Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 4 SEPTEMBER 1900

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LEGISLATIVE ASSEMBLY.

TUESDAY, 4 SEPTEMBER, 1900.

The SPEAKER (Hon. Arthur Morgan, *Warwick*) took the chair at half-past 3 o'clock.

PAPERS.

The following papers, laid on the table of the House, were ordered to be printed :—

(1) Report upon the working of the Queensland Government Savings Bank for the year ended 30th June, 1900.

(2) Return to an order, relative to Government expenditure in connection with concessions to the Chillagoe Company, made by the House, on motion of Mr. Lesina, on the 24th July last.

(3) Report, for the year 1899, from the Agent-General for Queensland.

(4) Report of the Royal Commission appointed to inquire into and report upon certain railway extensions.

(5) Report of the Officer in Charge, Government Labour Bureau and Relief, for 1899.

(6) Report of the Inspector of Hospitals for the Insane for 1899.

(7) Statistics of the colony of Queensland for the year 1899.

(8) Return to an order, relative to purchase of Goomburra Run, Darling Downs, made by the House, on motion of Mr. Kates, on the 25th July last.

(9) Further correspondence relative to construction and maintenance of a line of railway from Port Norman, by way of Normanton, to Cloncurry.

ROYAL COMMISSION ON RAILWAYS.

PRESENTATION OF REPORT.

The CHIEF SECRETARY (Hon. J. R. Dickson, *Bulimba*) presented the report of the Royal Commission appointed to inquire into certain railway extensions, and moved that the paper be printed.

Question put and passed.

PETITION.

CONCILIATION AND ARBITRATION BILL.

The SECRETARY FOR PUBLIC LANDS (Hon. W. B. H. O'Connell, *Musgrave*) presented a petition from certain workers in the Musgrave electorate, praying for the introduction of a Conciliation and Arbitration Bill similar to the Act in force in New Zealand.

Petition read and received.

QUESTIONS.

RAILWAY CARRIAGE FOR FREE LABOURERS.

Mr. BOWMAN (*Warrego*) asked the Secretary for Railways—

1. By whose instructions was a railway carriage reserved at Charleville for free labourers travelling by the mail train from Brisbane to Cunnamulla on 15th August last?

2. Did the said mail train stop at a distance of about one mile from Cunnamulla Railway Station to suit the convenience of a number of free labourers travelling in charge of Mr. Westergaard Nielsen, secretary Warrego Pastoralists' Association?

3. Has he any objection to lay correspondence relating to above questions on the table of the House?

The SECRETARY FOR RAILWAYS (Hon. J. Murray, *Normanby*) replied—

1. By the stationmaster at Charleville.

2. Yes.

3. I lay upon the table of the House the correspondence referred to.

MR. J. M. CROSS'S REPORTS.

Mr. LESINA (*Clermont*) asked the Premier—

Is it his intention to, in future, supply the members of the legislature with copies of the periodical reports prepared by Mr. J. M. Cross for the information of the Agent-General?

The PREMIER (Hon. R. Philp, *Townsville*) replied—

No.

LOCAL GOVERNMENT BILL.

Mr. RYLAND (*Gympie*) asked the Premier—

Is it the intention of the Government to bring in a Local Government Bill this session?

The PREMIER replied—

Yes.

MOTION FOR ADJOURNMENT.

ALLEGED DISFRANCHISEMENT OF BULLOO ELECTORS.

The SPEAKER: I have received from the hon. member for Warrego a notification, in writing, of his intention to move the adjournment of the House for the purpose of calling attention to a definite matter of urgent public importance—namely, the illegal disfranchisement of a number of electors in the Thargomindah division of the Bulloo electorate.

Mr. BOWMAN (*Warrego*): I beg to move the adjournment of the House.

The SPEAKER: Is the motion supported?

Not less than five members having risen in their places in support of the motion,

Mr. BOWMAN: In moving the adjournment of the House this afternoon in reference to the disfranchisement of a number of electors in the Bulloo electorate, I have done so at the request of several of the miners on Duck Creek, who have been deprived of their votes.

Mr. STORY: Did you inform the member for Bulloo that you were going to do this?

Mr. BOWMAN: The hon. member for Bulloo is acquainted with the fact that I was going to move the adjournment of the House, and so is the Home Secretary.

The HOME SECRETARY: Not to-day.

Mr. BOWMAN: I told you last week.

The HOME SECRETARY: I understood the intention had been abandoned.

An HONOURABLE MEMBER: You have only half-an-hour to move it.

