

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 28 SEPTEMBER 1887

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LEGISLATIVE COUNCIL.

Wednesday, 28 September, 1887.

Messages from the Legislative Assembly—Immigration Act Amendment Bill.—Valuation Bill—Question.—Divisional Boards Bill—third reading.—Bundaberg School of Arts Land Sale Bill—committee.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.

IMMIGRATION ACT AMENDMENT BILL.

The PRESIDENT announced the receipt of a message from the Legislative Assembly forwarding, for the concurrence of the Council, a Bill to amend the Immigration Act of 1882.

On the motion of the POSTMASTER-GENERAL, the Bill was read a first time, ordered to be printed, and the second reading made an Order of the Day for to-morrow.

VALUATION BILL.

The PRESIDENT announced the receipt of a message from the Legislative Assembly returning the Valuation Bill with amendments upon the Council's amendments, and requesting their concurrence therein.

On the motion of the POSTMASTER-GENERAL, the consideration of the message was made an Order of the Day for to-morrow.

QUESTION.

The Hon. W. D. BOX asked the Postmaster General—

Do the Government (having before them the expressed opinion of the engineer of the Board of Waterworks, addressed to the secretary of the board, that "although the Brisbane Waterworks have lately been supplemented by the Gold Creek reservoir, an adequate supply cannot be relied upon from the existing sources, and that in May of last year preparations for pumping were made and pumping had actually to be resorted to to obtain a supply for some weeks."—*vide* report of 8th July, 1886, Brisbane Board of Waterworks, to the honourable the Colonial Secretary) intend to take any steps to increase the supply of water for the city and suburbs?

The Hon. W. H. WALSH said: Hon. gentlemen,—This question appears to me to be one that, according to our practice and the practice of Parliament, is not allowable. It is a question which involves an opinion, and which I think, according, not only to our Standing Orders, but to the invariable practice of Parliament, ought not to be allowed. It undoubtedly asks an opinion, and therefore, I think, cannot be put. I anticipated my hon. friend the Postmaster-General, because I could not have made these remarks after the question had been answered.

The Hon. W. D. BOX said: Hon. gentlemen,—In reply to the Hon. Mr. Walsh, I may say that I am of opinion that the question does not solicit any expression of opinion.

The PRESIDENT: I cannot allow a discussion on the subject of a question. The Postmaster-General may answer the question or refuse to answer it, as he pleases.

The POSTMASTER-GENERAL said: Hon. gentlemen,—In answer to the question—

The Hon. W. H. WALSH said: I have raised a point of order; if you will allow me, Mr. President.

The PRESIDENT: I have heard nothing about the point of order up to the present moment.

The Hon. W. H. WALSH: I mentioned one.

The PRESIDENT: I will give my decision if the point of order is raised.

The HON. W. H. WALSH: The point of order is that in framing or answering a question you are not allowed to express an opinion, which, I think, is expressed here, although the opinion is contained in a quotation.

The PRESIDENT: The point of order, as I take it, is whether the Postmaster-General is justified in answering this question. Is that the point of order?

The HON. W. H. WALSH: No; not at all; the point of order is of far more importance than that. It is whether a member of this House is justified in putting such a question, and it depends entirely upon your ruling whether this question can be put.

The PRESIDENT: It appears to me very clearly that the question, stripped of its verbiage, is simply this: "Do the Government intend to take any steps to increase the supply of water for the city and suburbs?" That is the question the Postmaster-General has to answer, stripped of its verbiage, which I admit, with the Hon. Mr. Walsh, it would be very much better without. But I do not think that prevents the question from being answered, nor is any rule of this House, that I am aware of, being violated.

The POSTMASTER-GENERAL said: Hon. gentlemen,—In answer to the Hon. Mr. Box, I beg to reply that the Government have not arrived at any conclusion on the matter.

DIVISIONAL BOARDS BILL.

THIRD READING.

The POSTMASTER-GENERAL said: Hon. gentlemen,—With the view of recommitting this Bill for the purpose of reconsidering the following clauses—namely, 16, 28, 31, 41, 51, 69, 95, and the insertion of a crosshead between clauses 246 and 247, in accordance with the printed amendments which have been circulated amongst hon. gentlemen—I move that this Order of the Day be discharged from the paper.

Question put and passed.

The POSTMASTER-GENERAL moved that the President leave the chair, and the House be put into Committee of the Whole for the purpose of reconsidering clauses 16, 28, 31, 41, 51, 69, 95, and the insertion of a crosshead between clauses 246 and 247.

Question put and passed.

COMMITTEE.

On 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 undergoing a sentence of imprisonment; or
- (7) 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."

The POSTMASTER-GENERAL moved that the clause as read stand part of the Bill.

