Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 8 DECEMBER 1898

Electronic reproduction of original hardcopy

LEGISLATIVE ASSEMBLY.

THURSDAY, 8 DECEMBER, 1898.

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

QUESTIONS.

RECENT LOCOMOTIVE BOILER EXPLOSIONS.

Mr. MAUGHAN asked the Secretary for Railways—

1. Have inquiries been held respecting the locomotive boiler explosions which recently occurred in the Roma street railway yards?

2. If so, what are the names and occupations of the officials who conducted the inquiries; also the names and occupations of the persons giving evidence?

3. Were the proceedings fully reported?

4. If so, will the Minister be good enough to lay upon the table of the House the reports of same?

The SECRETARY FOR RAILWAYS replied—

1. Yes.

2. FIRST EXPLOSION.

Board of Inquiry.—Mr. H. Horniblow, locomotive engineer; Mr. J. McGrath, traffic manager, Rockhampton; and Mr. A. C. H. Palmer, assistant engineer (Chief Engineer's Branch).

Witnesses Examined.—Mr. R. T. Darker, locomotive superintendent, Southern Division; Mr. T. Hook, locomotive foreman, Brisbane; Mr. J. Bowling, leading boilermaker, Ipswich; Mr. D. McLaren, acting engine-driver, Brisbane; Mr. M. Kelly, shunting-driver, Brisbane; Mr W. Bunnett, leading boilermaker, Ipswich; Mr. J. Ruddle, locomotive foreman, Ipswich; Mr. W. Fletcher, engine-fitter, Brisbane; Mr. T. Rees, fitter, Ipswich; and Mr. J. Duthie, running-shed foreman, Ipswich.

SECOND EXPLOSION.

Board of Inquiry.—Mr. C. H, Pemberton, locomotive superintendent, Rockhampton; Mr. R. Dunbar, traffic manager, Brisbane; and Mr. A. C. H. Palmer, assistant engineer (Chief Engineer's Branch).

Witnesses Examined.—Mr. J. Bowling, leading boilermaker, Ipswich; Mr. J. Cashin, boilermaker, Ipswich; Mr. W. Bunnett, leading boilermaker, Ipswich; Mr. J. Ruddle, locomotive foreman, Ipswich; and Mr. T. Rees, steam-gauge tester, Ipswich.

3. Yes.

4. The Commissioner is of opinion that the investigation with regard to the second explosion cannot be considered complete without the evidence of the locomotive superintendent, Ipswich (who is now in New Zealand on official business). There will, however, be no objection to place the report and evidence in both cases on the table of the House when the latter is complete.

SPEECH BY THE SECRETARY FOR RAILWAYS AT ROCKHAMPTON.

Mr. STEWART (for Mr. Kidston) asked the Secretary for Railways—

1. When speaking lately at a banquet at Rockhampton, did the hon. gentleman say—as reported in the *Rockhampton Morning Bulletin* of 29th November—

> "Should another conference be called, Queensland would be represented at it. He would go further, and say that she would be sectionally represented. He believed that Southern Queensland would send down five delegates, Northern Queensland three, and Central Queensland two"?

2. Is that report substantially correct?

3. If so, did the honourable gentleman make that statement with the knowledge and consent of his colleagues in the Ministry?

The SECRETARY FOR RAILWAYS replied—

1. At the banquet referred to, I did say something to the same effect as that quoted.

2. Not having read the report issued by the *Rockhampton Morning Bulletin*, I cannot say whether it is correct or not.

3. I should recommend the honourable gentleman to ask my colleagues.

HARBOUR BOARDS ACT OF 1892 AMENDMENT BILL.

On the motion of the TREASURER, it was formally resolved—

That the House will, at its next sitting, resolve itself into a Committee of the Whole, to consider of the desirableness of introducing a Bill to further amend the Harbour Boards Act, 1892.

BRISBANE HARBOUR BOARD BILL.

On the motion of the TREASURER, it was formally resolved—

That the House will, at its next sitting, resolve itself into a Committee of the Whole, to consider of the desirableness of introducing a Bill to constitute a harbour board for the harbour of Brisbane, and for other purposes relating thereto.

EVIDENCE FURTHER AMENDMENT BILL.

SECOND READING.

Mr. DRAKE: This measure provides for the examination and licensing of shorthand writers, and the gist of the whole Bill will be found in the first two clauses, the first providing for the examination, and the second for the licensing of shorthand writers. I think that at the present date I have no need to refer to the great advantages that are to be derived from the use of shorthand writing, both in courts of law and elsewhere. But there is this to be said in regard to taking evidence in shorthand in courts of law, and that is, that the advantage is not so great in short cases which are finished in the same day, because then the case is entirely disposed of—unless, of course, there is an appeal—before the notes can be reproduced in print or typewritten. But with regard to cases of longer duration, extending over several days, I think there is a consensus of opinion that a very great advantage will be derived from the employment of shorthand writers. In fact, it has come to be almost admitted that shorthand writers are indispensable in trials of any length. The advantage to be derived from the employment of shorthand writers in courts of law varies also in certain cases. In some cases the judges are more expert than in others in taking down notes themselves, and, of course, in such cases the advantage is not so pronounced as in those where the taking of notes is more or less a burden to the judge. There can be no doubt in regard to the saving effected in cases of any length by the employment of shorthand writers to take evidence, because one of the great sources of expense in long trials is the fees paid to counsel, solicitors, and witnesses, and if you can shorten the case by the employment of shorthand writers you necessarily diminish the expenses of the trial to that extent. That it is a great advantage in cases of any duration is proved by the fact that there never is now a trial of any length either in Great Britain or in any of these colonies where the assistance of shorthand writers is not called in. But up to the present time in Queensland no steps have been taken to give a status to shorthand writers or to subject them to examination so as to ensure that they shall be efficient for the discharge of their duty. That is what this Bill seeks to do.

The SECRETARY FOR PUBLIC INSTRUCTION: What about the technical college classes?

Mr. DRAKE: The hon. gentleman will see that this goes further. I think this measure, if carried, will provide a means by which those who have gone through the technical classes of the school of arts, and young men and women who have acquired a knowledge of shorthand in other educational institutions, may be able to show their fitness, and that they have qualified themselves for such appointments as are contemplated by this Bill. This Bill is practically a transcript, with a few alterations, of an Act which has been in force in Victoria since 1891. That Act was introduced in Victoria in 1891 by a private member in the Legislative Council, but it was at once taken up by the Government and was passed into law. I throw that out as a suggestion now—that if the Government like to relieve me of the responsibility of the measure I shall be very glad to hand it over to them with the increased assurance I shall have that it shall become law this session, and the Government would have the credit of having passed a useful measure. It was proposed when the Bill was introduced in Victoria that it should be accepted as a tentative measure for two years, but no limitation was placed in the Bill, and the measure has been in operation there since 1891, and is found to have given great satisfaction. It has, I believe, been the means of introducing shorthand writing more extensively into the courts of law, and it has also given a status to shorthand writers in that colony. I am informed that recently some cases heard in Queensland were reported by shorthand writers who came from Victoria. I am informed also that one of the reasons why they obtained this employment in this colony was that they had the status conferred upon them by this Victorian Act. I have no doubt their work was very well done, but we have quite a sufficient number of competent shorthand writers in Queensland to do all the work of the kind which may arise in Queensland. The Secretary for Public Instruction referred just now to the work that is being done by the technical classes at the school of arts. I can go further back to nearly twenty years ago, when, under regulations of the *Hansard* staff, cadet classes were established in connection with *Hansard*, under the supervision of the chief of the staff; and since then, in consequence of the work which was done by the Principal Shorthand Writer, and the operations of two very excellent associations of shorthand writers, and the efforts of private people in this colony, a vast number of young men and young women have been trained and become competent to do any work that may be required in connection with shorthand writing and typewriting. I am asking the House to pass this measure in order that those shorthand writers who have made themselves competent may be able to pass examinations to show their fitness in this colony and be licensed as under the Act in Victoria by the Chief Justice for the work of taking evidence in the law courts. I have spoken now of the main objects of the Bill. The remainder of the Bill is really machinery to carry them out, and it is perhaps not necessary for me in moving the second reading to refer to it more particularly. It provides that the Governor in Council may appoint examiners, and the examinations will be carried out by the Public Service Board. Applicants for examination having passed the examination prescribed——

At thirteen minutes to 4,

The SPEAKER said: In consequence of the storm which is passing over, I think I had better adjourn the House for a short time. I have not done so so far, because the time for private members' business is so short. I can hear, and

perhaps hon. members can, but I am informed that the *Hansard* staff cannot hear, and if the hon. member wishes to be reported, perhaps it would be better to adjourn.

HONOURABLE MEMBERS: Hear, hear!

The SPEAKER: Very well, the bell shall be rung when the storm clears away.

The House resumed at five minutes to 4 o'clock.

Mr. DRAKE: I desire to thank you, Mr. Speaker, for your consideration in adjourning. I think I have nearly concluded the remarks I desire to make upon the measure. I should perhaps mention that the late Government—the Government of Sir Hugh Nelson—sent the present chief of the *Hansard* staff to the southern colonies some time ago to inquire into and report upon this matter, and the Government have a report from him, made, I believe, some time last session or the session before, in which Mr. Gilligan refers to the system in operation in the other colonies. With regard to the saving that will be effected, I would like to impress upon hon. members again that the way in which the saving is effected is by shortening the duration of the trial, which is directly to the interest on all the litigants, to such an extent that it would no doubt pay the litigants in those cases to employ shorthand writers themselves, even if there were no provision made by which they could become officers of the court under the direction of the judge. I was mentioning that the examination would be in the hands of the Public Service Board, and applicants, when examined and passed, would be placed upon a register, the same as is kept now for the unclassified division of the service, and from that list they could be selected from time to time. The Chief Justice would license the shorthand writer, and he would then become an officer of the court; but before he would be permitted to act as such he would be required to take an oath which is given in section 3; and then there is also a penalty provided in section 8 for any case of wilfully tampering with evidence. There is also provision by which the shorthand writer's notes themselves may become *primâ facie* evidence of the evidence that has been given. I think there is nothing more that is necessary for me to say now. One or two verbal amendments will be necessary to bring the Bill into strict line with the Evidence Bill which passed through committee the night before last. Those necessary amendments I have made a note of, and I propose to have them circulated as soon as the Bill has been read a second time. I beg to move that the Bill be now read a second time.

After a further brief adjournment on account of the storm,

The HOME SECRETARY said: I think the principle involved in this Bill is one which will commend itself not only to hon. members but to the public generally, for the reasons set forth by the hon. member who has introduced it. It is a measure which I have myself thought for a good many years might be introduced with a very great deal of convenience to the public, more especially that portion of the public which finds itself involved in litigation from time to time, both as a way of shortening the hearing of cases, and also possibly as a means of obtaining greater accuracy. I say this with bated breath—with all due deference to the judges who take the notes of cases. I remember on one occasion a friend of mine who was at the bar, and who had lately been admitted, was going somewhat too fast for the presiding judge. The judge laid down his pen and said: "Mr. ——, I write two hands; one I can read, and the other I cannot read. If you go on at this rate I shall have to write the one I cannot read." I need hardly say that the counsel delayed his proceedings somewhat, and was not in such a hurry to get on with the case. I do not know, of course, whether that resulted in the case lasting more than one day and a "refresher" being necessitated, but at all events the action of counsel showed that he was disinterested, and wished to get through the case as fast as possible. The hon. member has said that this principle has been in force in Victoria for some time, and it is within my knowledge that though it is not in general use in that colony it has been found on many occasions to be of very considerable value. In cases, for instance, such as those described by the hon. member, and which run into more than three days, it is of great value. A recent murder case was tried in Victoria, and was disposed of in one and a-half days, through the court availing itself of this Act, whereas, under the old system, four days at least would have been occupied, as there were over eighty witnesses to be examined. Hon. members will see from that bald fact that there is a great deal to be said for a measure of this kind. But it cannot be denied that there are many difficulties in the way—difficulties which obtain to a greater extent in this colony than in Victoria, which is, so to speak, a self-centred colony. Melbourne being almost geographically in the centre of the colony, probably a very much larger proportion of the cases tried in that colony —at any rate in the higher courts—are tried in Melbourne than would be tried in Brisbane. We have here no less than three centres—Brisbane, Rockhampton, and Townsville—in which the Supreme Court has headquarters. I am doubtful as to the advisability of adopting the provisions of this Bill in their entirety, because there is a great deal of debateable matter in connection with the details. In the first place, I think these shorthand writers should be to all intents and purposes officers of the Supreme Court, and I also think it would be desirable that their competency should be certified to by someone having a thorough knowledge of his profession. The only shorthand writer I know of in Queensland who is known to the law is the Principal Shorthand Writer, in the employment of this Parliament, and I certainly think it would be desirable that his imprimatur, so to speak, should be placed upon anyone employed to do this very important work. No one can doubt the enormous importance to a litigant of having this work thoroughly well done, if it is to be done at all. I have had some experience of the old Elections and Qualifications Committee which, as hon. members will remember, was the tribunal which heard and determined all questions relating to the validity of elections for this House. The evidence was reported by the parliamentary shorthand writers, and I have a very vivid recollection of the facilities afforded to members of that committee, and the immense expedition resulting therefrom, in dealing with cases that came before them. As a rule the committee would sit for at least as many hours during the day as are occupied by the Supreme Court, and the next morning the whole of the evidence given on the previous day was in our hands in type, and in a very convenient form for reference. That could only have been done by the employment of a number of shorthand writers in the same way in which the reporting of debates in this Chamber is carried on—by relays—and that I think is the only possible way in which evidence in the Supreme or other courts could be reported.

Mr. MORGAN: Expert typists would dispense with many shorthand writers.

The HOME SECRETARY: Possibly; but in those days typewriting was not in such general use as it is now, and possibly fewer hands would be necessary than then to do the same amount of work. There would also be great difficulty in bringing this system into play under the Bill as it stands. It is provided in clause 6 that any judge, without application, may, and the judge, or chairman, or justices of any court may, upon application of any party, and shall, upon the application of all the parties to the cause, cause the evidence in any matter to be reported in shorthand, provided that a shorthand writer be then available for the purpose. But there is no time mentioned before the hearing within which notice must be given. If, for instance, on the assembling of the circuit court at Roma, the parties to a cause applied for the evidence to be taken in shorthand it would involve the necessity of postponing the trial until a shorthand writer could reach Roma, and therefore it must be palpable to everybody that there must be delay unless notice is given a certain time antecedent to the hearing. Of course that is a difficulty which can easily be overcome, because anybody who has a considerable case pending before a court would be able to make up his mind a week or ten days before as to whether he desired to have the evidence taken in that way or not. It would be simple enough perhaps in Brisbane, Rockhampton, and Townsville, because shorthand writers would always be on the spot, but it would not be so easy in the country districts, more especially when they remembered that evidence in cases heard before justices might be reported in this way. If parties to a case heard at Boulia, for instance, desired to have evidence taken in this way there would be the inconvenience of sending shorthand writers all that enormous distance, and a great expense to the parties. In fact the case would be finished long before they could arrive there. These are difficulties which I have long foreseen in connection with this measure, although in some modified form it might be practicable, possibly by limiting its operation to certain places. But the better way to deal with the whole matter would be to leave it—to begin with—in the hands of the judges, giving them power to make rules of of court which they might consider sufficient. Some judges are possibly a little conservative in their method of conducting trials, but on the whole I think it will be admitted that they have the interests of the public and litigants at heart, and would—if so authorised by statute—frame such rules of court as would give the greatest possible relief and assistance to litigants who might desire to avail themselves of the provisions of the statute. There is one very important provision in this Bill to which I certainly do take exception. It is the power given to a witness to sign the shorthand notes of his evidence. I think it is not a desirable thing that a witness should be asked to sign anything he cannot read himself. Unless he could certify as to his ability to read someone else's shorthand notes, he not to be allowed to sign them. It is true that at present illiterate persons have to sign depositions and put their mark to them, but those depositions are carefully read over to them first.