Mr. BOWMAN: An hon. member reminds me that I have only half-an-hour to move it, and I am going to make the most of it in that time. The complaint I desire to bring under the notice of the House this afternoon is this: A number of men got their claims filled in at Duck Creek last April. While the hon. member for Enoggera and myself were visiting the Warrego, Balonne, and Bulloo electorates, we took the trouble to fill up some claims. I attested twenty-seven, I think, of those claims, and took them in to Thargomindah at the request of the miners at Duck Creek. When I handed them in to the electoral registrar, Mr. Archdall, he told me those claims were correct and in order. Later on the acting electoral registrar, Mr. Daly, the police officer at Thargomindah, sent a notification to these men at Duck Creek that they would have to appear in person or by agent or their names would be struck off the roll.

The HOME SECRETARY: Were they on the roll?

Mr. BOWMAN: Or their names would not be put on the roll. This is a copy of the notification sent by Mr. Daly—

ELECTIONS ACTS, 1885 to 1897.
Police Court, Thargomindah,
25th July, 1900.

Sir,—Referring to your claim to have your name inserted upon the electoral roll for the Electoral District of Bulloo, Thargomindah division, I have the honour to inform you that, from inquiries made, I have reason to believe that you are not qualified to be registered as an elector. I have therefore to request your attendance at the bi-monthly registration court to be held on the 7th August, 1900, for the purpose of proving your qualification. If you fail to attend either in person or by agent, and prove your qualification, and that you still possess the same qualification, your claim will be rejected.

I am, etc.,
M. DALY,
Acting Electoral Registrar.

That notification was sent to Richard Davis, Duck Creek Opal Fields, and I have a similar notification here that was sent to John Sullivan. That notification was written on the 25th July, and the men at Duck Creek did not receive their notices until the 3rd August. They had thus three clear days to go 100 miles in order to attend personally at the registration court to be held on the 7th August. Those men were unable to procure horses and were unable to walk the distance, and out of the twenty-seven men whose claims were taken in by myself, twenty odd who had their claims registered were rejected. Three or four of those men whom I could mention had been on the field for over two years. This is not the first time some of those gentlemen have had their claims filled in and sent to the electoral registrar with the result that they have not been registered. They were previously deprived of their votes by the registration court at Eulo, because Duck Creek and Beechal were found in 1898 to have been removed from the Eulo division and put into the Thargomindah division of the Bulloo electorate. I suppose it is within the memory of certain hon. gentlemen that the hon. member for Barcoo moved the adjournment of the House on that occasion to show the injustice that had been done those men. The excuse then brought forward was that it was the Crown Law Officers who had suggested it. It seems to me very unfair that those men should twice be deprived of their votes, because in the limited space of time allowed them they were unable to get to Thargomindah, a distance of 100 miles, to prove to the electoral registrar for the district that they were qualified to have their names on the roll. Mr. Zillman, I believe, was the electoral registrar at the registration court on the 7th August last, and I have ten notices here signed by him.

The HOME SECRETARY: Was he not the presiding magistrate?

Mr. BOWMAN: He may have been presiding magistrate, but these notices are signed by him as electoral registrar. This is one of the notices addressed to William Wood, Duck Creek—

Please take notice that your claim to have your name placed on the electoral roll for the electoral district of Bulloo, Thargomindah division, has been rejected at the revision court, because you failed to appear after having been called upon to prove your qualification.

I am not going to say that this gentleman is to blame for these men having been disfranchised, but I do think that the gentleman who gave the information to the electoral registrar is somewhat to blame, and I presume it was the acting electoral registrar, Mr. Daly, the police officer at Thargomindah. If that gentleman had made proper inquiries, as in his notice to the men he says he had done—if he had made inquiries from the proper source, and there is a police officer stationed at Duck Creek—he would have found that with the exception of six men, whose names had been registered at the previous revision court held in June at Thargomindah, all those men who claimed to be registered were still in the district. I have documentary evidence to prove that this constable would have given the information to the acting electoral registrar had he asked for it.

Mr. W. HAMILTON: Why did they challenge the men if they knew that they were in the district?

Mr. BOWMAN: It was said that they were not in the district, or there was reason to believe that they had left the district. I will give the names of some men who are prepared to swear that they have been in the district for two years. They are Hector Richardson, Richard Davis, Frank Kemp, and James Russell. I was at Duck Creek in 1897, in 1898, and also this year, and these gentlemen were there on those occasions, and it would not have taken very much trouble for the registrar to find out whether they still remained there. I very much regret that the hon. member for Bulloo is not present, because there is a gentleman named Abercrombie, whom he knows personally, who has been for years in the district, and who cannot get on the roll. I have information that some of these men have gone a few miles out prospecting—a very common thing for miners to do on the opal-fields of Duck Creek and Yowah, but they come back to Duck Creek. I do not think it can be said that a man has left the district if he goes a few miles away to prospect. The law of course states in clause 31—

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

Probably some hon. members may say that subsequent clauses in the Act override that. Clause 91 provides—

> That if the electoral registrar has reason to believe that any person is not qualified to be registered as an elector he has to send a notice to him to that effect, and if he fails to attend at the registration court, either in person or by agent, the claim will be rejected.