The HON. J. D. MACANSH said he proposed to move an amendment to the clause which would exclude licensed victuallers from holding office. Under the present Act a publican was excluded from holding office as member of a board, and he thought that was a very proper provision. He did not say that publicans were any better or any worse than other men, and in municipalities and thickly populated parts of the country perhaps it would be well that they should be qualified to sit on boards, but in country divisions, where there was a scattered population, he thought they were the most objectionable of men, because their business was to sell as much grog as they possibly could, and they would probably endeavour to get unnecessary work done in the neighbourhood of their houses, so that money might be spent there. In the division of which he was a member, he knew that all the ratepayers were very well satisfied with the Act as it now stood, excluding publicans from sitting on boards. He might mention that it had been his intention to move the recommitment of the Bill for the purpose of proposing an amendment in section 16, but the Postmaster-General very kindly agreed to include that amongst the sections which he proposed should be reconsidered. He moved that after subsection 2, the following new subsection be inserted:—

Is a licensed victualler; or.

The HON. W. H. WALSH said he simply rose to prevent a decision being arrived at too hastily upon a very important question. Of course they must all be guided more or less by the wishes of the Government on that subject, but he should very much like to hear the Postmaster-General express an opinion either in favour of or against the amendment.

The POSTMASTER-GENERAL said he certainly could not agree with the amendment that had been moved by the Hon. Mr. Macansh. He thought a publican had quite as good a right to sit on a divisional board, if the ratepayers chose to elect him, as any other man; because if they drew the line at publicans they might go a step further and include storekeepers, and he did not know whom else. At any rate, the matter had been very fully considered, not only when the Bill was lately under the consideration of the House, but during last session. The question was very full discussed in that Chamber, and it was decided not to include publicans in the disqualification clause. Under those circumstances, he hoped the clause would pass in the shape that it now took. The other evening, when that matter was before the Committee, he did not consent to the Hon. Mr. Macansh recommitting the clause for the purpose of adding the disqualification, for the cogent reason that he thought it would be really a loss of time to discuss it. They knew all about it. It was a simple question, and, as far as he was concerned, he was prepared to leave it to the decision of the Committee without very much discussion.

The HON. A. J. THYNNNE said he was glad to hear what the hon. gentleman had said. He was afraid, when the Hon. Mr. Walsh stood up, that the amendment was going to be accepted without any discussion whatever. He quite agreed with everything the Postmaster-General had said. The question was fully discussed last year, a division was taken upon it, and, in deference to the opinion which had been expressed by that Chamber, the clause now appeared in its present shape. He trusted hon. gentlemen would adhere to the same decision as they arrived at last session on the subject. If a publican was not

disqualified from being a member of the Legislative Assembly, or even of the Legislative Council, there was no real reason why he should be disqualified from being a member of a divisional board. The great principle of local government institutions was to leave all matters of that kind to the good sense of the ratepayers themselves, and if they saw evil arising from the election of any particular person, or class of persons, to the boards, they could safely trust to them to get rid of the evil in the way prescribed by the Divisional Boards Act.

The HON. W. H. WALSH said he must confess that he did not agree with the contention and remarks of the Postmaster-General, or those of his keen supporter, the Hon. Mr. Thynne. He could not conceive of a more illusive argument than that, because certain men were permitted by the law to occupy a seat in the Legislative Assembly, they were fit persons to occupy a seat on a divisional board, when there was a great deal of money expended in the localities where they lived. There was no analogy between the two cases. A publican entered the Legislative Assembly, and very able men sometimes entered assemblies of that kind, but they lost their individuality in the assembly that they mingled with. A publican who might possibly be in the locality of a divisional board might become chairman of that board. The board might be the centre of nothing more than a village; and a very great deal of power would possibly fall into his hands. Now, only the other day he had strong proofs of what he was stating. He had to drive some five or six miles out of Brisbane to a country place to pay some rates, and he could find no one there but a publican who knew anything about what was going on; no one apparently took any interest, except the publican, in public affairs. The publicans were the kings of the neighbourhood; they were the best known men in the locality, and, he did not hesitate to say, exercised the most influence. They all knew that in those country places there were certain ratepayers who congregated at the public-house, and very often took the *ipse dixit* of the publican upon all matters in a way that was most remarkable. They knew that, and he said that they were bound to protect the ratepayers of any locality who were not frequenters of public-houses. They were bound, as far as they possibly could, to protect those people, at any rate from the publican, who had influence over the worst class of ratepayers who frequented the public-house, and who ministered to the greatness of the man. Many years ago, in the system which he then adopted, and which he was proud to refer to now, he well remembered that after the most careful consideration he excluded publicans from being members of the board, and he was quite sure that in those days he received the thanks of the majority of persons interested for having done so. If they allowed publicans a seat on those boards, they would in certain places, by the peculiar influence they exercised over mankind, soon become chairmen of the boards, and they all knew what in many cases would be the result. He was sure the return which he had caused to be laid on the table of the House should awaken hon. gentlemen to the necessity of providing that while they gave those large powers to persons not only to tax their fellow-creatures at any rate they chose, but also to spend the money afterwards—having done that so thoughtlessly and carelessly—he was confident the least they could possibly do now was to accept such safeguards as that proposed by the Hon. Mr. Macansh, and provide that the respectable ratepayers and respectable workmen of the district—the non-frequenters of public-houses—should be protected from the influence that would be brought to bear against them by that class of

men. They could not get the advice of a wiser or more practised man than Mr. Macansh, who had closely studied what should and what should not be done, and he came forward and told them that the people would gladly embrace that proposal which would at least give their boards an air of respectability. He hoped hon. gentlemen would not look at it only with a publican's vision, but rather with the object of doing what was best for the people, and with a view also of protecting those who were non-frequenters of public-houses. There was nothing he could see that necessitated a publican being a member of a divisional board. They knew the almost kingly position he occupied in his particular locality, and why should they do a possible harm by allowing him to occupy a position on a divisional board, which, judging from his calling, was not one which he was at all endowed to fill? He would very cordially support the amendment moved by the Hon. Mr. Macansh.