Mr. JENKINSON: It is optional under this Bill.

The HOME SECRETARY: It is, but I doubt whether a man should even have the option of signing shorthand notes. I used to be a shorthand writer at one time, though I never attained any great proficiency in it, although I got a certificate. Unfortunately for myself I dropped out of the practice of it many years ago, and I know very little about it at all now except in an elementary way. Still, it will generally be received as a fact that a shorthand writer may make a mistake in taking evidence—that is to say that his shorthand note may be erroneous as to some phrase or expression, which on going over the notes will be so plain that he will be able to correct the error in transcription. It might easily happen therefore that a shorthand note signed would be incorrect, while if the witness signed the transcription he would find that his evidence was perfectly correctly reported. I think the hon. member should be satisfied this session with getting the Bill through its second reading—affirming generally the principle that this innovation is desirable. It is one which I have for many years thought should be adopted, and I am very glad to see that there is a prospect of its taking tangible practical form. I shall certainly not oppose the second reading, but I think there is very little chance of the Bill getting further this session. I think the hon. member will see that having regard to the fact that Queensland for purposes of this sort is really three colonies and not one as in Victoria, a great deal has to be considered in matters of detail before a Bill of this sort can receive the sanction of both Houses of Parliament.

Mr. FINNEY: I am very glad this Bill has been brought forward; in fact, I am surprised that a Bill of the kind was not introduced before this. We have the nucleus of a good staff of shorthand writers already in Brisbane, and if a Bill of this sort is passed it will give them an opportunity of passing proper examinations, which will enable them to get the business which properly belongs to this colony, instead of bringing shorthand writers from Melbourne up to Brisbane to do the work of arbitration cases. That shows that such a Bill is necessary, and I think there will be no trouble in making it a good one. If there are any clauses in it that are not considered workable, in committee there will be no insuperable difficulty in making it into a Bill that will carry out the purpose intended. I have much pleasure in supporting the Bill.

Mr. MORGAN: In a matter of this kind I think we ought rather to have regard to the interests of litigants than of the shorthand writers. That is the spirit in which I propose to regard this Bill. Having in view the interests of litigants, I trust this Bill will pass this session. The Home Secretary has given the Bill a friendly reception, and attaching due weight to what he has said in his capacity as a Minister, and remembering also that the hon. gentleman is a lawyer, we may say that his objections to the Bill are not fatal. Many of them can be overcome, and some of them are imaginary. The distinction he drew between the condition of things existing in Queensland and Victoria is more imaginary than real. He pointed out that the legal business in which shorthand writers are employed in Victoria is centred in Melbourne, and the obtaining of competent shorthand writers there is therefore very easy. He said we have three towns in this colony—Brisbane, Rockhampton, and Townsville—in which the Supreme Court has head quarters. There will be no difficulty in obtaining competent shorthand writers in Brisbane, and I am equally sure there will be no difficulty in obtaining competent shorthand writers in Rockhampton and Townsville.

Mr. MAUGHAN: Or in the country districts.

Mr. MORGAN: Or in the country towns.

The HOME SECRETARY: Oh, yes, there would. It is technical work requiring practice.

Mr. MORGAN: I should think that reporting in courts would be very much easier to the average stenographer than the reporting in this Chamber.

The HOME SECRETARY: They would require to have an elementary knowledge of law and the practice of courts, at all events.

Mr. MORGAN: I hope there will be no attempt to make the stenographers employed under this Bill pass an examination in law, because if that is attempted the object of the Bill will be largely defeated. I believe competent stenographers can be obtained in Rockhampton as well as in Brisbane, where there is always a body through the *Hansard* staff being centred here. Of my own knowledge I can say that there is in Rockhampton one of the most competent shorthand writers in the colony, and there will be no difficulty there in obtaining the services of skilled shorthand writers. As to the other contention of the hon. gentleman, that if litigants were allowed to determine whether the depositions should be taken down by shorthand writers or not, it would involve the necessity of bringing certificated shorthand writers from the capital at considerable expense, I take it for granted that this is a matter that may safely be left to litigants themselves, because they are not going to insist upon a course of action which would involve them in unnecessary outlay. I have said that this Bill is defensible in the interests of people who have to go to law, and I sincerely hope the hon. gentleman who has charge of it will succeed in getting it placed on the statute-book before the prorogation of Parliament.

Mr. SMITH: At the first blush I imagined that this Bill would possibly add to the expense of litigation, but on reconsideration I can see that it would have the opposite effect, because it would possibly shorten trials by one-half, and we know that the expense of a trial depends upon whether it is long or short. As the Home Secretary has pointed out, there is probably a little more difficulty in applying a Bill of this kind in this colony, where we have three Supreme Court centres, than in Victoria, where all the principal trials are held in Melbourne; but I think the Bill, if passed, can be made to apply to the three centres of the Supreme Court in this colony. As the hon. member for Warwick said, there are shorthand writers in each of the three centres quite capable of doing the work required, but there will be a difficulty if they are required to pass an examination in law, as suggested by the Home Secretary.

The HOME SECRETARY: I did not suggest anything of the sort.

Mr. SMITH: I think the hon. gentleman said they would require to have some knowledge of legal phraseology. Of course that would not be insuperable, and no doubt there are some who are capable of undertaking the work at present. On the whole I think this Bill would be a boon to those who have trials in the Supreme Court. It would make the law more come-at-able to those who have not the wherewithal to prolong the agony, and I shall certainly give the measure my support.

Mr. DRAKE, in reply: I am rather sorry that the Home Secretary is of opinion that it is undesirable that the Bill should be carried further than the second reading this session. I hope that is not the opinion of the Government as a whole, because I am aware that at this stage of the session it will be impossible for the Bill to pass unless the Government make some concession in the matter of time. If it is a good measure—and it seems to be the general feeling of the House that it is—I think it is desirable that it should be passed this session. I am perfectly prepared to hand it over to the Government if they will take charge of it, and then the hon. gentleman can make such amendments as will remove any objection he may entertain at present.

The HOME SECRETARY: We have on our hands already as much as we can manage.

Mr. DRAKE: If the hon. gentleman will maintain the main principle—that the shorthand writers employed in the court shall be examined and licensed—I should be perfectly prepared to move any amendment to remove any objection that he has to the Bill in its present form. The hon. gentleman referred to the possible examiners, and mentioned the chief of the *Hansard* staff. I have no doubt that gentleman would make a very competent examiner; but the 1st clause provides that the Governor in Council may appoint persons to be examiners, and though there are at present outside the *Hansard* staff gentlemen quite as fit to discharge the duty of examiners, I do not think it desirable at present to mention names. I trust the hon. gentleman will reconsider the statement he has made, because I propose to move the committal of the Bill for to-morrow. There is no use in moving the committal for any particular day on which there is private members' business, because it is impossible to know how long the session is going to last.

Question put and passed; and committal of the Bill made an order for to-morrow.

TOWNSVILLE MUNICIPAL LOAN ACT REPEAL BILL.

MESSAGE FROM THE LEGISLATIVE COUNCIL.

The SPEAKER announced the receipt of a message from the Council intimating that they had agreed to this Bill without amendment.

BISHOPSBOURNE ESTATE AND SEE ENDOWMENT TRUSTS BILL.

COMMITTEE.

Clause 1 put and passed.

On clause 2—"Power to apply see endowment fund to improvement of Bishopsbourne Estate."

Mr. ARMSTRONG: As intimated on the second reading, he asked the Committee to pause before accepting the principle contained in this clause, to which he was strongly opposed. What was asked for was that a trust which had been entered into in all good faith for the benefit of the church should be departed from. Such a course had never been adopted in Queensland before. He might be told that it had been departed from in the case of private trusts, and in connection with the Bundaberg and Warwick racecourses, but that was no argument why they should depart from the terms of a private trust. The lands incorporated in the trust were given over for the benefit of the Church of England, and the administration of the trust had been so bad that it would be very unwise to allow complete control to be gained by the trustees of the land to do what they liked with it. When, in bygone times, it was sought to set aside a trust, authority was obtained from the Supreme Court, and it would have been wiser if that course had been adopted in the present instance. He objected strongly to the powers asked for in subsections 3 and 4 of the clause, and he therefore moved that those subsections be omitted.

Mr. GROOM: Owing to the limited time at the disposal of private members he did not wish to enter into a long discussion on the Bill, the principle of which had been affirmed on the second reading. He repeated what he said on the second reading, that the beneficiaries under the two trusts knew perfectly well what their interests were, and what would advance them most. The Bill did not affect the Church of England one iota except so far as protecting a valuable property and preserving it from decay. The Bishop was willing to have his salary diminished in order to carry out the repairs to the trust estate of Bishopsbourne; the Synod, consisting of eighty-three members, had unanimously agreed to the Bill; it had the endorsement of the Diocesan Council; and, further,

the select committee appointed to report on the Bill had favoured it by a majority of four to one. Under all those circumstances, and not wishing to occupy more of private members' time than was absolutely necessary in discussing the matter, he thought hon. members would be perfectly justified in accepting the Bill. They might very well leave those connected with the church to manage their own affairs, as they had done hitherto, and he was not aware that any great mistakes had been made by Parliament in its legislation regarding trusts. There were many cases in which Parliament had interfered when testators had made wills which the executors could not possibly carry out, and they had also passed an Act allowing the Church of England in Leichhardt street to sell certain land. This Bill had met with the general approval of the church. He had heard of only two clergymen who were opposed to it, and although they were both present at the meeting of the council, neither raised his voice against it. From his own knowledge, he could say that it was the wish of the church that the Bill should pass.

The HOME SECRETARY: The hon. member had stated that the passing of this Bill would have the effect of reducing the income of the present occupant of the office of bishop. If such were the case it would be through the operation of the subsections which the hon. member for Lockyer proposed to omit, which allowed the capital moneys to be expended on maintenance. He thought the same result would be arrived at if the subclauses were omitted, and the present bishop devoted to this purpose a sum equal to what his income would be reduced by if the subsections were allowed to pass. Parliament had often seen fit to change the nature of trusts, but as a rule the ultimate destination of the fund had been held to be sacred, and it must be remembered that this fund did not only benefit the present bishop, but also his successors. He would ask the hon. member for Toowoomba whether the omission of these subsections would cause the Bill to fail for the purpose for which it was introduced.

Mr. GROOM: It would certainly cause the Bill to fail in its object; therefore if the Committee rejected the subsections he would feel it his duty to withdraw the measure. This was the position: The first bishop set aside £500, the interest upon which was to be devoted to repairs to Bishopsbourne, but owing to the depreciation in the value of property, that income had entirely disappeared, and they were left without any fund whatever for this purpose. In the early part of this year it was discovered that the place was almost falling down through the ravages of white ants. Two architects were employed to inspect it, and the result of the inspection was that the council had to spend £279 in repairs. They would see that the very object of the Bill was contained in subclause 4, which enabled them to provide a fund out of which the cost of repairs could be defrayed. The original endowment fund amounted to over £13,000 but owing to the depreciation of the value of the property it now amounted to only about £6,000. The actual income received amounted to only £450 a year, and if the bishop was called upon to keep the estate in repair out of that, it would leave but a very small sum indeed. They were collecting funds in every possible direction to increase the see endowment fund to what it was originally. It must be remembered that Bishopsbourne was the property of the diocese, and every man, woman, and child in the diocese had a right to see that it was kept in proper repair, not only for the present occupant of the see, but for whoever might come after him.

Mr. CROSS: But not by the diversion of a trust for some other purpose.

Mr. GROOM: It was not for some other purpose, but simply for the purpose of keeping the see endowment buildings in proper repair. If the amendment was carried he would have no alternative but to withdraw the Bill.

Mr. ARMSTRONG agreed with the hon. member that the keeping of the estate in repair was the duty of every man, woman, and child in the diocese, and it was not their duty as a Legislative Assembly to permit the sale of the capital of the trust for the purpose. Surely the members of the Church of England were sufficiently wealthy and charitable to see that the building in which the head of their church lived was kept in repair and properly looked after. The hon. member's argument had not removed his objections. The hon. member told them that the Bill had been drafted in accordance with the instructions of the present bishop, and that the bishop was entirely in accord with it. He could easily understand that, but they had to look to future occupants of the see, and if expenditure was allowed to any extent, as it might be under the Bill, there would be none of the capital of the trust left when a fresh occupant came into the see. He agreed with the Home Secretary that if the present occupant of the see approved of the Bill he might just as well do gratuitously now what was proposed as come down to that House and ask the powers proposed in the Bill.

Mr. CROSS: The hon. member said that the Bill did not propose to divert the trust from the purpose for which it was granted, but he saw by Appendix B to the select committee's report that the trust was confined to "the interest and produce of the capital sum," and the Bill would enable the whole principal sum to be expended. The hon. member said that the members of the Church of England gave their consent to the Bill, that it was their own business, and they should be allowed to mind it; but he must recognise that that was a specious argument, and that when Parliament was asked to give certain powers it was their obligation to confer such powers in conformity with the trust. Under the Bill the whole capital sum might be frittered away in the most extravagant expenditure upon Bishopsbourne. The person who had passed over to the great majority specifically laid down a certain thing; the hon. member proposed that the House should take certain action with respect to the carrying out of the trust, and they had to consider whether what the hon. member proposed was the right thing to do. He did not think it was, as it would lead to a diversion of the trust.

Mr. LEAHY: This was a question that was somewhat of a delicate nature, but as it was before the Committee he would like to say a word or two. Being a church matter, he was of opinion that, as the clergymen and others who managed the affairs of the church were almost unanimous in the matter, Parliament should assist them by granting what they desired. As to the question of the trusts, he did not think there was anything very sacred in the matter. It was true that they should respect the opinions of those who had died and disposed of their property in a certain manner, but as men of common sense they knew very well that very often if the person who left property under certain conditions could view it under existing circumstances he would be quite willing to alter the conditions so as to suit those altered circumstances. He would give the hon. gentleman in charge of the Bill his support.

The HOME SECRETARY: He could understand the argument of the hon. gentleman in

charge of the Bill when he said that the expenditure of this money for the maintenance and improvement of Bishopsbourne would not reduce the income of the present incumbent of the see to the full extent of the capital amount so expended. Of course it would only be to the extent of the interest-bearing capacity of that capital, which would probably be of a very trifling nature compared with the whole of his income. He had merely risen for the purpose of eliciting information. He agreed with the hon. member for Bulloo that this was a matter of which those more immediately concerned were probably the best judges, and if they were willing, as the custodians of the revenues and property of the church, that the Bill should pass, this Committee could not go very far wrong in acceding to the desires of what might be called "the church parliament," as represented by the bishop and the Synod. Though he had said that, as far as he knew, Parliament had never altered the ultimate destination of a trust, it was perhaps scarcely applicable in this case, because the ultimate destination of the trust was not altered. It was only technically so. Whatever money was spent on Bishopsbourne might be said to improve the property to exactly that extent, whether in the way of maintenance or additions to the buildings. With regard to the clause, he thought the Committee might feel itself on safe ground in giving effect to the wishes of the representative body governing the church.

