters' list he ought not to vote. The voters' list would contain the names of the persons who had paid the rates, and would thus show all who were entitled to vote. He proposed to amend the clause by the addition to the end of it of the words "or by reason of the name of such person not appearing on the voters' list."

Amendment agreed to; and clause, as amended, put and passed.

Clauses 73 to 87, inclusive, passed as printed.

On the motion of the PREMIER, the House resumed; the CHAIRMAN reported progress, and obtained leave to sit again to-morrow.

ADJOURNMENT.

The PREMIER said: Mr. Speaker,—I move that the House do now adjourn. It is proposed, after the private business is concluded to-morrow, to proceed with the consideration of the Divisional Boards Bill.

Question put and passed.

The House adjourned at ten minutes past 10 o'clock.