The HON. J. F. McDOUGALL said he would support the amendment of the Hon. Mr. Macansh, and he quite endorsed the utterances of the Hon. Mr. Walsh with respect to it. He thought it would be most objectionable in every way to permit publicans to occupy seats on divisional boards. He would not further take up the time of the Committee, but would support the amendment with great pleasure.

The HON. W. D. BOX said he trusted the Committee would accept the amendment, which would not really injure the publican at all. The publican whose influence was for good would have plenty to do in his own home, and he had much better stick to his business. The publican whose influence was not for good was usually a very noisy man in his district; his influence injured the progress of the district, and his inclination would be to study self-interest in expending the money of the board. They had the opinion of some of the oldest residents in the colony distinctly in favour of the amendment, which they considered a very valuable one. His own experience had been chiefly in connection with cities, and he was sure their exclusion would not press hardly upon the publicans there, who had plenty to do to manage their own business, and they had no desire to occupy such seats as the clause as it stood would give them the opportunity of filling. They knew that in the sparsely populated districts the publicans had great influence, and it was not for good. He trusted the amendment would be accepted by the Committee.

The HON. A. C. GREGORY said he thought it was undesirable that publicans should be elected members of the board for the division in which they carried on their business. At the same time he knew that amongst publicans there were to be found many well-qualified individuals who ought not as a class to be prevented from holding positions of trust and responsibility. He thought, therefore, it would be better if the amendment simply included licensed victuallers doing business in the division in which the election was taken. A licensed victualler, he thought, should be under no disability in regard to election to the board of a division in which he did not carry on his business as a licensed victualler. There could be no doubt that there was likely to be an inclination on the part of a publican to serve his own interest if elected for the division in which he carried on his business. They had guarded against that sort of thing in all their Electoral Acts, and for the same reason they were justified in excluding publicans carrying on business in a particular division from being elected as members of the board for that division. He did not expect the amendment would be put that afternoon, and was not prepared for it, but

possibly the Hon. Mr. Macansh might consent to amend his proposal in accordance with the suggestion he had made. In any case he was prepared to vote for the amendment as it stood, rather than vote for the clause in its present shape.

The HON. T. MACDONALD-PATERSON said he did not think it would be creditable conduct on the part of members of that Chamber to even discuss the amendment proposed by the Hon. Mr. Macansh any further, and for the following reasons:—There were a number of hon. gentlemen absent that afternoon who would certainly have been present if the hon. gentleman had given the House the slightest intimation of his intention to propose such an amendment. He very much regretted that some of the oldest and most respected members of the Council were to be found aiding a course that could not be characterised in any other way than as stealing an amendment upon a point that was regarded as one of principle all over the colony—namely, the disqualification of a large and very respectable class of men. He was speaking particularly as to the suddenness with which that proposition was sprung upon them. No member of the Chamber other than the Hon. Mr. Macansh had any idea that such a proposition would be placed before them that evening. They knew that certain amendments were projected by the Postmaster-General, but they were formal in character, and were confined principally to alteration of the language and a readjustment of the clauses to make their meaning more clear. The proper time for a discussion upon the amendment proposed by the Hon. Mr. Macansh was on the second reading of the Bill, or when the Bill was in committee for the first time. He strongly objected to their being asked to discuss the amendment at that time, or to their going to a vote at all upon it that afternoon, and he would suggest that the hon. member should withdraw his motion and give notice of it for next week.

The POSTMASTER-GENERAL: For tomorrow.

The HON. T. MACDONALD-PATERSON said that was too short a notice under the circumstances. It should be remembered that that matter had already passed the House on the second reading of the Bill, and the Bill was also allowed to go through committee without any action being taken by the hon. gentleman, and such a course as the hon. gentleman now adopted had never been adopted before on a matter of such prominence and importance, and upon which a great many people took a deep interest. He thought the hon. member, in justice to the Committee, should give notice of his amendment for next week.

The HON. P. MACPHERSON said he intended to vote against the amendment. *Prima facie* by the Licensed Publicans Act a licensed publican was supposed to be a respectable man. He objected to a publican being deprived of the ordinary rights of a citizen. He did not know what his hon. friend Mr. Walsh could mean by asking hon. gentlemen not to look at this matter with a publican's vision. Did the hon. gentleman mean that they were not to look at it through a glass darkly, or what did he mean? He strongly objected to the amendment.