Mr. GROOM: He had been asked whether Parliament had ever passed a Bill for the diversion of trusts, and he could quote two instances in connection with the Church of England. The first was in the Act dealing with the Leichhardt-street property, which was a distinct diversion of the trust; and the second was in connection with certain lands left by the late John Deuchar, of Warwick, for the benefit of the church there. Owing to the peculiar circumstances which had arisen since the trust was originally granted, leave was asked to sell the lands and devote the interest of the proceeds to the general good of the parish. That was exactly what the church was doing in this case. They asked power to take a portion of the money from one trust and apply it to the benefit of the other trust, and so keep up the value of a very large estate held in trust in the same way as the capital fund.

The SECRETARY FOR PUBLIC INSTRUCTION: There might be something in the argument of the hon. member with regard to the desirability of acceding to the wish of the majority, but the doctrine—however convenient—might be attended by some disadvantages. He should say it would tend to dry up any spring of private benevolence that was likely to flow, because it was evident that, according to the doctrine sanctioned by the hon. member for Toowoomba, there was no guarantee that any trust property would be devoted to the purpose for which the testator willed it. According to the doctrine of the hon. member, it was only necessary to get a meeting, and instead of laying up treasure for the future—he was not referring to the next world—decide to swamp the whole lot at present, because it was more convenient than sending the hat round. They might entirely ignore the wishes of the testator, who was dead, and proceed to apply the money given under specific conditions to anything which they in their wisdom thought best. It seemed to him that the person who left the money took a wise view of the possible risks which might be run, and provided for the maintenance of the buildings. He did not make the bishop his beneficiary, as the hon. member said. The present bishop had no right whatever to the *corpus*. The next bishop could call upon him, either in this world or the next, to render an account of his trust, and all he would be able to say was that he had squandered it, and ask for the benefit of the Offenders Probation Act. The testator never intended the capital to go out of the jurisdiction of the church. The hon. member said he had every confidence in those who had managed the trust hitherto. At all events they had managed to dissipate nearly the whole of one trust—namely, the capital of £500, and now asked—in consideration of their superior management—to be granted enlarged powers. The proposal of the trustees was that they should be allowed to dissipate that which was intended for all generations. It was just because there happened to be two bequests that the hon. member wanted to do what he called "unify" them. He did not call it unification, because one was dissipated. How could they unify that which was dissipated? It seemed to him that they were on most doubtful ground altogether. Whatever they might do in that case, and whatever convenience it might serve, he very much questioned whether they would be doing the church any good by breaking down all the conditions by which a testator endeavoured to safeguard a trust. Such a course was much more likely to deter people from leaving money to the church, feeling sure that, while there was some risk of the money being entirely lost, there was no possible chance of the testator's wishes being regarded. He once knew of a very exceptional and excellent man, the Rev. Mr. Muller, of Bristol, to whom some benevolent person wished to leave £10,000, which was to be invested so as to secure him a permanent income whatever happened. But the rev. gentleman said he always believed in the efficacy of prayer; that whatever the Creator was going to give him He would give, and if he were to accept the £10,000 on condition that he should invest it in Imperial consols he would be doubting the benevolent disposition of his Heavenly Father. The hon. member for Toowoomba, representing the Synod, was in somewhat the same position. A certain sum of money had been put away by a benevolent person for the future use of the Church of England. If the hon. member had used the same argument as the Rev. Mr. Muller he might possibly have sympathised with him, but the hon. member admitted that it was necessary to lay up treasure, and the only possible excuse he had for making his proposal was that the people who were custodians of a certain trust had shown that they were anything but careful custodians and he wanted to give them full power to do what they wished with the balance of the trust which they had not lost. His opinion was that the case was not a very good one, but the hon. member's reasons for passing the Bill certainly predisposed him against it.

Mr. STORY: If there was any body of men who should regard the wishes of the dead it was churchmen. In this case certain provisions had been made for the maintenance of a certain property by investing a sum of money and using the income for that purpose, and the greater portion of that money had disappeared. The business way to look at the matter was that, although owing to depressed times the trusts had decreased in value, still the depression would pass away, and in ten or twenty years the estate might be a most valuable one. If the testator could do so, he would probably tell them to tide over their difficulties as best they could for a few years without touching the property, which would eventually bring in all the money required. The same argument would apply in every case, and every prudent man

would simply cut down his expenses in the hope that things would improve. He should support the amendment.

Question—That the words proposed to be omitted stand part of the clause—put; and the Committee divided :—

AYES, 7.

Messrs. Dickson, Foxton, Philp, Murray, Finney, Kerr, Maughan, Turley, Callan, McMaster, Sim, Daniels, King, Browne, Leahy, Groom, Drake, Boles, Newell, Fogarty, Stumm, Dibley, Hardacre, Morgan, Stewart, Dunsford, and Hamilton.

NOES, 10.

Messrs. Cross, Smith, Dalrymple, Tooth, Stephens, Lord, Bartholomew, Armstrong, Hood, and Story.

Resolved in the affirmative.

Clause put and passed.

Clause 3 put and passed.

The preamble was passed with a verbal amendment.

The House resumed; the CHAIRMAN reported the Bill with an amendment, and the third reading was made an Order of the Day for Tuesday next.

CAIRNS GAS COMPANY, LIMITED, BILL.

COMMITTEE.

Clauses 1 to 12, inclusive, put and passed.

On clause 13—"Power to contract for lighting streets and houses"—

Mr. DUNSFORD noticed that under that clause the company need not lower the price of gas until they made a profit of 10 per cent. He was under the impression that that was too high.

The TREASURER: He did not object to the profit being fixed at 10 per cent., but they would have to be careful that the company did not water their stock as the Charters Towers company had done. They had a capital of £15,000 on which they were allowed to make a profit of 10 per cent., but they distributed £5,000 in shares to their shareholders, and under their Bill they could still get 10 per cent. on the £20,000. There would be nothing to prevent that under the present Bill.

Mr. DRAKE: It is very hard to prevent it.

The TREASURER: It could be done.

Mr. DUNSFORD: We could limit the profit to the present capital.

The TREASURER: Supposing they accumulated £3,000 or £4,000 profit they could give their shareholders paid-up shares as was done by the Charters Towers company.

Mr. DRAKE: Not since their Bill became law?

The TREASURER: No; before that. Still under this Bill there was nothing to hinder that company from distributing paid-up shares to their shareholders and still claiming to get 10 per cent. on the new capital. Another thing was that the corporation could not buy out that company under fourteen years; in the case of the Charters Towers Act the time was seven years. At present there was an application at the Treasury from the Maryborough Municipal Council, who wished to buy out the gas company there. They wanted £30,000, and the Maryborough council was coming to the Treasury for the money. They ought to be careful with the Bill, because the company was a Melbourne company and not a Cairns company at all. He would not mind if it was a local company.

Mr. DRAKE: It is the same company as at harters Towers.

The TREASURER: Yes; but they had local shareholders there, and there were no local shareholders at Cairns. It was the business of this company to form gasworks. They manufactured the plants, and erected them at different places. He did not say they did not do their work well—he believed they did—but he thought they should not get more than 10 per cent. upon the first capital.

Mr. CROSS was very glad the Treasurer had given the Committee that information. He was not aware of it, and he could hardly believe the hon. member for Enoggera had been aware of it, and was assisting a monopolistic foreign company to bleed the Cairns municipality to any extent they liked. He must express his regret that the municipality of Cairns had not been more alive to their interests, and he thought that this Committee would be very remiss in their duty if they allowed such a provision to pass. It was not yet 6 o'clock, and as he did not think it was likely that any other private member's business could be disposed of before then, he would spend what time was left in resisting what he considered to be a gross monopoly. The Charters Towers Bill gave a monopoly for seven years, but this Bill proposed to give the Cairns company a monopoly for fourteen years, which was a very serious thing. As the Treasurer had pointed out, they might water their stock, and in order to meet that he moved the insertion of the word "original" before the word "paid-up," in line 20, so that the percentage allowed would be on the original paid-up capital of the company.

The PREMIER: Have you any idea what the original paid-up capital of the company was?

Mr. CROSS: He believed it was £10,000. He desired to reduce the rate from 10 to 5 per cent., and in order to do that he asked leave to withdraw the amendment he had just moved.

Amendment, by leave, withdrawn.

Mr. CROSS moved the omission of the word "ten," on line 19, with the view of inserting the word "five."

The TREASURER: They would not undertake the works on that. Ten per cent. was low enough.

Mr. CROSS: There were plenty of people willing and anxious to lend money at 5 per cent. The Australian Mutual Provident Society would lend money at 6 per cent.

The HOME SECRETARY: On what security?

Mr. CROSS: On excellent security. With a monopoly of fourteen years, he thought 5 per cent. was enough for any company.

The HOME SECRETARY: Will you take some shares?

Mr. CROSS: If he had a few thousand to spare he would count himself extremely lucky if he could get 5 per cent. for his investment. He knew several places that were suffering from monopolies of this kind. For instance, there was the town of Bundaberg, where the charge for gas was so high that a large number of the business places in the principal street were lit with kerosene. In the name of the prosperity of future Queensland he protested against such a monopoly as this.

ELECTIONS ACTS AMENDMENT BILL.

SECOND READING.

The PREMIER: The Bill which I now introduce to the House is a small measure, notwithstanding that it amends the electoral law. If it were not a practically useful Bill I should not care to introduce it at this stage of the session. I do not think it can be fairly regarded as involving any great amount of controversy upon the theory or principles of the franchise, and I do not introduce it with the idea of discussing that phase of the subject. This is merely an attempt to improve the administration of our electoral laws. If we were, at this stage, to begin a discussion upon the principles of our electoral law, it would occupy much more time than we can at present devote to it. I therefore trust that hon. members will confine their remarks strictly to the Bill. During the many years I

have been connected with political life I have at times been amazed to think that the electoral system of this colony, which is the very basis of all our rights and privileges, should be conducted in what I may term a most perfunctory manner. The return of members of Parliament to this Assembly is one of the most cherished rights and privileges of the people, and I maintain that the machinery by which that is regulated should be framed with the greatest care, and administered with a due recognition attaching to the responsibility of the work. I am sure hon. members will agree with me that the performance of the duties connected with the compilation of the electoral rolls does not give general satisfaction. Continual complaints are made against the perfunctory manner in which the rolls are compiled, and having occupied the position of Home Secretary—the Minister charged with the administration of the electoral laws—I have not been at all satisfied with the manner in which business connected with the compilation and revision of the rolls has been carried out. I more than once brought the matter under the notice of the late Home Secretary, Sir Horace Tozer, who seemed to think that our present system was not capable of improvement. Such, however, is not my opinion. I do not wish in any way to disparage the work of the clerks of petty sessions and electoral registrars, but I do not think that the work in the past has been undertaken with a sufficient recognition of its importance, nor has it been supervised in such a manner that the weaknesses may be easy of detection, and the various officers visited with instructions so that in future they may carry out their duties more satisfactorily. I wish it to be understood that I have no desire to censure these officers, but hitherto they have not been directly responsible in the sense that they should be, nor have the responsibilities of their important duties been brought sufficiently before them. I introduce this measure with the sole desire that the electoral rolls shall be kept and maintained in an efficient condition. It is desirable that they should at all times be pure, and I do not introduce the measure with the desire to give any political party an advantage. It is only right, however, that the rolls should be in an efficient condition, so that when they are needed for use at an election they should really represent the true opinion of those who are qualified to vote. I deprecate very much that when elections come on there should be anything like a struggle or desire to obtain a preponderating power of voters on the rolls. That is a matter that should be left to an officer whose duty it should be to keep the rolls in an efficient condition, and prevent political parties, which will always exist, from gaining victories by a trick or stratagem. I think the duty of purging the rolls and keeping them in a thoroughly efficient position is of such vital importance that we should have a special officer to perform that duty, and therefore this Bill is introduced. It contains three fundamental principles. The first is that there shall be a principal electoral officer, whose duty it shall be to see that the electoral registrars in the different localities are visited from time to time, so as to ascertain whether they perform their duties properly—in fact, to initiate the formation of an electoral department, for that is what it will come to, under which the rolls will be under the supervision of an officer who will be responsible to the Parliament of the day. I have held this view for a considerable number of years. I gave expression to it when the late Premier was alive, and he cordially supported that view, and if he had been spared to us I have no doubt but that he would have recommended the adoption of this principle. This principal electoral registrar will have the control of the electoral system of the colony, and will see that the clerks of petty sessions perform their duties properly, and relieve us of the complaints which from time to time are made to Parliament in regard to irregularities connected with the lodging of applications and their rejection, and a variety of other matters in regard to which the Home Secretary has no direct right to interfere. And even if he did interfere, it would be suggested at once that he did so from some party motive.

Mr. GROOM: You do not preclude them from sitting in judgment upon their own actions.

Mr. GLASSEY: Yes.

Mr. GROOM: No; two very gross cases have been exposed in the Press within the last month.

The PREMIER: This Bill provides for that. My contention is that the electoral registrar shall be an officer of Parliament, and shall have control of the electoral system in his hands in order to see that the local registrars and clerks of petty sessions who, at present—although I concede that they do their duty according to their lights honestly and well—really consider that the duties appertaining to the electoral office are outside their legitimate functions. They have been appointed as clerks of petty sessions, and look with very ill regard upon their work connected with the electoral system, which they consider as being something additional for which they receive no remuneration, and which they consider as of secondary importance. I desire to impress upon hon. members that I consider the correctness of the electoral rolls as of primary importance, and in that light I commend to the House the appointment of this principal electoral registrar. Complaints, no doubt well-founded, are continually made to this House in regard to the peculiar—not to say eccentric—manner in which some names are put on the rolls and others are rejected. I remember when Sir Horace Tozer was on these benches I complained that the names of a number of my constituents had disappeared from the rolls most mysteriously, and I could get no redress. Ultimately it was found that the clerk of petty sessions, who performed the duties of electoral registrar, had not discharged his duties as satisfactorily as he might, and no doubt in such a large colony as this such things are not of infrequent occurrence. I have no doubt hon. members will, each and all, have, within their own knowledge, circumstances which show that there should be some improved machinery in connection with these matters. The second principle of the Bill is contained in the following clause:—

> No person before or by whom any claim under this Act has been declared or attested, or who has caused or procured or who has been in anywise concerned in the making, delivering, or sending of any such claim to or at a court or to an electoral registrar, shall act as a member of the court when such claim is being heard or adjudicated upon, under a penalty of fifty pounds, to be recovered on summary conviction.

Mr. GROOM: That will not prevent an electoral registrar who puts "disqualified" or "left" against a man's name sitting on the bench.

The PREMIER: I do not contend that the Bill is perfect, but I deprecate the opening up of a discussion connected with the theory or the principles of franchise at the present time. That would open up such a large field for debate that there would not be the slightest chance of this Bill being passed this session, and I would only consider I was wasting time in going on with the Bill if hon. members persisted in that course. Any debate of that sort would result in the withdrawal of the Bill. The third principle of the Bill validates the appointment of certain returning officers who, being members of local authorities and receiving fees for their services

as returning officers, have—by a recently expressed opinion of the Crown Law Office—laid themselves open to a penalty of serving in an office of profit under the Crown. It never occurred to us before, and the fact has only come to light recently. In this colony prominent citizens had often to fill dual positions. Men of intelligence and ability in many places are not remarkably numerous, and a gentleman who has been elected to the position of a member of a local authority through the respect and esteem felt for him by his fellow-citizens, will in all probability be a very valuable and proper man to have as a returning officer. It would be a misfortune if such men were excluded from the position, or made amenable to a penalty for performing the duties of a returning officer. I need not take up the time of the House in dilating further upon the measure. I trust hon. members will view it in the light in which it is introduced—as a measure to improve the administration of the electoral system. It may be thought that I should have pressed it upon the consideration of the House at an earlier period of the session, but by so doing I might have subjected myself to the suspicion that it was intended to interfere with the compilation of the electoral rolls in view of the approaching general elections. The time at which I now introduce it must dispel from the minds of hon. members any such idea. At the same time I think the Bill of such importance that we should not delay in passing it, whether at the time of a general election or otherwise. One of the primary duties of the State is to have the electoral rolls in such a state of purity and completeness. It is most important that men who have the right to be on the rolls should know that they have an official who will see that their rights are fully recognised ; that they will not be subjected to delays and irregularities, or be left to the judgment of subordinate State officials. All these things justify me in urging this measure upon the House to secure an electoral system under which there will be no just cause for complaint by the people of the colony that the electoral rolls do not provide a complete and satisfactory channel for the expression of their opinion at any election that may take place. I beg to move the second reading of the Bill.

Mr. GLASSEY : The Premier says that the main feature of the Bill is the appointment of a general registrar to take charge of the general registration of electors and the compilation of the electoral rolls throughout the colony. He also says that some suspicion might lurk in the minds of hon. members—and perhaps in the minds of the public—if the Bill had been introduced earlier, that it was introduced with a view to controlling the compilation of the rolls in such a way as to influence the general elections in favour of the Government. I think that is not a good excuse. The hon. gentleman says it is much better to take the electoral system out of the hands of the Government and place it in the hands of some responsible person, and I think it would have been a much better plan to have introduced a Bill of this nature at an earlier period of the session so that the control and compilation of the rolls, particularly at the annual court in November, could have been under the supervision of this responsible person. There is only one thing in this Bill which is any justification for its introduction at all—that is, the provision to relieve returning officers from being charged with having held an office of profit under the Crown on account of the small fee they receive for the performance of the duty. It would have been much better if the Premier had introduced a Bill simply to deal with that one question. There is no justification at this late period of the session for introducing a Bill of this kind. I am by no means opposing the principle of the Bill. I think it is very important that we should take the registration system out of the hands of the political head of any department and place it in the hands of a thoroughly capable and responsible officer charged with this very difficult and most important work. But seeing that we have finished the annual rolls under which the general elections will be fought, there is no justification at all for the introduction of a Bill dealing with this matter now. The Premier says it is not necessary under this Bill to discuss the whole matter relating to the franchise. That may be granted, but I ask can any man—and I do not exclude the Premier, though many of us look upon him as very conservative—I ask can any man justify the present electoral system logically or fairly? I say they cannot. It would have been far better that a Bill should have been brought in to deal with the one matter to which I have referred until such time as we could have dealt in a comprehensive way with the whole electoral system. This is only more tinkering. Last year we had an amending Bill which in some respects was an improvement; now we have another little tinkering measure, and I say it would have been better to deal with the one question, and let the other matters dealt with in this Bill stand over until a comprehensive measure could have been considered—I hope next session. The hon. member for Toowoomba interjected that this Bill did not meet the indefensible cases that occurred in connection with the registration courts at Cunnamulla and Mackay ; but I think it does to some extent.

Mr. GROOM : It does not meet those cases at all.

Mr. GLASSEY : It may not meet the case so far as an electoral registrar himself is concerned, but it does meet the case so far as justices of the peace adjudicating upon claims they have themselves attested is concerned. There is another matter to which I direct the attention of the Premier, and one that deserves consideration at the hands not only of members on this side who have condemned most strongly the present electoral system. That is with regard to the question of attestation. Surely no one can justify the present system of attestation of claims, particularly in the country districts, where the officers charged with this work are extremely scarce and difficult to find.

Mr: ARMSTRONG : We have schools everywhere.

Mr. GLASSEY : There are hundreds and thousands of miles throughout this colony where State schools do not exist, or railway officials either. One of the most obnoxious and objectionable features of the present system is the abominable system known as attestation. We all know the reason why this attestation clause was passed. I strongly protested against it at the time, and mentioned the hardships that must accrue, particularly in the sparsely populated districts of the colony. I do not object to the main principles of this Bill, but I will take the opportunity in committee of amending it in the direction of liberalising it with regard to attestation.

The SPEAKER : Order! The hon. gentleman cannot discuss that question now. There is nothing in the Bill providing for increased facilities for attestation.

Mr. GLASSEY : I hope to see the Bill amended in the direction I have mentioned—so that the attestation will be left to two electors to testify that the person who claims to have a vote is eligible, and of course the necessary penalties will have to be provided. Considering the penalty attaching to every person who attests a claim——

The SPEAKER: Order! That has nothing whatever to do with the question before the House.

Mr. GLASSEY: Of course I have no desire to go into the details, but merely to outline the direction in which I think we might reasonably amend the Bill. It is not my intention to discuss the whole question of the franchise, but I hope when the Bill reaches the committee stage it will be amended in the direction I have indicated, and that it will be accepted by the Premier.

Mr. STEWART: We all agree with the sentiment that fell from the lips of the Premier when he declared it was his desire that every person in the colony entitled to be on the roll should have his name there. The only pity is that the hon. gentleman and those connected with him will not take the necessary steps to put that noble sentiment into practice. We also agree with the hon. gentleman that much improvement in the electoral law is necessary, but from my point of view this Bill is not an improvement at all. In my opinion it is merely brought in for the purpose of giving somebody a billet,—adding to the numerous army of Civil servants who have nothing to do but twiddle their thumbs from January till June and from June till January. The hon. gentleman told us that one principle of the measure was the appointment of a principal registrar, but he did not tell us what that officer was to do. He talked in a broad and large fashion of this official who was going to see that every man got his rights. Is this principal registrar going to be placed above the courts of the colony? Is he to be permitted to interfere with the decisions of the benches in regard to electoral claims? If not the whole thing is a farce, and I do not suppose the hon. member has ever dreamed that this officer would be placed in such a position as that. Let us examine the duties of electoral registrars. The electoral registrar sits in his office, receives claims that are brought to him, marks the dates when they are received, arranges them in alphabetical order, submits them to the court and publishes lists after the sitting of the court. We do not require an official of extraordinary ability to do these things. They could be done by a clerk at £150 a year in the largest towns in the colony. It is merely routine work. The real solid work of getting men's names on the roll is done by those who fill up the claims and send them in. The registrar is only the link between the elector who sends in his claim and the bench of justices who adjudicate on that claim. In my electorate, for instance, the electoral registrar lives in Rockhampton. He is the clerk of petty sessions there; he submits the names to the court; they are either accepted or rejected; and I want to know where the principal registrar comes in.

An HONOURABLE MEMBER: At the beginning of the month.

Mr. STEWART: He will come in on the first of the month for his salary, but he will also come in somewhere else if I am any judge of this Bill. We shall not only have this official, but we shall have a horde of other officials all over the colony, and this gentleman will merely be a travelling agent for the National "Ass." It is proposed under this Bill to give this official power to make or cause to be made such inquiries and investigations as he thinks necessary for the effectual execution of his duties and the duties of electoral registrars. What does that mean? It simply means that the purging of the rolls is to be carried out in a much more effective manner than heretofore by Government officials with Government money. The National "Ass" finds it cannot raise sufficient money and it falls back, as usual, on the Treasury. This is the design which is concealed behind the Bill. I hope the hon. gentleman will tell us in replying exactly what this official is going to do. He says he is to supervise the compiling of the rolls. We do not want any such officer for that purpose. We have the electoral registrars and returning officers in the different districts, and now we are to have this official behind the whole lot. I do not believe in the Home Secretary bringing influence to bear so that one party in the State should have advantage over another, yet I do not think the appointment of this official will do away with that. The Under Home Secretary hitherto has superintended the electoral registrars, and if the Government can influence him they can also influence the principal electoral registrar.

The HOME SECRETARY: Do you say that influence is brought to bear?

Mr. STEWART: I do not say anything of the kind.

The HOME SECRETARY: Then your whole argument falls to the ground.

Mr. STEWART: The Premier said that was not desirable, yet political influence might be brought to bear on the principal electoral registrar just as easily as upon any one else. With regard to the other part of the Bill, providing that no person before whom a claim is attested may act as a member of a revising court, no doubt such a principle is absolutely fair in the abstract. But does the hon. gentleman not see what it will lead to? No inconvenience will be experienced in the large centres of population, but in the western country, where justices are "like angels' visits, few and far between," and where there are no railway stationmasters, or classified officers of the Civil service, or school teachers, a man may go to a justice and ask to have his claim attested. The justice will reply, "I will be sitting on the bench; you had better go to so-and-so." He goes to the other magistrate, who refers him to the first magistrate for the same reason, and then perhaps refers the claimant to another justice 100 miles away. The only method by which the hon. gentleman can prove that he is in earnest is by abolishing this system of attestation by justices and substituting attestation by electors. Will he do that? If he does not, then we on this side will be justified in coming to the conclusion that this clause is deliberately inserted for the purpose of disfranchising a large number of men in the more sparsely populated portions of the colony. So far as the machinery for registering names and formulating claims is concerned, I do not think anyone can have very much to say against it. The chief difficulty is encountered before the revising court, and the appointment of this principal electoral registrar will not help us in the slightest degree. I do not welcome the Bill at all. There is not a single clause in it which is an advance on the present law. In fact, one clause is rather a retrograde step, and the officer to be appointed will be really a travelling agent for the National "Ass."

Mr. CRIBB: I think this Bill is a step in the right direction. We not only require facilities to be given to get on the rolls, but also that the rolls should be kept as pure as possible. The purity of the rolls is the chief protection to the *bonâ fide* voter. Therefore, I think that all persons who are interested in the welfare of the colony are interested in seeing that their votes are properly protected. I do not anticipate that there will be any further alterations in the electoral law this year, but there are some that are required. The appointment of this principal electoral registrar will be an advantage in this respect—that from time to time he will be able to make certain recommendations to the Government which will eventuate in a more

perfect system of compiling the rolls of the colony. The hon. member for Rockhampton North has complained about claims being improperly rejected, but there is another side to that question, and I shall give an illustration of what occurred at Ipswich. The electorate of which I have the honour to represent is separated from the adjoining electorate by a creek, and the members of a registered company, known as the Aberdare Company, work on both sides of that creek—that is, they work in both the Ipswich and the Bundanba electorates. A number of those men living on the Ipswich side put in claims as leaseholders to be put on the Bunbanba roll; and others, living in Bundanba, put in claims as leaseholders to be put on the Ipswich roll. There can be no possible validity in those claims. If such claims are admitted, a shareholder in a bank would have a perfect right to be put on the roll in every electorate in which the bank has a branch. I only mention this to show that a considerable amount of attention should be given to the revision of the rolls; therefore I shall be glad to see this measure become law, because I think it will lead eventually to the purifying of the rolls and making them much more perfect.

Mr. DANIELS: Looking through this Bill, I have come to the conclusion that this electoral officer will be simply a buffer for the Government. At present if there is any maladministration we can always blame the Home Secretary for it; but if we pass this Bill, that hon. gentleman will merely say, "I have nothing to do with it; it is the electoral registrar," and we will not be able to get at him. This is simply a Bill to prevent the Home Secretary being battered and knocked about by this side. It is all very well for the Government to say this officer will be independent of Ministerial influence, but that has not been the case with any officer. The Ministry always hold the whip hand, even over the Chief Justice, as was exemplified some time ago in the case of the late Sir Charles Lilley. I should very much like to know from the Premier what it is that the Government intend to do at the next general election that makes it necessary for them to appoint an electoral registrar as a shield for them? If they want to amend the law so as to make it fair, there are better lines upon which they could travel. For instance, in large districts a justice of the peace will refuse to attest claims because he wants to sit upon the bench, and, as is well known, persons are generally appointed because they have been supporters of the present Government. There are a few who may be in sympathy with this side of the House, but nearly all are in sympathy with the other side, and they are not likely to attest the claims of men who are likely to vote against the side they favour. If the Premier wanted to do justice he would bring in an amendment like that foreshadowed by the leader of the Opposition—that the attestation of a couple of electors in the district should be sufficient, more especially when the person who made a false declaration would be liable to a penalty. The fact is that the Government simply want to keep people off the rolls. Of course no person before whom any claim has been attested shall be allowed to sit as a member of the court, but the effect of that will be to lead justices of the peace to refuse to attest claims, because they will want to sit on the revision court. A justice of the peace would simply tell an applicant to get Smith, who lives 100 miles away, to attest his claim, but when he got there he would probably find that Smith had gone to Sydney; and in that way he would be kept month after month trying to get on the roll. This is a state of things that it is within the power of the Premier to alter. I remember hearing the hon. gentleman advocate that we should make it easier to get on the rolls, making the penalty for making a false declaration as heavy as possible. I would not mind if the penalty were made five years' imprisonment, so long as men had an opportunity of getting on the roll if they are legally entitled to do so. The hon. member for Rockhampton North said it looked as if the Bill were brought in to give somebody a billet, because the Political Association is getting out of funds. They want to pay their agents out of the Treasury, and it is very possible that we may have "the underground electoral engineer," Mr. Bulcock, appointed to this position.

The HOME SECRETARY: Very likely.

Mr. DANIELS: Well, I am very sorry to hear it. We knew there was some reason for it before, but the hon. gentleman has given us the key to it now.

The HOME SECRETARY: Talk sense.

Mr. DANIELS: I am talking enough sense for the hon. gentleman to understand that I think this Bill would be more harm than good, and I intend to do all I can to stop it from passing.

Mr. GROOM: What I desire to say upon this Bill is purely upon public grounds; I do not want to say anything that bears any relation to anyone in particular upon this matter. I interjected during the Premier's speech with respect to the effect of clause 4, and I understand since the hon. gentleman spoke that, however ambiguously it may be worded, that clause is intended to preclude the electoral registrar from sitting in court in his own case.

The HOME SECRETARY: In his own case?

Mr. GROOM: I will explain it in this way: In one of the registration courts in the colony, on the 5th November an electoral registrar, in spite of all remonstrance, insisted on sitting and adjudicating upon his own case. The parties interested sought the opinion of a learned counsel in Brisbane as to whether an electoral registrar could sit on the bench and adjudicate upon the claims of persons against whose names he had previously marked the words "dead," "left," or "disqualified." The answer of the learned counsel, carefully and diplomatically given, was—"There is nothing in the Electoral Act to prevent it." Well, I contend that there ought to be something in the Electoral Act to prevent it.