The HON. A. J. THYNNE said he used to have the impression that the Hon. Mr. Walsh was a politician holding rather liberal views, but the hon. gentleman had that day brought forward a more extreme Tory opinion than he had heard during the whole of the time he had been a member of the Council. The hon. gentleman had condemned, in as strong language as he

was capable of using, the whole system of divisional boards, and what he had said implied great regret that those institutions had ever been established. He seemed to wish to be able to return to the institution he enunciated of having a donation or redistribution of funds at the mere will of the Government, to private individuals selected by the Minister for Works for the time being, for expenditure within their districts. No doubt the hon. gentleman's action was at that time carried out with the best intention; at the same time he exposed himself and his party to the charge of having used that expenditure as a gigantic system of political bribery. It was just to avoid such a system as that that the divisional board system was introduced; and he was very sorry to hear any member of that Chamber come forward at that stage of their political history and express regret that the divisional boards had ever been brought into existence. The foundation of the divisional boards system was to let the people manage their own affairs for themselves, and they could very well trust the rate-payers to select competent people to manage their affairs for them. There was no reason why they should treat them as persons incapable of forming a judgment as to who were the proper persons to represent them. To say that publicans should be disqualified from being elected members of divisional boards, as was proposed by the amendment, was an insult to the intelligence of the publicans, and was an insult also to the people of the colony generally, for it amounted to saying that they were not fit to make a proper selection of members to represent them. The proposal of the Hon. Mr. Macansh was to exclude a large number of men from being elected to positions on divisional boards, although those men before they could get their licenses had often to undergo a very stringent examination as to their good character.

The HON. J. F. McDUGALL said the Hon. Mr. Paterson was in error when he said the Committee had been taken by surprise by the motion. It was well known that the Hon. Mr. Macansh rose for the purpose of suggesting that amendment when the Bill was about to be recommitted previously, but he unfortunately lost his opportunity. Certainly most hon. members knew that when the opportunity again arose he would bring it forward again.

The HON. J. TAYLOR said they had had the opinions of three eloquent and very able lawyers upon the matter, though neither of them knew a single particle about it. Those hon. gentlemen hardly ever left town, and could not know anything about the matter. He did know something about it, and would give his opinion upon it. The Hon. Mr. Thynne said all sorts of things about it, but did the hon. gentleman know anything about the divisional boards now in existence? The Hon. Mr. Macdonald-Paterson made some extraordinary remarks about the question, but what did he know about it? After him they had his hon. friend Mr. Macpherson getting up, but he also knew nothing about the matter. He would support the amendment heartily. He had been the chairman of divisional boards for many years, and he knew that if publicans were to be allowed to be elected members of divisional boards—

The HON. A. J. THYNNE: You would be no longer chairman.

The HON. J. TAYLOR said, perhaps not; but he was quite sure none of the hon. gentleman's pet publicans would be chairmen. He knew some very worthy publicans indeed; but he had also known some very great vagabonds amongst them, he was sorry to say, and it was the lower order of publicans who

would be most likely to get on to the board. As to the statement that no one knew of the amendment, he denied it. Everyone knew of it, except, perhaps, the Hon. Mr. Macdonald-Paterson. The Postmaster-General knew that the Hon. Mr. Macansh was too late in introducing the matter when the Bill was going through committee. There was nothing for him to do but to bring it forward now, and he (Hon. Mr. Taylor) would have very much pleasure in supporting it.

The Hon. J. D. MACANSH said he wished to adopt the suggestion of his hon. friend, Mr. A. C. Gregory, and with the permission of the Committee would withdraw his original amendment for the purpose of proposing it in the following form—"Is a licensed victualler holding a license within the division or." With regard to the remarks made by the Hon. Mr. Macdonald-Paterson, he did not know whether that hon. gentleman was in the habit of "stealing amendments," as he called it, but he was aware that a number of hon. gentlemen knew that he intended, when the Bill was in committee, to move the amendment which he now proposed, but somehow or other his opportunity slipped by before he knew the question was being put, otherwise he would have moved the amendment then. After that he tried to get the Bill recommitted for the purpose of moving the amendment, but not knowing the rules of the House accurately he was unfortunately too late. Consequently, he thought the remarks about "stealing the amendment" were very uncalled for indeed.

Amendment, by leave, withdrawn.

The Hon. J. D. MACANSH moved that the words "is a licensed victualler holding a license within the division or" be inserted after subsection 2 of clause 16.

The Hon. T. MACDONALD-PATERSON said he took the same objection to the present amendment as to the original amendment proposed by the Hon. Mr. Macansh. The observations which fell from his lips with regard to the way in which the amendment was proposed were, in his opinion, quite called for, because there was no notice whatever upon the paper to the effect that any such amendment would be proposed, and no intimation of the hon. member's intention had been given to the Committee, even up to the moment the Bill was recommitted. It might have been known by hearsay amongst those who were interested in the establishment of the proposed disqualification, but hon. gentlemen knew well that he had always objected to any important amendment, or even to an amendment merely altering the language of a clause, being proposed suddenly and without notice. The amendment proposed by the Hon. Mr. Macansh should have been printed and circulated amongst hon. members before the Bill went into committee, but nothing of the kind took place, and the first he heard of any such intention on the part of the hon. gentleman was when the clause was going through committee on the first day, and when that clause was about to be recommitted by the Postmaster-General he mentioned the circumstance to him. He said that no hon. gentleman but the Hon. Mr. Macansh expected that that proposition would be made that day. The fact that the hon. gentleman omitted to have the amendment printed showed that it bore the aspect of a kind of catch, and when he used the words "stealing an amendment" he meant them in that sense; it was catching a success. He did not think it was creditable to that Chamber to deal with the subject without the customary notice, which should be given to hon. members to enable them to consider the point raised, especially seeing