The PREMIER: Was he not sitting as police magistrate?

Mr. TURLEY: Yes; but he was electoral registrar as well.

Mr. GROOM: I will give the House a concrete case, that they may see how it works, and in the case I quote it cannot be urged that there was a scarcity of justices. This is taken from the *Mackay Standard*, and I find it corresponds with the report in the *Mackay Mercury*—

> The annual electoral revision court was held yesterday, the court consisting of Messrs. A. Hasenkamp, E. R. N. MacCarthy, H. B. Black, J. P. Kemp, D. Lacy, H. L. Black, W. G. Hodges, C. Smith, C. P. Man, and W. Appelt.
>
> After the court had been declared open Mr. H. B. Black said:—I would like to ask the court if the electoral registrar can sit as chairman of this court. The court is assembled for the purpose of revising the work of the electoral registrar, and I do not think the registrar is competent to sit in judgment upon his own work. The Electoral Act says, "The electoral registrar shall make out a correct list of names of all persons against whom he places the word 'dead,' 'left,' or 'disqualified,' showing the word so placed against each name, and shall cause a copy of such list to be published. He shall send by post to such person at his usual or last known place of abode a notice informing him that it is proposed to expunge his name from the roll." The object of the court is to deal with the work done by the electoral registrar, and I contend that the registrar is not justified in sitting in judgment upon his own work. At any rate, it is hardly seemly that he should do so.

Mr. Hodges: I do not see where any objection comes in; Mr. Hasenkamp is police magistrate, and in virtue of his position is entitled to sit on the bench and adjudicate on all cases brought before the court.

Mr. MacCarthy: I quite agree with Mr. Black. It would be highly indecent for a man to adjudicate upon a case in which he is the chief witness, and I move that a vote be taken on the question.

Mr. Black: I do not wish the matter to go to a vote. I wish to put the matter to Mr. Hasenkamp himself. If he is satisfied that he is competent to sit on the bench in his dual capacity, I am satisfied.

Mr. Hasenkamp: I have been appointed police magistrate for this district, and as such I am entitled to act as chairman of this court. I have also been appointed electoral registrar, and I am of opinion that I can sit in this court as being qualified to act as both police magistrate and electoral registrar. I also hold some twenty other appointments, and I do not see why I should be debarred from acting in a dual capacity. Nothing has been done with regard to electoral claims since the end of August, and with the permission of the court I intend to preside and also to act as electoral registrar.

I cannot but think this was never intended by the Act. I am speaking, as I have said, only on public grounds, and I say that is enough to cast a suspicion in the public mind that the Act is not being carried out justly where such things are done. Subsequently in this case the magistrate and electoral registrar insisted that the name of one elector whom he had marked as having left the district should be rejected, though an agent appeared for the elector to show that he was still living in the district; but the other magistrates insisted upon the retention of the name, and it was retained. I point out that the magistrate would have no more right to sit and adjudicate upon what he had done in his twenty other capacities than he had to adjudicate upon his own work as electoral registrar.

Mr. STORY: To what district are you alluding?

Mr. GROOM: I will give the Cunnamulla case if the hon. member wishes.

Mr. STORY: I wish you would. I know something about it, and I may be able to give you some information.

Mr. GROOM: I wish the hon. member would. I am not saying one word as to whether the electoral registrar was not justified in the course he took at Cunnamulla in sending out objections to seventy-five names. But it is another question altogether as to whether he was right in sitting upon those cases when the time came for those objections to be considered. I hold it would have been far better for him on all grounds, on public grounds particularly, if he had communicated with the Government, and the police magistrate at Charleville had been asked to adjudicate on those claims. I say that the fact of electoral registrars sitting in judgment on their own cases is causing unnecessary friction and scenes in court which it should be the duty of this House to prevent, and if this clause is intended to bring that about the Chief Secretary will find no warmer supporter than myself. If the hon. member for Balonne wishes me to mention the Cunnamulla case, I will do so.

Mr. STORY: I have not the slightest objection.

Mr. GROOM: If the hon. member can throw any light on it, all the better for him that he should have the opportunity of doing so.

Mr. KEOGH: It is a disgraceful case, take it any way you like.

The SPEAKER: Order, order!

Mr. GROOM: I simply give it as reported in the *Cunnamulla Comet*:—

When the police magistrate took his seat on the bench on Tuesday for the purpose of revising the lists and hearing evidence in support of the claims of those persons who had been placed on the disqualified list, it at once became evident that more than ordinary interest was centred in the proceedings. The court was soon uncomfortably crowded.

Mr. S. S. Pegg appeared for the majority of those whose names had been marked off, and Mr. Sachse watched the case on behalf of the objector (Mr. G. H. Austin, J.P.). When the claim of Joseph Blake came on for consideration, the dull monotony of the proceedings was rudely broken. Notwithstanding that the police magistrate allowed the name of Thomas Anderson, a coach-driver in the employ of Messrs. Cobb and Co., to remain on the roll, he positively refused to treat the claim of Blake, which was similar in every respect to that of Anderson's, in a like manner. Mr. Pegg referred in pretty strong terms to the gross inconsistency of the bench.

The SPEAKER: Order! I hardly think the case the hon. member is quoting has anything to do with the question before the House. It is not a question whether the magistrates did their duty or not. The former case quoted by the hon. member appeared to have a direct bearing on the question before the House, but this quota now seems to be dealing with the action of the magistrate.

Mr. GROOM: I know it is not right for a member to argue with you, Mr. Speaker. What I desire to say to you is that the gentleman in this case was an electoral registrar; he also sat upon the bench as police magistrate. I am desiring, if I can, to show the Chief Secretary that this Bill will not be complete unless there is a clause inserted preventing any electoral registrar from sitting and adjudicating in those cases if it can possibly be avoided. If you think I am wrong, Mr. Speaker——

The SPEAKER: The hon. member is quite right in his contention, if the case he is quoting is applicable to this clause, but it seemed to me that it was not.

Mr. GROOM: To resume the quotation—

Mr. Pegg, with great vehemence, said that not only did he exceed his duty, but he had used every effort in his power to prevent certain persons from getting on the roll.

The P.M.: It's a wilful lie, and I challenge you to prove it.

Mr. Pegg said that he could prove it if the electoral registrar would only go into the box and allow himself to be cross-examined as to his actions in the matter.

The P.M. pointed out that he was at present sitting as police magistrate, and did not feel disposed to comply with Mr. Pegg's request.

Mr. Pegg said that it was very unfortunate that the electoral registrar and police magistrate were one and the same person, otherwise he (Mr. Pegg) would have been able to put the former in the box. The electoral registrar had departed from the usual practice of making inquiries as to the whereabouts of electors who were supposed to have left the district. Had he handed over the list to the police, and instructed them to find out the necessary particulars, there would not have been any cause for complaint. But he marked the men off without making these inquiries, and it was here that the injustice was done.

The P.M. stated that he had given the list to the police for the purpose of finding out the required information.

Mr. Pegg said that the electoral registrar had only given one list to the police, but he did not seek the assistance of the police with regard to the majority of those against whom objections had been lodged. He would like to know the reasons which prompted him to mark off the names of those on the list he had in his possession.

Then there was an unseemly scene between the solicitor and the police magistrate, which ended in one name being retained and the rest being objected to by the police magistrate.

The HOME SECRETARY: Was he the only man on the bench?

Mr. GROOM: He was the only one. What I want to point out is that these unseemly scenes in court are not desirable, and that if we can prevent them we should do so.

The HOME SECRETARY: The proper way would be to call in a constable and send the solicitor to the right about.

Mr. GROOM: That may be the opinion of the hon. member, but probably other persons, both inside and outside this House, may take a different view. I say that an uneasy feeling is being created in the public mind that there is

something wrong in connection with the electoral rolls, and if it can be removed in any way it is our duty to remove it. I therefore ask the Chief Secretary whether in clause 4 it is not quite possible to do so by a slight amendment. Of course it is conceivable that there may be a district where it would be impossible for the registrar to avoid sitting on the bench on account of there being no other magistrate, but in the case where there were twelve other magistrates on the bench there was no necessity for the registrar to act. It would have been better, and would have tended to remove every semblance of partiality, if he had retired and allowed the other magistrates to determine the cases, and he as registrar had given all the necessary information to prove or disprove the claims sent in to him. In England all the revisions are conducted by revising barristers—men who understand the law.

Mr. LEAHY: There is machinery for cases being referred to the District Court.

Mr. GROOM: I am aware that provision is made in the principal Act for cases to be heard in this colony by the District Court judges, but the machinery provided has never yet been put into practical operation. I would much prefer—and I do not think the expense would be objected to by either side of the House—that we should amend the Bill in the direction of appointing the District Court judges to revise all the electoral rolls, and thus remove from the police courts anything tending towards what may be thought partiality. I have no objection to the second reading of the Bill, but I sincerely hope the hon. gentleman in charge of it will think over the matter of electoral registrars. Those scenes may happen in any other place, in addition to those I have mentioned. I am aware that some electoral registrars discharge their duties in the most efficient manner possible. I have known instances of electoral registrars who have received documents from an association in Brisbane in connection with their duties, and they have thrown them into the waste-paper basket, and have acted conscientiously and uprightly. I am satisfied, therefore, that the hon. gentleman has electoral registrars in his department who know what their duties are, and who are conscientious enough to discharge them, and they ought to be relieved from the invidious position of having to sit in a court and adjudicate in the manner I have described. I am not saying that those men were actuated by bad motives, or that they went upon the bench with the determination to strike men off *nolens volens*; but I do say they ought to be precluded by Act of Parliament from sitting on any case in court which they themselves have sent there. I hope the hon. gentleman will endeavour, if he can, to insert a clause to prevent anything of that kind occurring in the future.

The HOME SECRETARY: If the hon. member who has just sat down had thought of this matter in all its bearings, he would scarcely have delivered the speech and advocated the views that he has done. The whole argument of the hon. member, until the last few minutes of his speech, was that electoral registrars are partisans. He was good enough to say that he knew one or two who were not partisans, but by implication all the others were partisans. But the hon. member has forgotten this: that if his argument is good with regard to registration courts, it is good with regard to all courts over which police magistrates and justices preside. Is not an electoral registrar, if he happens to hold the dual position of police magistrate and registrar, in exactly the same position as a police magistrate, or a presiding justice is in who happens to have taken an information in a case which is ultimately to be brought before him? The two cases are exactly parallel. In the one case, the magistrate listens to the statement made by the complainant in a case; it is *ex parte*, but the complainant makes out a *primâ facie* case against the defendant. The magistrate, after having heard that statement, issues his summons or his warrant as the case may be, and afterwards, very properly and naturally, presides upon that case. And I have yet to learn that the slightest imputation should be made against his partiality for doing so. What is the position of a registrar? He is a public officer charged with the perform ance of a public duty. It is his duty to make certain inquiries, and upon the answers he gets to those inquiries, and upon information that may be voluntarily given to him by any person in the community—it is his duty practically upon that *ex parte* statement to issue his summons or to ask the person against whom that statement is made to come in and prove his claim to remain on the roll. If the electoral registrar, assuming that he has afterwards to sit on the bench as police magistrate, is to be regarded as a partisan because he issued that summons in the first instance on the information given to him, then I say it is not the function of any magistrate to sit upon any case in which he has heard an *ex parte* statement by a complainant. There is no getting away from that argument, and the hon. member, if he desires to enforce the principle with regard to one court, must ask that it should be also enforced with regard to the other court. Speaking of the Mackay court, the hon. member said it was desirable that there should be no semblance of partiality. He tells us that the bench was full of magistrates on that occasion. Can he not tell us who those magistrates were? Has he never heard of any of those magistrates? Does he not know that one of them was a candidate at the last election, and intends to be a candidate at the next election?

Mr. GROOM: I am aware he was a candidate at the last election.

The HOME SECRETARY: Is the hon. member not also aware that he is now a candidate for the next election? The hon. member seems to know more about it than he cares to tell us. At all events every hon. member can form his own conclusion. But when we find a large number of magistrates in a place where, as the hon. member himself said, party feeling ran high, what is the natural inference but that the two parties were represented on that bench? And who is more fitted to preside upon that bench and to hold the balance between those parties than the police magistrate who is responsible to Government and to Parliament for his actions?

Mr. LEAHY: Do you say there were partisans on the bench?

The HOME SECRETARY: I do not; but the hon. member has told us that party feeling ran high, and that the bench was crowded with magistrates. I said the inference to be drawn was that under such circumstances the two political parties would be represented on the bench. Every one of those magistrates had votes, or they had no business there.

Mr. KEOGH: Not necessarily.

The HOME SECRETARY: Of course we all know that it is not necessary for a magistrate to be a voter; but I say that in 999 cases out of 1,000 those men would have votes in that electorate. Now, the police magistrate has no vote. Where is there any justice in this imputation of partiality against either an electoral registrar or police magistrate, when the legislature has taken the trouble to deprive police magistrates of their votes in order that they shall not be partisans? No person in the community is better qualified to preside at a revision

court than a police magistrate, whom, for that very purpose, we have deprived of one of the greatest privileges he can enjoy. The hon member wants to know why District Court judges do not go through the country revising the electoral rolls. This seems to be just about as thoughtless an expression as the rest of his speech. Does he remember the extent of Queensland, and the number of revision courts which are held throughout the colony, and that the period within which these courts must be held extends only from the 1st to the 21st of November? I should like to know whether the whole of the judicial business of the country in the District Courts is to be suspended during those three weeks—and possibly for a week before and a week after in travelling—in order that the District Court judges might travel through the country and sit on revising benches? And then they would not be able to sit on more than one-tenth of the benches of the colony. That must be patent to anyone.

Mr. GROOM: What is it put in the Act for?

The HOME SECRETARY: I do not know that a District Court judge has ever sat.

Mr. GROOM: I know that, but what is it in the Act for?

The HOME SECRETARY: The hon. member ought to know just as well as I do why it was put there. I take it that the hon. member was here when it was done. What is the good of his asking me? If a District Court judge happens to be in a town when a revision court is being held, there is no reason why he should not sit on the bench, but to say that all revision courts should be presided over by District Court judges is to put forward a proposition which is absurd on the face of it. It would be utterly impossible, humanly speaking, for the District Court judges to do it if we had three or four times as many as we have at present. I think, for the reasons I have given, that a police magistrate is a very much more reliable person to preside at a revision court than a political justice of the peace, who having a vote, and being apparently interested in electoral matters, has naturally his own political views. The argument is entirely in favour of the police magistrate presiding, whether he is electoral registrar or not.

Mr. BOLES: You know that they have no power to knock anyone off the rolls unless he has been previously challenged.

The HOME SECRETARY: Of course I know that. Does the hon. member say that no one with strong political views ever sits on the revision bench? The hon. member is altogether wrong, if he does. The hon. member has sat on the bench himself since he has been a member of Parliament.

Mr. BOLES: Never.

The HOME SECRETARY: Hasn't he?

Mr. BOLES: No.

The HOME SECRETARY: At all events the hon. member has sat in revision courts.

Mr. BOLES: Years ago, but not within the last six years.

The HOME SECRETARY: Had the hon. member no political views then?

Mr. BOLES: I may have had political views, but you know I had no power to remove any name from the roll.

The HOME SECRETARY: I do know it. Does the hon. member take me for an utter ignoramus?

Mr. BOLES: Then why does the hon. gentleman talk about political partisans?

The HOME SECRETARY: Perhaps the hon. member is not a partisan. I am very glad to accept his statement.

The SECRETARY FOR RAILWAYS: No such thing exists.

The HOME SECRETARY: I suppose it does not if the hon. member is not one. I have said enough to show that when the hon. member for Toowoomba spoke as he did in his opening remarks of a police magistrate sitting on his own case, he was making a statement which was scarcely justified by the fact. The case in which a police magistrate presides in a revision court is no more his own case than is a case brought before him his own case because he happens to have taken the information upon which that case is founded.

Mr. GROOM: That is a matter of opinion.

The HOME SECRETARY: Well, it is a matter of opinion. I am sorry I cannot convince the hon. member. One hon. member has asked whether this principal electoral registrar would have any control over the benches? That is an absurd question to ask. Of course he would have no possible control over the benches—at least I should be very much surprised if he had. But I can assure hon. members that it is very desirable that the whole electoral business throughout the colony should be focussed in some officer in the Home Department under the Under Secretary. I asked the hon. member who spoke in this strain, and who said—or implied—that this principal electoral registrar would be subject to political partisan influence from the head of his department, whether there was an imputation that political pressure was now brought to bear upon the Under Secretary, who has to perform to a very large extent these duties, together with a multitude of other duties. The hon. member said "No." Then why should there be any imputation of political pressure being brought to bear upon a public officer, whose duty it would certainly be to at once make known the fact of any such political influence being brought to bear upon him? I may be pardoned for digressing for a moment, by way of illustration; but the first thing which struck me when I went to the Home Department was that there was a great deal too much centralisation in the Under Secretary. That is what struck me, coming from the Lands Department, in which there are a number of sub-departments. The Under Secretary in the Home Department has to deal with all kinds of things which should be focussed in various sub-departments. I am perfectly satisfied, from a departmental point of view, that the business connected with electoral matters would be very much more efficiently conducted, and there would be far fewer complaints made in this House, if we had some officer immediately under the Under Secretary in charge of a sub-department charged with the administration of the electoral laws. The same thing would apply to other sub-departments which I could name, and I hope to see these matters rectified, as well as the one with which we are dealing at this moment. The leader of the Opposition desires, as I understand him, that there should be provision made rendering it easier for men to get their names on the rolls by inaugurating a system which he has proposed before—namely, that anyone could have his name witnessed by two electors. There are two ways of looking at it.

The SPEAKER: Order! I must ask the hon. member to allow that question to remain in abeyance in the meantime. It does not come within the scope of the Bill.

The HOME SECRETARY: Of course I bow to your ruling, Mr. Speaker, but I would point out that it places me somewhat at a disadvantage in not being allowed to refer to the question at all, when the hon. member was allowed to dilate upon it at some length.

The SPEAKER: The hon. member must remember that I called the hon. member for Bundaberg to order. When I saw the trend of his argument I checked him.

The HOME SECRETARY: He proceeded all the same. I have nothing more to say.

Mr. BROWNE: I have listened very attentively, and I expected the Home Secretary to use a great deal better argument against the hon. member for Toowoomba than he has done. Between a police magistrate sitting in an ordinary case and sitting as electoral registrar I see no parallel at all.

The HOME SECRETARY: That is your misfortune.

Mr. BROWNE: It may be my misfortune, or it may be the misfortune of the hon. gentleman that he is not able to make himself clear to people of ordinary intelligence. A police magistrate issuing an information against anyone is on a different footing altogether; after he issues an information the person who lodged the complaint has to come into court and prove what he has charged against the defendant, but in the electoral court the electoral registrar marks "dead," "left the district," or "disqualified" against the names of the persons whose qualification is challenged.

The HOME SECRETARY: He does not do that in court.

Mr. BROWNE: No, he does it previously. A notice then appears in a newspaper giving a list of the persons against whose names those marks have been made, and calling upon them to appear in court on a certain day and disprove the statement that they are disqualified. If they do not appear their names are at once removed from the roll, and cases have occurred in which names have been removed from the roll in spite of the fact that the persons concerned have attended the court. The hon. gentleman should also know that prior to the sitting of the court the electoral registrar is supposed to send notices to the persons who are said to be disqualified, and that there might be cases where such notices were never sent out, and where in consequence of the fault of the registrar in that respect a man would not appear in court. There is no parallel at all between the two cases. With regard to the cases quoted by the hon. member for Drayton and Toowoomba, an account of which we have all seen in the public prints, I think it was a disgrace to the court in both places; there was no fair play. There may have been partisans on the bench, but I do not know anything about that.

The HOME SECRETARY: I suppose that is what is wanted.

Mr. BROWNE: If the hon. gentleman has been in the habit of packing benches, I have not. Since I have been a justice of the peace I have never sat on the bench on any case of the kind.

The HOME SECRETARY: Nor have I ever sat on the bench in my life.

Mr. BROWNE: With regard to the first part of this Bill I do not share the fears which have been expressed by the hon. member for North Rockhampton. It might be as well to have a non-political head, but at the same time I think the argument which was used by the hon. member for Rockhampton, and which the Home Secretary tried to distort, was perfectly legitimate. The Premier in introducing the Bill stated that the chief reason why he brought it in was because he wanted to remove this matter from political influence, and it was a fair inference to draw from that statement that the present Under Secretary for the Home Department, who has charge of the matter, was under political influence. While I agree with the reason that it is well to remove the matter from political influence, I do not believe, and I do not think there is a member on this side of the House who believes that Mr. Ryder is amenable to such influence as far as electoral rolls are concerned. And I may say that so far as my acquaintance with electoral registrars in the North goes I could not wish for a fairer or more just set of men; I do not believe that they have used their positions in a wrong way, or been improperly influenced by anyone. I have the same feeling as the leader of the Opposition with regard to the time this Bill has been introduced. The Premier stated that he did not introduce it earlier for fear it would be thought that they were going to use the provision respecting a principal electoral registrar during the next general election. That may be a legitimate reason, but as the measure has been delayed till the end of the session, and this provision will not have any effect for the next year or two, what is the use of cumbering the Bill with it?

Mr. LEAHY: It might have a good deal to do with the next elections.

Mr. BROWNE: It will have no effect on the rolls. However, I do not think it is worth quarrelling about; it is like a blister on a wooden leg—it will do neither good nor harm. With respect to the 4th clause, I am of the same opinion as the hon. member for Drayton and Toowoomba—namely, that it should be extended to electoral registrars; for, as has been pointed out, there are places in the colony where, if justices of the peace are excluded from sitting on the bench, there will be nobody to revise the rolls. If the leader of the Opposition moves the amendment he suggested I shall certainly support it, because the difficulty of getting on the roll is one of the greatest troubles we have to deal with at the present time in the outside districts. As to the Bill generally I shall support the second reading, in the hope that it will be amended in committee in the way which has been suggested.

Mr. STORY: I am not going to take up the time of the House in making even a second-reading speech on this measure, about which there does not appear to be any great diversity of opinion. But I claim the indulgence of the House while I make an explanation and repel a most unwarranted attack on a perfectly honest and just man. The statement which has been made is altogether *ex parte*, and has been gathered from a paper, the managing director of which is Mr. Pegg, the man who quarrelled with Mr. Francis. I can certainly say that the matter is wrongly reported, because there are no stenographers at all in Cunnamulla, and the newspaper reports are elaborated from ordinary notes. The hon. member for Drayton and Toowoomba quoted from the *Comet*. I am pleased that the matter has been brought up, because I have been excessively annoyed for some time at hearing allusions to what happened at Cunnamulla some little time ago. The statements which have been made have gathered volume until it has appeared that some very great injustice has been done, and Mr. Francis's character has been attacked in the most unwarrantable manner. There is another paper published in the same township, and although it labours under the same disabilities as the *Comet*, having no stenographic reporter, still I may say that if there is any justification for the language used by the registrar it is shown in that paper. I may be permitted to read an extract from it. Mr. Pegg, solicitor, appeared for some men who had been disqualified, and Mr. Francis was sitting as electoral registrar. It was evident from the gathering in court that there was going

to be an attack made upon the police magistrate, and at the start of the proceedings Mr. Francis said—

I think I can shorten matters, Mr. Pegg—unless you have some reason to believe that the electoral registrar has wrongfully marked the roll, in which case your proper course would be to lay your case before the Home Secretary.

Mr. Francis was perfectly willing to take the responsibility of his action, and told Mr. Pegg the proper course to take under the circumstances. He continued—

Speaking as electoral registrar, I may say that I have always had good grounds for any markings I have made on the rolls of which I have had charge here for the past sixteen years. To continue further in the present strain would only be wasting the time of the court.

Then when it came to discussing a certain case Mr. Pegg said to the registrar—

I tell you if I am not satisfied with the way these cases are conducted I shall see if I cannot get satisfaction elsewhere.

The Police Magistrate: I caution you, Mr. Pegg, before you go any further. If you go on in this strain I certainly shall have to use the powers conferred upon me by the Act.

Practically the relations had become so strained that the police magistrate had to threaten to lock Mr. Pegg up. That is what he means.

Mr. Pegg: My remarks apply to the electoral registrar.

The Police Magistrate: The electoral registrar has had sixteen years' experience in his work, and has never exercised his functions in marking the rolls except on what he considered good grounds.

Mr. Pegg: They seem to be always exercised on behalf of Story.

The Police Magistrate: I can only say that whoever says so is telling a lie. If you say so, I can only say you are a liar, Mr. Pegg.

Mr. Francis was not justified, perhaps, in using that language, but allow me to say that who ever makes that statement is a wilful liar. For all the time I have known Mr. Francis I have never written him one letter on electoral matters, nor has he communicated with me. I would never dream of trying to induce him to do anything which would favour me. But Mr. Pegg cannot understand that. It comes naturally to him to be dense in these matters. He has been there only a short time, and Mr. Francis a very long time. Mr. Francis has occupied his present position for sixteen years, and has gained the confidence and goodwill of the whole of the inhabitants.

Mr. MoMASTER: Except Pegg.

Mr. STORY: I am very much tempted to say something about Mr. Pegg which could be corroborated by others in this House, and which would put a different aspect on this matter, but I refrain from doing so. In proof of what I say as to how little it is to my interest to keep Mr. Francis where he is, I may read almost the first speech I made when I came to this House in 1897:—

Mr. STORY called the attention of the Home Secretary to an injustice done the police magistrate in his district, which was really a compliment to that gentleman. He was so good, so well liked, and so trusted that he had been left where he was—not too long for the people, but too long for his own health and advantage. It was about fourteen or fifteen years since Mr. Francis had gone out into the West, and, with a few short holidays, he had been there ever since. He hoped that when the magistrates were being shifted Mr. Francis's case would be considered—not as a matter of justice to the district, but in justice to the gentleman himself.

Almost the first thing I did when I came here was to try and get a transfer for Mr. Francis. I have applied to Sir Horace Tozer, to the present Premier, and to the present Home Secretary. Why, if I were such a blackguard as Mr. Pegg would try to make me out, it would be to my interest to keep Mr. Francis where he is. I can only say, further, that if hon. members will look at the marking of the roll in question they will find that Mr. Francis has been most impartial—that he has struck off the owner of Yarmouth station; Mr. Willis, a member of the New South Wales legislature; Mr. Drew, of Ivanhoe; and many other prominent men—in his efforts to mark the roll honestly and impartially. The whole attack made upon him is utterly unjustifiable. Perhaps, as I have said, he was wrong in using such an expression from the bench, but considering the aggravation he received from Mr. Pegg I hardly wonder at what he said.

Mr. BOLES: This debate has drifted entirely away from the merits of the Bill, and I do not intend to make any reference to what has taken place at Mackay and Cunnamulla—although matters do not seem to have gone on in a way that the majority think right. The hon. member for Toowoomba when introducing the question, said he did so purely on public grounds and to show that these electoral registrars were placed in an invidious position. I do not say they are partisans. They may be perfectly conscientious, but a man who gets information supplied to him—whether rightly or wrongly—and marks the rolls, certainly should not sit on ihe bench afterwards to revise. The Premier laid particular emphasis upon the purity of the rolls, and I think the House is at one with him in that matter. I do not think any hon. member desires to see names on the roll that have no right to be there, and it is just as well that this proposal for appointment of a principal electoral registrar has only been brought forward at the end of the year, because it cannot now be said that it was done with a view to getting people on the rolls for the present year. But, still if this officer cannot do any effectual service for another twelve months, I do not see why the Bill cannot stand over. I cannot see very much in the Bill, but I can see a great deal that ought to be in it, and I am only willing to support the second reading in the hope that the Government will accept some amendments in committee which will tend to improve it. The hon. member for Bundaberg pointed out the difficulty there was in the outside districts in getting on to the rolls, but that matter is not dealt with in this Bill, nor is that of having all the elections upon one day. There is no reason why they should not be all on one day, as is the case in New South Wales and South Australia, and it would be a step in the right direction if the system were introduced here. In regard to attesting claims, I do not see why any respectable householder, or person paying a certain amount of rent to the Crown, or owning a certain amount of property, should not attest claims.

The SPEAKER: Order! I trust the hon. member will not proceed further in that direction.

Mr. BOLES: I do not intend to say any more about that, but it has been already referred to, and I thought I might refer to it also. We have been told that the duty of this electoral registrar will be to direct the local officers, but what information will he have to go upon? I believe most of them are fair men, and therefore I do not see what the effect of this appointment will be. Another amendment that might be made is in connection with putting a number on the corner of a ballot-paper.

The SPEAKER: Order! The whole of the Elections Act is not open for discussion. The hon. member must confine himself to the provisions in the Bill.

Mr. BOLES: I thought I was perfectly justified in referring to amendments that might be introduced into the Bill.

The SPEAKER: The hon. member is wrong. He must deal with the Bill as it is. He must see that if the whole electoral law was open to review, debate would be interminable.

Mr. BOLES: But for the possibility of getting some amendments into the Bill in committee I do not see what is the good of wasting time over it. The Premier has not shown what benefit the country will gain by appointing an electoral registrar; and so far as the other clauses are concerned, I do not think they will do much good between now and the opening of next Parliament. A great deal has been said about justices attesting claims and sitting on the revision court afterwards, and there is a great deal in it. I have not sat on a revision court for the last seven years, but I have attested a great number of claims. Men come to me in the belief that if I attest their claims there is a possibility of their not being rejected, and I attest them. That is about the only thing in connection with elections that I have been guilty of since I have been a member of this House. If these men are to have a vote at all I must attest the claims. Although the Premier introduced this measure in a very courteous way, I do not think he has given us sufficient reason for appointing this officer, and I think the matter might very well stand over till next session. But in the hope of being able to make some beneficial amendments in committee I shall support the second reading.