that the Bill had passed its second reading without any intimation on the hon. member's part that he intended proposing such an amendment at a subsequent stage of the proceedings in connection with the Bill. To use a common expression, it was owing to a "pure fluke" that the Bill was before them that day, and to other unforeseen circumstances, for which the Postmaster-General himself was not responsible. The Hon. Mr. Macansh should not have taken advantage of an occasion like that to bring forward so important a matter. For those reasons he felt he was quite justified in the course of action he suggested that the hon. member should pursue—namely, to withdraw the amendment and give notice of it for next week, in order to enable hon. gentlemen to come prepared to deal with the subject. He did not believe in any disqualification of a licensed victualler, concurring, as he did, with the remark that the ratepayers themselves were the proper persons to elect their own representatives. He was satisfied they might repose that confidence in them, and the Bill was intended to give them that confidence. He had known several licensed victuallers to occupy the position of mayor in some of the chief towns of Queensland, with advantage to those towns, and with credit to themselves.

The Hon. W. H. WALSH said the Hon. Mr. Macdonald-Paterson's education as a pleader rather governed his manner during the discussion of that very important measure. It was really not a question whether Mr. Macansh had introduced his amendment at the right moment or had given the proper amount of notice, because that hon. gentleman was really following in the footsteps of the Postmaster-General, whom they were all supporting in the action he took. If the Hon. Mr. Macansh was in error in the course he pursued, surely the Postmaster-General, who introduced a number of amendments for the first time that afternoon, was equally in error.

The Hon. T. MACDONALD-PATERSON: They are only formal amendments.

The Hon. W. H. WALSH said that his hon. friend Mr. Macansh embraced the opportunity taken advantage of by the Postmaster-General to move an additional amendment, and if the Postmaster-General was right the Hon. Mr. Macansh was right also. The Committee had not previously seen the amendments which the Postmaster-General proposed to move, and yet the Hon. Mr. Macansh had not the same opportunity of getting his amendments into print as the Postmaster-General had. The Committee only saw the Postmaster-General's amendments that afternoon, and they were not quarrelled with at all by the Hon. Mr. Macdonald-Paterson, the ardent advocate of those publicans. Yet, when his hon. friend followed in the footsteps of the Postmaster-General, the Hon. Mr. Macdonald-Paterson told him that was not the time to discuss such a point, and that he was stealing an amendment upon the Committee. The Hon. Mr. Macansh's action was no more stealing an amendment than the Postmaster-General's, whom they were all supporting that afternoon. And why the Hon. Mr. Macdonald-Paterson should invidiously single out a gentleman who was trying to purify the condition and character of their divisional boards, and who could not be engaged in a nobler action than that which he undertook in endeavouring to improve the character of their law-givers and the quality of an Act of Parliament by proposing that publicans should be excluded from taking any part in local government matters, and tell him that his amendment was out of place, he could not understand. Well, he would ask his hon. friend, Mr. Macdonald-Paterson, if that was not the proper time to move such an amendment, in the name of

goodness when would the time come? They could not move it in any other way. The Order of the Day was for the third reading of the Bill, and yet his hon. friend was told that that was not the time. He did trust that the few remarks which had been made would lead hon. members to take a very serious view of the matter. They were committed to divisional boards, and they must all wish to raise them in the estimation of the people, and guard their transactions from anything which might lead to dispute. There had been sundry cases in which the proceedings of divisional boards had not been as pure as they should be, and the transactions had not been as right as they ought to be, and at least whilst they were consolidating and extending their powers they should try and make the Bill as perfect as they could, so that the comparatively new institutions should be a blessing and not a curse to the country. That was all he or his hon. friend Mr. Macansh asked, but when the advocates of the publicans came in and called them names what was to be done? He was called a Tory or a Conservative. What had he done to have such an awful stigma cast upon him? Suppose he were to retaliate and call the Hon. Mr. Thynne an ultra-Radical, which he thoroughly believed him to be—

The HON. A. J. THYNNE said he might explain that he expressed surprise at the hon. gentleman giving expression to such extreme Tory views as he had done.

The HON. W. H. WALSH said he was very much inclined to think that when his hon. friend did not get absolutely his own way he always expressed his "extreme surprise." Let him tell the hon. gentleman that, after a very prolonged parliamentary experience, he found that extreme surprises were always taking place, and were not worth mentioning. When the hon. gentleman was arguing as a lawyer, as he (Mr. Walsh) believed he was arguing, and when he talked of him as an extreme Tory, he knew very well that it was part of the hon. gentleman's brief, and that he would have to submit to it; but let him tell the hon. gentleman and others that what he did in that Chamber he did straightforwardly. He had no selfish end in view. He had no friends to please. He had nothing to gain; nothing whatever. Whatever he did was at any rate to try and improve their legislation, and maintain the character of that Chamber as far as he possibly could.

The HON. SIR A. H. PALMER said he did not think himself that the publicans had much to lose if the amendment were carried. He thought it would be a great relief to them not to be members of divisional boards. So far as the arguments of the Hon. Mr. Walsh and the Hon. Mr. Macdonald-Paterson were concerned, he thought Mr. Walsh had decidedly the best of it, because there was no doubt—and every member of the Committee must know it—that the Hon. Mr. Macansh tried to get the amendment in on Thursday last. It must be patent to everyone that he had meant to move an amendment on the 16th clause, and it was pretty well known what that amendment would be. But that was hardly worth arguing about. With respect to the amendment at present before the Committee, he had, as well as his friend, Hon. Mr. J. Taylor, seen a great many good publicans and a great many bad ones. He had also seen a great many good gentlemen engaged in squatting pursuits, and some of the most unmerciful scoundrels he ever met. But what did that prove? He had seen the most unmitigated ruffians and murderers engaged in squatting pursuits, but he did not think it fair to judge a class of men as all bad because he found bad ones amongst them. He had found a

good many very respectable publicans, and so far as their competency to sit on divisional boards was concerned, nothing more could be said in their favour than had been said by the Hon. Mr. Walsh. He had said they were the most competent, most successful, and most businesslike men in their districts. He would ask hon. members if they did not want successful business men as divisional boardsmen instead of the fools who occupied those positions now. He did not want to be personal, but let them look around and see the reports of the meetings of some of the suburban boards. Look how they conducted themselves, and look how they wasted the money entrusted to their care, if they were to judge by the returns moved for by the Hon. Mr. Walsh. Could the business of those boards be conducted in a worse manner if the whole boards consisted of publicans? He said it could not, and that the amount of jobbery that was going on in the divisions around Brisbane was beyond imagination. He did not know whether if a publican was on the top of a hill that was cut down it would be said that the work was done to please the publican, but without a publican on the board he could point to a case in which immense sums of money had been spent for no earthly purpose. The board had commenced to cut down a hill with a ruling gradient within half-a-mile of it twice as high as the hill itself. Now the work stood still and it was not one-third finished. He did not agree with the mover of the amendment. He knew a great many publicans who had a great deal of good sound common sense, and he thought very few of them, if on the boards, would use their influence to have money expended in their own neighbourhood on account of the accusations which would be brought against them. He did not see that publicans were not just as eligible to sit on divisional boards as to be municipal councillors. There was no bar to their getting on municipal boards, and he saw no reason for continuing the disability. He had excluded them from licensing boards when a member of the Ministry, although he did not know that he should do that again, especially as the chairmen of boards were, by virtue of their offices, justices of the peace. He was strongly of opinion that they should sink as many of those class distinctions as they possibly could. He should certainly not vote for the amendment, and he did not think that at the eleventh hour, after the matter had been decided on a former occasion, that much credit would be reflected upon those who supported the amendment. No matter what else might be said, it would be considered that the amendment was a surprise, brought up at the last moment; although he quite acquitted the Hon. Mr. Macansh of making a surprise of it.

Question—That the new subsection, as proposed, stand part of the Bill—put; and the Committee divided :—

CONTENTS, 10.

The Hons. W. F. Taylor, W. H. Walsh, J. D. Macansh, A. Raff, J. F. McDougall, A. C. Gregory, J. Taylor, J. S. Turner, W. D. Box, and J. C. Smyth.

NOT-CONTENTS, 11.

The Postmaster-General, the Hons. A. J. Thynne, Sir A. H. Palmer, T. Macdonald-Paterson, F. H. Holberton, A. Heron Wilson, F. Macpherson, J. Swan, W. G. Power, J. C. Heussler, and E. B. Forrest.

Question resolved in the negative; and clause, as read, put and passed.

On clause 29, 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 in 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 seven clear days before the day of nomination all sums then due in respect of any rates upon all land within the division for the payment of which he is liable 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.

“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 not been paid by the occupier within sixty days from the making of a rate and the owner pays the same, the owner shall be entitled to vote.”

The POSTMASTER-GENERAL moved that the words “from the making of a rate” be omitted, with a view of inserting the following: “after demand made as hereinafter prescribed.” He might point out to hon. gentlemen that the mode prescribed was set out at length in section 206, and the words proposed to be inserted gave effect to the intention of the mover of the amendment.

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

On clause 31, as follows:—

“At any election held in a division before a valuation of rateable land has been made therein as prescribed by the Valuation Acts, all persons named on any electoral roll for the Legislative Assembly for the time being in respect of a freehold, leasehold, or household qualification situated within the division, or if the district is not comprised in any electoral district, then all persons who are occupiers or owners of rateable land within the district, shall be entitled to vote, and each such person shall have one vote.

“Provided that when a new division consists in whole or in part of land which immediately before the constitution of the division formed part of the district or districts of a local authority or local authorities, the persons whose names then appeared in the rate-books of such local authority or local authorities as entitled to vote at the election of members of the boards or councils thereof shall be entitled to vote, and each such person shall have as many votes as he appears by such books to be entitled to give.

“Copies of such rate-books, or so much thereof as relates to rateable land within the new division, shall be supplied by the clerk or clerks of such local authority or local authorities to the returning officer appointed to act at any such election.”

The POSTMASTER-GENERAL moved that after the word “division” on the 31st line the words “or any subdivision thereof” be inserted.