Mr. DRAKE: I was rather surprised when I heard the Home Secretary defending this practice of allowing a police magistrate and an electoral officer to take part in the proceedings in the revision court. I was under the impression that, although there is nothing in the Act to prevent it, it was merely an oversight, and when this Bill is in committee I shall be prepared to move that subsection 2 of clause 11 of the principal Act be amended so as to read, "No magistrate who is not also an electoral registrar." We can discuss this without making any imputation whatever upon any magistrate who has sat upon the bench. So long as the Act makes him eligible for the performance of those duties, it is very natural that a police magistrate might imagine that it is part of his duty to take his place upon the bench, and that he would be shirking his work if he did not do so. In spite of that it seems to me a terribly anomalous thing that an electoral registrar should preside at a revision court to supervise his own work. The case mentioned by the Home Secretary of a police magistrate taking a complaint or information is not analogous at all, because there the magistrate must take the complaint in his magisterial capacity. His action there is of course *ex parte*, but as soon as he sits on the bench to adjudicate upon the complaint, the person who made it has to come forward, and by sworn evidence prove the complaint he had submitted to the magistrate. The case of the magistrate who is electoral registrar is very different, because, though he may have got his information from various sources, he produces a list which has been compiled by himself, and he is not in the position of a magistrate hearing a charge made against a person, but he has made the charge himself. The 23rd section of the principal Act contemplates that after the electoral registrar has made a list, marking against certain names "dead," "left," or "disqualified," the list is to go before some other tribunal to decide whether that marking is correct or not. It seems only common sense that the tribunal to decide whether that marking is correct or not should not consist of the man who has made the marking. If the analogy with the case mentioned by the Home Secretary held good, and the person who supplied the information upon which the electoral registrar acted came forward to support the objection raised to a name, there might be no cause to complain, but the information is brought to the electoral registrar anonymously. I have tried to correct that several times when Election Bills have been before the House, by providing that that information should not be given secretly, but up to the present time it is given secretly. Therefore, when the marked list is presented to the revision court, the objections are made by the electoral registrar himself, and he is not the right person under the circumstances to adjudicate as to whether his marking has been correct or not. There are only one or two other matters in the Bill, the principal being the appointment of a principal electoral registrar. In regard to that the whole matter will hinge upon the person appointed. The great difficulty will be to get a person who is entirely free from political bias to occupy such a position. We recognise that difficulty in other departments by the appointment of boards. We appoint a Public Service Board because we find it almost impossible to discover any one individual who will be the absolute embodiment of justice and impartiality. But here provision is made for the Governor in Council to appoint some person who shall be principal electoral registrar, and we must really wait until we see how he discharges his duty before, in that respect, we can pronounce this Bill to be good or otherwise. It all rests upon the appointment of that individual, and it seems a very great power to give the Government—to appoint a gentleman who is to occupy so very important a position. He ought to be strictly impartial and without party bias; but whether it is possible to find such a person I am sure I do not know. Provision is made for a revision court consisting of a number of justices, and it may be possible, with the number, that we shall get something approaching justice and impartiality. That is the reason, I take it, why a number of justices sit upon the bench, and why in certain cases a number of judges sit upon the Supreme Court bench—in order to get absolute justice from the concurrence of a number of minds bent upon the same subject. But this Bill provides for placing the power in the hands of one individual, and I trust the Government will exercise a very great deal of discretion in the choice of the person whom they will appoint to such a responsible position.

Mr. KERR: I hold with the leader of this party that it would have been much better if this Bill had been brought in at the commencement of the session. We all know that there is great diversity of opinion amongst members of this House and amongst people outside as to the duties of electoral registrars. It has been stated to-night that there are partisan benches, but I can say that members on this side of the House are not represented by any party on the benches.

The SECRETARY FOR PUBLIC INSTRUCTION: You are quite wrong.

Mr. KERR: I can prove my statement, because it is pretty well known that no man in this colony who is not a member of this House, but who is known to have Labour sympathies or to hold Labour opinions, has ever been appointed a justice of the peace. It is a well-known fact that this is a bar to any man in this colony being appointed a justice of the peace.

The HOME SECRETARY: I could name dozens.

Mr KERR: The hon. gentleman may say that, but the experience of members on this side is that men have been nominated for the position who are in every way qualified to be justices of the peace, but they have not been appointed because their political opinions have been against them.

The SECRETARY FOR PUBLIC INSTRUCTION: That is not correct.

Mr. KERR: It is correct. I have proof that it is correct. The cases at Cunnamulla and Mackay have been referred to showing that electoral registrars have, as police magistrates, sat upon the revision court bench. While one hon. member was speaking he was asked whether he knew a registrar who was a police magistrate that did not sit at a revision court. I know where a registrar who is a police magistrate declined to sit on the bench, and called upon the local justices of the peace to sit because he considered that he being the party who marked the roll had no right to sit and adjudicate upon that roll. Like the hon. member for Rockhampton North I am not in favour of the appointment of another Civil servant; I believe the colony has enough of those gentlemen receiving good salaries. As to the Home Secretary saying that the inference drawn by the hon. member for Croydon and the hon. member for Rockhampton North in regard to the Under Home Secretary being under political influence was wrong, those who were in the House when the Chief Secretary was speaking could come to no other logical conclusion. The hon. gentleman stated that the reason for the appointment of a principal registrar was to take this department away from political influence. What other conclusion could we come to than that the Under Home Secretary was under political influence? But, as the hon. member for Croydon stated, he and other hon. members have never had any reason to accuse the Under Home Secretary of using any political influence.

The HOME SECRETARY: Why make the imputation now?

Mr. KERR: Because the Home Secretary endeavoured to show that the inference drawn by the hon. member for Rockhampton North was not correct. The Bill provides that no person before or by whom any claim has been declared or attested, or who has been in anywise concerned in the making, delivering, or sending a claim to a court or to an electoral registrar shall act as a member of the court when such claim is being heard or adjudicated upon. Some hon. members have stated that it will be an injustice, and I say that it will be a very great injustice in some of the Western towns of the colony. I have in my mind's eye a place where there are only two jusices of the peace in the township—there is no police magistrate—and those justices of the peace naturally will refuse to attest claims.

The SECRETARY FOR PUBLIC INSTRUCTION: Is there no state school?

Mr. KERR: There is; but the Minister for Instruction must remember that State school teachers do not desire to be mixed up in any way in attesting claims. There is a general fear with classified officers that they must not have too much to do with the attesting of claims, if those claims are supposed to be of a particular kind. If either of the two justices of the peace in that township attested a claim, when the revision court came on what would be the consequence? If none of the country justices of the peace came in there would be no bench to hold a revision court. Therefore, I view clause 4 with a very great amount of suspicion. I stated when the Elections Bill went through last session that it was a measure not to enable qualified persons to get their names on the roll, but to debar them from getting their names on the roll, and I say this Amending Bill is another attempt brought in at the end of Parliament to interfere with the rights and liberties of the people of this colony.

Mr. LEAHY: Your leader said to-night that the Bill of last year was a very great improvement.

Mr. KERR: Our leader knows very little about the Bill——

MEMBERS on the Government side: Oh, oh! Hear, hear!

Mr. KERR: He knows very little about the Bill, in this way: Our leader is not labouring under the same disabilities. He represents a coast town, where there are any amount of justices of the peace and others who are in a position to attest claims. Our leader is not representing a Western constituency, or he would know the disabilities men labour under; he would know something about the tricks that have been played under the Act of last session; he would know something about the mean subterfuges used by a certain party in marking men off. There have been cases where men have been notified to appear at a revision court to be held on the 1st November. Those men left their work and were there to prove their claims, but there was no bench, and the court was postponed until the 8th November. Those men, being in employment and having ridden from fifty to eighty miles, were unable to go into the township again, and their names were struck off because they were not there in person when their names were called. Then there have been cases under the Act of last session where men who have been known to have resided in one electorate fifteen years have been struck off, and were unable to retain their names on the roll. I will not touch any further on this matter, because I intend to bring it before the House early next week when I get the information. As to the remedy this Bill is going to provide, I think it could have been very well left over, and I believe with the leader of this party that an amendment ought to be moved. If the Chief Secretary replies I hope he will give some intimation as to whether he will accept any amendment; if he does not, then I, with other hon. members on this side, will endeavour to amend the Bill; and if it is not amended it had much better not be placed on the statute-book at all.

Mr. McMASTER: I differ from the hon. member who says this Bill will be of no use if it is placed on the statute-book. I think it will be a most useful measure. There are three clauses in it which to my mind are very necessary, and ought to become part of an electoral law. In the first place it is a step in the right direction to appoint an officer who shall supervise the rolls through the whole of the colony. At present that is done between the Under Secretary and the Government Printer; they have as much to do with correcting the rolls before they are printed as anybody else. The returning officer has to revise to the best of his ability, but with one officer, whose time will be entirely devoted to the work, we shall be more likely to get an efficient roll than when three or four persons are tinkering at it, and between whom very often an injustice is done. Clause 3, giving the Governor in Council power to make that appointment, is a good one. Clause 4 is also essential I differ from those hon. members who almost state in words that registrars sitting in court are biassed—that they strike men off the roll or refuse to put names upon it knowingly for party purposes. I decline to believe that we have any such registrars in the colony. Hon. members must know that registrars do not go about the country gathering information in order to remove names from the roll, or to correct the roll in any way.

Mr. KEOGH: Bulcock does that.

Mr. McMASTER: The hon. member seems very much afraid of Bulcock. It would be a good thing for him if he was as pure in his political career as Bulcock. The registrars have to get the information regarding the roll from various sources. I believe they send a man round to ascertain whether the people whose names are on

the roll have removed. I know that is the case in my own electorate, because people who have moved only from one street to another are marked on the roll as "left." Many of those so marked are still entitled to vote, but many of them do not take the trouble to get their names restored. A great deal has been said about a registrar sitting in his capacity as police magistrate and adjudicating on the claims he himself has marked as "dead," "left," or "disqualified." I do not think that is nearly so dangerous as the conduct of a man who, as a justice of the peace, goes about the country with his bag full of forms, which he fills up and attests, and at the revision court sits as a judge upon the claims he himself has filled up and attested. That is a glaring case, for not only is the man I am referring to a justice of the peace, but he is a candidate for a seat in this House. It is well known that there is such an individual in Brisbane.

Mr. KEOGH: Who is he?

Mr. McMASTER: The hon. member knows him very well.

Mr. KEOGH: You should not make such accusations unless you are prepared to prove them.

Mr. McMASTER: I know very well that what I am saying is correct. This man has been going about canvassing, filling up claims, and attesting them for several years.

Mr. HAMILTON: Is he a member of the House?

Mr. McMASTER: He is not a member yet; he contested the election once and is a candidate again, but I do not think the people will have him after all his trouble. This 4th clause will prevent such men careering about the country and then sitting as judges to revise claims attested by themselves. A member of Parliament is not allowed to go near the court. I wish they were prevented from attesting claims. But many people think it is the duty of a member to get them enrolled as voters. Only last week I received a letter, "Please be good enough to place my name on the electoral roll." I wish they would go to somebody else. I remember reading in the Press that when a complaint was made to the late Home Secretary, Sir Horace Tozer, of a magistrate who refused to attest a claim for some reason or other, he said that if a case was reported to him he would strike his name off the commission.

Mr. LEAHY: I do not think he ever said anything of the kind, because the magistrate himself is the best judge of the facts.

Mr. McMASTER: I saw the statement made in the Press, at all events. Clause 4 will be useful, inasmuch as any person such as I have indicated who goes about canvassing and attesting claims will not be allowed to adjudicate on claims of his own attesting. Clause 9 is also a very good one. There are some members of local authorities who would make as good returning officers as any we have in the colony. I know one who within the last year had to resign his seat on the board with which he was connected and of which he was a very useful member. I have known him myself for twenty-six years to be an excellent citizen. Clause 9 will remove the disability under which he labours and enable him to hold his seat on the divisional board, for which the people demanded his services. I hope the Bill will pass as it is, as I believe it will be an improvement. There may be other amendments required in our electoral laws, but they would take a longer time than we have at our disposal this session. If we get this now, perhaps in the next Parliament we may get another Electoral Reform Bill, and by-and-by our law, if not quite perfect, will, at all events, be as good as we can make it. Clause 4 of this Bill alone will be a great improvement.

Mr. KEOGH: The keynote in regard to this Bill has been sounded by the Home Secretary, who told us that the great object of appointing these registrars was that the work in his office has so accumulated that it is an utter impossibility to carry out the duties in the manner in which he would like them to be carried out. I am at one with the leader of this side of the House, who showed conclusively that these registrars are not required. We already have more of these billets than are required by the country. We have quite sufficient Civil servants. With regard to the attestation of claims, I believe I have attested as many as any hon. member of this House. There are benches of magistrates which carry out the work of revision as honourably as any men could. I have never sat on a revision bench.

The SECRETARY FOR PUBLIC LANDS: The law will not allow you.

Mr. KEOGH: Since I have been a member of this House certainly I have not done so, but previouse to that there was nothing to prevent me occupying that position. Still, I hold it is wrong for an electoral registrar, even if he is a police magistrate, to sit in a revision court when the claims of electors whom he has previously knocked off as registrar come up for revision. He is not likely to allow the claim of any elector whom he has previously marked as "disqualified," "left," or "dead." I trust the hon. gentleman in charge of the Bill will accept an amendment prohibiting police magistrates who, as electoral registrars, have sent out notices of disqualification from sitting on revision benches. The hon. member for Toowoomba has shown conclusively that something very irregular has taken place at Cunnamulla and Mackay.

The SECRETARY FOR PUBLIC LANDS: He did not father those statements—he only read them out of a paper.

Mr. KEOGH: I have not heard any hon. member get up and contradict those statements. It has been shown that these things happened, and it has also been shown that in the Cunnamulla case the police magistrate apologised for his action and for his language on that occasion. It has been shown that that man did not act honourably or consistently or within his rights as electoral registrar or police magistrate.

Mr. ANNEAR: You know him very well. He is a good man.

Mr. KEOGH: If he is the gentleman who is going to Ipswich, I hope he will not go there, nor the other man who has been nominated for Ipswich.

The SPEAKER: Order! The hon. member is going beyond the question before the House.

Mr. KEOGH: I should be very sorry to go off the track, but I have been drawn off it by interjections. I believe that all claims should be collected by the police as they used to be in former times, when there was nothing of this kind of thing. Everyone who was entitled to a vote was placed on the roll. Of course it might mean a little more expense, but the expense would not be as great as that caused by the appointment of these registrars. The police would do their duty honourably as they have done heretofore, and it would be one of the best things that could be done. It has been shown by members representing the Western country that many men in those parts have not got their names on the rolls. That is a great pity. Certainly we have greater facilities in the more settled districts for enrolment. In the West men may have to travel miles and miles in order to get a magistrate, in the first instance, to attest their claims. It may happen that there are only one, two, or three justices of the peace in a town, and as they have to sit in the revision court it is not at all likely that they will attest claims. Of course, it has been suggested that the applicants can go to the

school teachers; but I know that in many instances teachers do not like being called upon to attest electoral claims, or having anything to do to show their political proclivities. It would be far better, both for the teachers and for the Education Department, if they were not required to attest claims.

The SECRETARY FOR PUBLIC LANDS: You desired that they should attest them last session.

Mr. KEOGH: No, I did not; I was not an advocate for school teachers attesting claims. With the leader of the Opposition, I hold that any two respectable electors should be allowed to attest claims.

The SECRETARY FOR PUBLIC INSTRUCTION: Then you would include teachers.