The Hon. A. C. GREGORY said the amendment would have the effect of saving a considerable amount of trouble where there was a subdivision of a division.

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

On clause 41, as follows:—

“In every year, on or before the tenth day of January, the returning officer for every division shall give public notice of the annual election by advertisement in some newspaper generally circulating in the district. Such notice shall specify a day, not less than fourteen nor more than twenty-one days after the publication of such notice, as the day of nomination, and shall require the candidates at such election to be nominated at some

place named in such notice in manner hereinafter mentioned. Provided that the election in any specified division shall be held in the month of July instead of January; and in such case the terms for which the then existing members of the board have been elected shall be extended six months.

“On the occurrence of an extraordinary vacancy, a like notice shall be given within thirty days after the occurrence of the vacancy.”

The POSTMASTER-GENERAL moved the omission of the proviso and the insertion of the following proviso:—

Provided that the Governor in Council may direct that the election in any division shall be held in the month of July instead of January. When any such direction is given, the members of the board who would go out of office at the conclusion of any annual election in January, shall continue in office until the conclusion of the election in the month of July following.

Any such direction may be given at any time after the passing of this Act.

The proviso was exactly to the same effect as the amendment made by the Committee, but the meaning was rendered a little more clear. The object the Committee had in passing the proviso was simply carried out with more particularity.

The Hon. A. C. GREGORY said, as the mover of the amendment, he would like to point out that in moving amendments primarily in committee they sometimes had to use words which afterwards might be found not to convey the meaning as clearly as it might be conveyed. In that particular case the new proviso would carry out the intention he had in moving the amendment, and it was framed in a better form than the proviso which had passed the Committee.

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

On clause 51—“Poll, how taken”—

The POSTMASTER-GENERAL moved the omission of the clause, with the view of substituting the following:—

When a poll is required to be taken it shall be taken in the mode prescribed in Part V. of this Act, unless the Governor in Council directs that it shall be taken in the whole division or in one or more subdivision or subdivisions in the mode prescribed in Part VI. of this Act, in which case it shall be taken in the whole division or in such subdivision or subdivisions in the latter mode accordingly.

Provided nevertheless that in any division in which voting by post is in force at the passing of this Act, the poll shall be taken in the mode prescribed in Part VI. of this Act, unless and until the Governor in Council, on the petition of the board, or of a majority of the rate-payers of the division, or a subdivision thereof, praying that voting by post may be discontinued and voting by ballot established, directs that the poll in such division or subdivision shall thereafter be taken in the mode prescribed in Part V. of this Act, in which case it shall thereafter be taken in the division or in such subdivision in the latter mode accordingly.

He just wished to remark that the new section comprehended exactly the meaning and intention of the Committee, but the ideas were expressed at greater length so as to render the meaning unmistakable.

The Hon. J. F. McDougall said he thought the new clause expressed a little more than the amendment which had previously passed the Committee. The clause as passed contained the following words:—

“In a division or subdivision in which voting by ballot is in force at the passing of this Act, such poll shall be taken in the mode prescribed in Part V. of this Act, and in any division or subdivision”—

and the new clause contained the words “or a subdivision thereof.” Therefore in one or other of the subdivisions they had the power of applying for alterations in the mode of carrying out the elections,

The HON. A. C. GREGORY said there was undoubtedly a difference between the two clauses. The proposed new clause would have the effect of giving a subdivision the right of claiming to alter the mode of elections from voting by post to voting by ballot. As the amended Bill passed through committee, it was required that the whole division should vote in favour of the alteration. He did not view the matter as of any great practical importance, but at the same time those who knew more about the practical working of divisional boards might see some reason for adhering to the amendment as passed through committee on a previous occasion.

The HON. A. HERON WILSON said a good deal had been said about the necessity of having proposed amendments printed and circulated in time to enable hon. gentlemen to fully consider them. The proposed new clause before them required more consideration, and they should have had it printed and circulated to them before, so that they might have time to consider it.

The POSTMASTER-GENERAL said that if there had been any new matter imported into the amendments before the Committee he might agree with the hon. gentleman; but they were throughout, to a great extent, verbal and formal, and put into intelligible and carefully considered language the intentions of the Committee when the Bill was previously before them. Under the circumstances, the notice that had been given of those amendments was entirely sufficient. The matter brought forward by the Hon. Mr. Macansh might properly be one in which notice should be given; but in the amendments he proposed there was no new matter, and the Hon. Mr. A. C. Gregory would bear him out that he was simply carrying out the intentions of the Committee, the only object being that the Bill should leave that Chamber in as complete a state as possible.

The HON. A. HERON WILSON said he wished particularly to draw attention to the fact that in future, at all events, it would be advisable to give hon. gentlemen an opportunity for considering proposed amendments, instead of having them brought before them for the first time when the Bill was brought on for discussion. He agreed that the Committee was doing its best to make the Bill as complete as possible; but something might be proposed which some members of the Committee might consider incorrect; and it was hardly fair to give them the Bill and a printed copy of amendments, and expect them, after listening to what hon. gentlemen had to say, to be prepared to say at a second's notice how the amendments would affect the whole Bill.