Mr. KEOGH: I do not object to teachers attesting claims, but I say they dislike doing so, as they do not wish to be brought into the political arena. It would be far better if they did not perform that duty. But if you allow teachers to attest claims, why not allow sergeants and officers of police to do so? Those men are certainly above any kind of suspicion, and I believe they would carry out these duties conscientiously. I trust that when the Bill goes into committee the Premier will be prepared to accept an amendment in that direction, and not deal with the measure in a narrow-minded manner, but endeavour to make it one which will be acceptable to the country.

Mr. McDONNELL: There is not very much in the Bill after you pass clauses 3 and 4, and I do not think there is much to object to in clause 3, so long as we get a person for the position of principal electoral registrar who will conduct the office independent of Ministerial influence. I quite agree that there are a number of electoral registrars who perform their duty consistently and fairly. At all events they try to do their duty in that way. There are some electoral registrars in Brisbane, who, I believe, try to the best of their ability to do what is fair. The portion of the Bill which seems to have created the most opposition is clause 4, and it is one that deserves a great deal of consideration. Certainly it will not affect places like Brisbane, where there are a large number of justices, but, as stated by the hon. member for Barcoo, it will materially affect country districts where there is a sparse population, and where there are very few justices of the peace. But in any case I hold that it is unfair to prevent a man from sitting on a revision court for the district of which he is a resident simply because he has attested a few claims. Local magistrates are often able to give information about their district and to act on their own knowledge, and it is not right that they should be precluded from sitting on the bench. My colleague has referred to some party who is going round and filling up and attesting claims and then sitting on a bench at the court at which those claims are dealt with. I think I know the person the hon. member referred to, but I shall not mention the name. My colleague must, however, admit that the occupation which the gentleman in question follows causes him to travel a good deal in the district in which he is interested. From time to time he meets people who find it inconvenient to come into town and get their claims filled up and attested, and he is prepared to fill up their claims irrespective of the political opinions of the claimants.

Mr. McMASTER: But he sits in the court and adjudicates on those claims.

Mr. McDONNELL: He may do so, but I challenge the hon. member, or any other member of the House, to point to one single claim that he has filled up which has been rejected.

Mr. McMASTER: He would not reject the claims he filled up himself.

Mr. McDONNELL: The hon. member is only begging the question. I wish it to be distinctly understood that although the gentleman in question is a candidate for Parliament, he is not a candidate in the Labour interest. There is nothing wrong in what he has done, and I say he occupies a far more honourable position than an hon. member opposite who pays a canvasser, who is a justice of the peace, to go round his electorate to fill up claims. The member I refer to sits on the Government side of the House, and his canvasser takes very good care that the persons whose claims he fills up are supporters of that hon. member.

Mr. McMASTER: Does that canvasser sit on the bench?

Mr. McDONNELL: I am not aware whether he sits on the bench or not, but it is just possible that he does; and, furthermore, he is legally entitled to do so, because he is a resident in the electorate. I am satisfied that if this Bill is passed we must make the provision for attesting claims very much wider, because in some districts very few justices would be willing to attest claims by reason of the fact that they want to sit on the bench. When the Bill gets into committee hon. members will be afforded an opportunity of giving better facilities for attestation of claims. It has just occurred to me, in reference to the matter mentioned by my colleague, that he has singled out one person for condemnation.

Mr. McMASTER: I referred to more than one.

Mr. McDONNELL: He referred to a candidate for Parliament who was doing this work. Now, there is an association called "the political association," which is sending out begging circulars all over the colony asking for money, not to get men on the roll but to do all they possibly can to keep legally-qualified Labour voters off the roll.

The SPEAKER: I think the hon. member's remarks are not relevant to the question before the House.

Mr. McDONNELL: Well, this Bill, so far as clause 4 is concerned, affects this association, and I was going to show that it works right into their hands. However, if you, Sir, rule me out of order, I will not pursue that line of argument. But I think I am justified in saying that this association has already made a number of justices of the peace, and takes very good care to send them out to attest claims for all those who are believed to have the right political opinions.

Mr. LEAHY: You do the same thing.

Mr. FINNEY: What objection have you to that?

Mr. McDONNELL: That is the point. This association has such a stock of justices of the peace that this Bill plays right into their hands. The objection which has been raised to-night to another gentleman applies with greater force to these justices of the peace who are centred in the Courier buildings.

The SECRETARY FOR PUBLIC LANDS: But this prevents them from sitting on the bench.

Mr. McDONNELL: It prevents justices of the peace from sitting on the bench when they attest claims. There are very few justices of the peace outside of Brisbane who are not waited on and asked to attest claims, and those men will be deprived of sitting in the revision court. At the same time the association to which I refer can pull their wires to such an extent and things are so arranged that they always have a stock of justices of the peace who can appear at the revision court. I know one court in Brisbane where one justice of the peace has been attending for years in the interests of a certain candidate. That gentleman in future will

take very good care that some of his colleagues connected with the association will do his work of attesting claims, so that he shall not be deprived of the duty he performs so faithfully. I regret that the Government have not proposed to remove some of the restrictions which the Act of 1896 was supposed to remove. The hon. member for Barcoo has proved that there is much dissatisfaction in the outside districts with the working of the present electoral laws, and if the Government really desired to reform the electoral laws they would have shown more honesty of purpose by removing some of the restrictions which have caused the loss of hundreds of votes in some of the back districts. I hope that when the Bill gets into committee the amendments which have been foreshadowed by the leader of the Labour party will be moved, and I shall support them.

Mr. TURLEY: We have not been informed to any great extent as to the duties which this registrar will have to perform. We have been simply told that there has been a certain amount of work accumulating in connection with the rolls in the office of the Home Secretary, and that it is necessary to take it off his shoulders. I quite believe that there is a considerable amount of work, and the initiation of this system will be a good thing; but at the same time if we are to have a man who is unbiased we shall have to remove him from political influence. I should like to know if it is proposed that this officer shall fix up the whole of the work in connection with polling-places and so on? Is it the intention of the Government that all this work shall be taken out of the hands of the Home Secretary and handed over to this officer? This matter of polling-places has been the bone of contention many times. On many occasions where a number of men have been congregated together, and have asked the Government to give them a polling-place, their request has been refused, because their political opinions have been known.

The SECRETARY FOR PUBLIC INSTRUCTION: All assertion.

Mr. TURLEY: The hon. member knows that it is not so. At the last two general elections men had to ride fifty and seventy miles to record their votes because the Government refused their applications for polling-places. We know very well that at Opalton, where there were fifty men in one place, a request for a polling-place was refused because it was recognised that the majority would vote for a certain candidate.

The SECRETARY FOR PUBLIC INSTRUCTION: The application was too late, and you know it.

Mr. TURLEY: It was not too late; it was admitted that it was in time. The Home Secretary was away when the application reached the office, and when it was referred to the hon. member who acted in his place it was too late. That is one of the things that the electoral registrar will have to decide. But there is another question: Will this officer be an officer of Parliament purely, or will he be an officer of the Government? If he is to be at the beck and call of a Minister we might as well let the Under Secretary continue to do the work.

The SECRETARY FOR PUBLIC INSTRUCTION: He has too much other work.

Mr. TURLEY: He has evidently been able to get through the work so far, and I do not think the work in connection with electoral requirements is increasing to a great extent. This man should be removed as far as possible from political influence in order that he may be able to exercise his own judgment in all cases submitted to him. In regard to the attestation of claims, it seems to me that the whole question has been juggled with from 1892 to the present. Justices have apparently entered into a sort of conspiracy to refuse to sign claims. They do not think it is their duty to sign claims, and when they do sign them they do it in such a way that they can be thrown out for some informality by the revision court. A case of this kind came under my notice last week. Three claims were filled in, and the men were told to go to a certain magistrate. They went to his house, and his wife met them and asked them what they wanted. They replied that they wanted him to witness their claims; she went in and came back saying that he was too busy to attend to electoral matters. That was all right, and the men went away to another magistrate—a very old hand on the bench—and what did he do? He simply witnessed the signature, and the declaration was left altogether void. These claims were not sent directly to the court, but happened to pass through the hands of a man who knew exactly what would become of them if they were taken to the court in that state; and when it was pointed out to this magistrate that he had neglected to do the work which he should do in accordance with his appointment he said, "That is my business." That was not his business; it was public business, and he should have been immediately removed from the commission of the peace. Whatever political party a man belongs to he has no right to use his position to prevent people from getting on the rolls of the colony.

The SPEAKER: I do not see that the matter the hon. member is now discussing is at all relevant to this Bill.

Mr. TURLEY: There is a clause in the Bill which says that persons who sign these claims shall not sit on the bench at the revision court. It has been stated that the holding of the dual position of magistrate and registrar by one person does not act detrimentally to the interests of the people who wish to get their names on the rolls, but I think it does. Information is furnished to a registrar, who is also a police magistrate. I understand that a registrar has to receive information from any quarter, and in accordance with the Act he is supposed to verify that information before he acts upon it. Suppose we have a registrar who is also a police magistrate, and who does not take any particular interest in verifying the information he has received.

Mr. LEAHY: What do you mean by "verify"?

Mr. TURLEY: By making all possible inquiry as to whether the persons whose names have been objected to should be left off the roll or not. I know that the rule in Brisbane is to allow the registrars to employ certain people during the month of July to verify the information received, and they are also enabled to utilise the services of the police for the purpose. But suppose we have a man who is electoral registrar and also police magistrate for a district, and who is careless in this matter, and does not make inquiry to verify the objections he has received. When he sits on the bench afterwards to deal with those cases I say it is only covering up his own neglect.

Mr. MCMASTER: If he does it.

Mr. TURLEY: It has been done in many cases. In a case where an agent is representing a person whose name has been objected to, and the electoral registrar is not also the magistrate presiding at the revision court, he can be called as a witness, and asked what steps he has taken to verify the information upon which he has acted. But where he occupies the dual position, and sits on the bench at the revision court, the case is different, because he cannot then be called as a witness by the agent for the person objected to, and he will decline to answer questions from the bench. That is where the weakness comes in. I do not think the Bill covers that, and

it should be dealt with. I do not see that there can be any objection to any amendment of the Bill being accepted to provide that where a man holds the dual position of electoral registrar and police magistrate he shall not sit on the bench at electoral or revision courts. I do not know that he does wish it, but if the hon. gentleman does not wish to do an absolute injustice to a large number of people in the Western portions of the colony he will accept amendments dealing with persons holding the dual positions I refer to, and also extending the facilities by which people may be able to get their electoral claims attested.

The PREMIER, in reply: I may say that the debate has been very interesting, and has, I think, fully justified me in submitting this Bill to the House. It has demonstrated most clearly the unsatisfactory condition of things at the present time, and the necessity for the appointment of a responsible officer to attend to this duty. My words with regard to the removal of these matters from political influence have been misconstrued or twisted to imply that such influence had been exercised in such matters by the Home Secretary or the Under Secretary. On the contrary, I pointed out that the late Home Secretary was most reluctant to interfere in such matters without fully ascertaining whether there was any solid foundation for the complaints left from time to time with the department as to irregularities committed or alleged to have occurred within the knowledge of the electoral registrars or clerks of petty sessions. It was a matter of difficulty with the late Home Secretary that he had no one in the department who was directly responsible to communicate with those officers, and they had been in the habit of appointing one of the leading police magistrates to inspect and report in cases of irregularities or discrepancies to which I have referred. Neither the Home Secretary nor the Under Secretary—whose name has been brought into the debate most unnecessarily—have introduced anything like political influence. On the contrary, they have held themselves studiously aloof, because if they had acted directly there is no doubt that political influence would have been attributed. I wish to exonerate the department from any such suspicion, and I regret that my remarks in that connection should have been either misconceived or misrepresented.

Question—That the Bill be now read a second time—put and passed; and the committal of the Bill made an order for Tuesday next.

WEIGHTS AND MEASURES BILL.

Second Reading.

This order having been called,

After a pause, the Secretary for Agriculture entered the Chamber.

The SPEAKER said: The hon. member has not treated the House with the courtesy that it is entitled to. This order might have lapsed during his absence. I trust that it will not occur again.

The SECRETARY FOR AGRICULTURE: I can only say that no discourtesy to the House was intended by me. When I left the Chamber a little while ago the second reading of another Bill was being discussed, and I had no idea that this would be called on so soon. The Bill of which I am now moving the second reading is a Bill that has arisen from an agitation that has been going on for some two or three years in the farming districts, and which culminated in a resolution passed at a large conference of farmers held in Rockhampton in May last. The resolution was to this effect—

> That in the opinion of this Conference it is necessary that Parliament pass an Act providing for an efficient inspector of weighbridges, weighing-machines, weights and measures: also giving the vendors of agricultural produce, or associated bodies of the same, the power to appoint a check clerk or agent to check the weighing or analysis of their produce at the place of delivery to the buyer, or wherever its weight or value may be determined; and that the Government be requested to introduce such legislation next session as shall provide that all owners of weighbridges, weighing-machines, etc., shall keep and maintain a complete set of standard weights to the full capacity of such weighing-machines, and that any properly appointed inspector shall have access to such weights for the purpose of testing such weighing-machines or weighbridges at such times as may be deemed necessary

We have not seen our way to carry out all the demands of that resolution. It asks that those who supply any farm produce sold by analysis should have the right to see it analysed. That refers especially to milk sold by a certain test or to sugarcane, which in one place in the colony at any rate is sold by the farmers by analysis. This Bill provides for two matters. Clause 4 provides that where farm produce is sold by weight the seller or the buyer shall have permission to check the weight at the weighbridge over which it is sold. It gives to the sellers and buyers of farm produce the same rights which the coalminers now have. The coalminers who sell their labour in a ton of coal are permitted to appoint a check-weighman to represent them—to see that the weight is correctly given. This clause provides that the sellers of farm produce shall be put in the same position, and I think the whole House will acknowledge that this is perfectly fair. Without having an accurate record of what is sold over the weighbridges in the more temperate regions of the colony, I am aware that nearly 750,000 tons of cane are sold over the weighbridges at the mills—an amount equal to 75,000 tons of sugar was sold this year over the weighbridges to the mills and paid for by weight. It is true that at most of the large mills the owners have no objection to the appointment of a checkweighman, but they cannot successfully instruct their weighbridge clerks to allow the method in which the weight is checked to be closely looked at; and weighbridge clerks naturally would resent any such order even if it was given. What we propose is to give the farmers—especially the sellers of cane—as a right what they now obtain in most of the mills by the courtesy and kindness of the owners of the mills. There are, of course, other places where that permission is denied, and it is necessary where a man is under contract, say for five years, to deliver a certain quantity of produce at the mill and sell it by weight, that he should have an absolute right to see it weighed. The second part of the Bill applies to the inspection of weighbridges. It is a somewhat difficult subject, and it was thought at first that the existing Weights and Measures Act might meet the case, but when that Act was passed in 1852 the establishment of platform weighbridges was never contemplated. It was obviously intended to apply to steelyards, and a few balance machines. An attempt was made previously, by the appointment of inspectors in some districts, to bring weighbridges under the Act of 1852, but it failed. Those briefly are the two objects of the Bill. I have no hesitation in recommending those objects to the House, and I move that the Bill be now read a second time.

Question put and passed; and the committal of the Bill made an order for to-morrow.

The House adjourned at twenty-one minutes to 11 o'clock.