The HON. J. F. McDOUGALL said he would like to ask the Postmaster-General if a subdivision petitioned the Government to have voting by ballot, and their petition was granted, whether it would apply to the whole of the division or to the subdivision sending the petition?

The POSTMASTER-GENERAL: Only to the subdivision.

The HON. A. C. GREGORY said, with regard to what had fallen from the Hon. Mr. A. H. Wilson, gentlemen on his side of the House would be at a greater disadvantage than hon. gentlemen opposite if the rule of printing and distributing proposed amendments was rigidly carried out, because so many of them were in the position of private members proposing amendments, and if all their amendments had to be prepared and printed a long time before they came on for discussion, it would be found very inconvenient. They had a constitutional mode of avoiding being taken by

surprise, and if any party in the House endeavoured to force a measure they could always talk against time and thus postpone the discussion of the measure until they had full time to consider it. The present amendments did not require any lengthy notice as they were merely modifications of the words of the Bill as passed through committee previously, and to which no one objected. It would be a good plan, if it were possible without interfering with other parliamentary conditions and practice, if all Bills after going through committee were to pass through the hands of a species of revising committee, if it were possible to form such a committee.

The HON. A. HERON WILSON said there was one matter he would like to refer to in connection with the clause. The clause as it stood said that "in a division or subdivision" in which voting by post was in force, certain things should be done, but in the new clause proposed the words "or subdivision" were left out. It was quite possible that there might be a subdivision in which voting by post was in force and he thought it necessary that the two words should be inserted as before.

The POSTMASTER-GENERAL said that the word "division" was quite sufficient in the new clause where it was used, and the hon. member would see that the word "subdivision" was included in the second part of the clause.

New clause, as read, put and passed.

On clause 69—"Questions at election previous to making of voters' list"—

The POSTMASTER-GENERAL said the Hon. Mr. Macansh, when that Bill was in committee before, spoke about the omission in clause 70 of a question which he proposed should be inserted in that clause as a second subsection. That was a very proper question to insert, and on looking over the Bill it had been discovered that in clause 69 a similar question should be inserted. He therefore proposed, to make the clause uniform with the amendments introduced in the other parts of the Bill, that the words, "Are you of the full age of twenty-one years?" be inserted after line 32.

Amendment agreed to.

On the motion of the POSTMASTER-GENERAL, the clause was further amended by the insertion of the words "for this subdivision" after the word "election" in line 34.

Clause, as amended, put and passed.

On clause 95, as follows:—

"The voter shall strike out from the voting-paper the name of every candidate for whom he does not wish to vote, and shall then sign such paper in the presence of some other voter for the same division, or a justice of the peace, or the returning officer. He shall then place the voting-paper in a closed envelope addressed to the returning officer at the place of nomination and endorsed 'Voting-paper, Division of _____,' and shall transmit the same by post, and any envelope so endorsed shall be transmitted post free, any statute to the contrary notwithstanding."

The POSTMASTER-GENERAL said that at present the clause provided that a voter should be a competent witness, but it had been pointed out that a person could not be a voter unless he had qualified himself under clause 28 by paying his rates. The proposed amendment provided that a person might act as a witness so long as his name appeared on the rate-book of the division or subdivision. It was rather an important matter, because in voting by post, as hon. gentlemen knew, a ratepayer had power to witness ballot papers, and supposing he should not be a voter properly qualified the ratepayer voting might lose his vote. The object of the amendment was to give voters an opportunity to vote with as little trouble to themselves as possible. If a voter had to go to a justice of the peace to

witness his voting-papers he might find great difficulty in getting a justice of the peace to act as a witness, and the amendment provided that any ratepayer whose name was on the books of the division, no matter whether he had paid his rates or not, would be a competent witness. He could confidently submit the amendment to the favourable consideration of the Committee. He therefore begged to move that the words "voter for the same division" be omitted, with a view of inserting the words, "person whose name appears on the rate-book of the division or subdivision as the owner or occupier of rateable land therein."

The Hon. A. C. GREGORY said that while the amendment was an excellent one he thought that it could be improved by leaving out the words "or subdivision." As it stood now, only persons whose names appeared on the rate-book of the subdivision might witness the paper of a voter in that subdivision, and it might happen that a voter in looking for a witness might ask someone to witness his paper whose property might just be over the boundary of the subdivision. It would be better to provide that any ratepayer whose name was on the books of the whole division might be a competent witness. He therefore moved as an amendment upon the amendment, that the words "or subdivision" be omitted.

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

Clause, as amended, put and passed.

On the motion of the POSTMASTER-GENERAL, the CHAIRMAN reported the Bill with further amendments. The report was adopted, and the third reading of the Bill made an Order of the Day for to-morrow.

BUNDABERG SCHOOL OF ARTS LAND SALE BILL.

COMMITTEE.

On motion of the Hon. P. MACPHERSON, the House went into committee to consider this Bill in detail.

The various clauses and the preamble were passed as printed, and the Bill reported to the House without amendment.

The report was adopted, and the third reading of the Bill made an Order of the Day for to-morrow.

ADJOURNMENT.

On the motion of the POSTMASTER-GENERAL, the House adjourned at 6 o'clock.