I think that whatever the wording of the Act is we should take into consideration what the spirit of the Act is. Is it not to give every man who is entitled to have his name placed on the roll an opportunity of having a vote? These men have been deprived of their votes for three years because of their inability to get their names attested. I know of men who have ridden 100 miles from Duck Creek to get their claims attested, and then have been disappointed because the justice of the peace has been on some other portion of the run, and it was not known when he would be back. The nearest justice from Duck Creek is at South Comongin, and from there to Duck Creek and back is 100 miles. So you will see that these men have suffered great inconvenience through not being able to get their claims attested and through having them rejected. The hon. member for Barcoo attested twenty-nine names in 1898, but those claims were all rejected. Three of the names I have mentioned were sent in in 1897, registered in 1898, and they were then rejected because the division of Duck Creek was shifted from Eulo to Thargomindah. Three years ago the claims of these men were rejected. I filled them in again this year and they were rejected again. I ask any hon. gentleman whether that is a fair and reasonable way of giving men an opportunity to get a vote? The men had not shifted. At all events, some of them had not shifted. I have letters here from Davis, and from a prominent storekeeper at Duck Creek, notifying me that these men have not left the district. Some hon. members may say that the men may have gone to another opal-field. Three of them, to my knowledge, who were registered went to Koriot Opal Field, which is in the Bulloo electorate, though the hon. member for Bulloo, I know, disputes it, and says he believes it is in the Balonne electorate. But on examination of the map and on applying to the principal electoral registrar he informs me that there is no doubt it is in the Bulloo. I have also proof of a claim that was sent into the Eulo division from this particular field. It is the claim of William George White, aged thirty-three, Koriot Opal Field; occupation, miner; qualification, six months in the electorate. That was registered at the last revision court. It was dated 7th August, and Mr. Pollord, the police officer and electoral registrar, was the officer who passed the claim. I should imagine that the electoral registrar, if he knew his duty, would not allow that name to be placed on the Eulo division if the Koriot Opal Fields were not in the Bulloo electorate; but any hon. gentleman can see for himself, by reference to the map, that what I state is correct. You can see Koriot and South Koriot, which is eight miles from the boundary of the Balonne electorate. When these men in the past have made application to get their names on the roll, they have done it because they were particularly anxious to take their part in sending a representative into this Chamber, but many of the miners on Duck Creek, and also at Yowah, have reason to believe that there is a conspiracy against their names being placed on the roll. Some people go so far as to blame the hon. member for Bulloo, but I am not going to blame him. But I say there are men in the Bulloo electorate and in Thargomindah itself who have worked very hard indeed against the interests of the particular party on this side of the House—against the interests of men who are anxious to support them. I know that. When we have a state of things like that, I think that this motion for adjournment is not a waste of time, because it draws the attention of hon. members on both sides who are anxious to see fair play to these circumstances. I maintain that, no matter what political opinions we may hold, we should agree that if a man is qualified to have his name put on the electoral roll he should have it put on, and no encumbrance should be put in his way. But in this respect encumbrances have been put in the way of these men, because some of these men have been trying for three years to get on the roll, and failed. Some have failed in that way through want of inquiry, but if other men had been there they would have made diligent inquiry to see whether these individuals were qualified or not. Many miners desire to get their names on the roll, and to exercise their votes at the coming election; but many of them have been deprived of that right in the past, and they have asked me to bring this matter before the House. If the Home Secretary made inquiries into these cases I think he would see the justice of these men being placed on the roll, irrespective of any mistakes made by the electoral registrar. That officer has, no doubt, been guided by the information furnished to him by men in Thargomindah and other places there, who have professed to find out whether these men were in the district. I say "professed," because, if they had been sincere, they could have found out that these men on Duck Creek had never moved for a period of two years. That is sufficient evidence for the Home Secretary to see that their claims should be looked into, and that they should have a vote the same as any other citizens, and a say in the government of the country. I beg to move the adjournment of the House.

[4 p.m.]

The HOME SECRETARY (Hon. J. F. G. Foxton, *Carnarvon*): The hon. member for Warrego, in reply to interjections, mentioned, in commencing his speech, that he had had conversations with myself and the hon. member for Bulloo; but he did not say he intended to bring this motion on this afternoon.

Mr. BOWMAN: I said I intended to bring it on last Wednesday.

The HOME SECRETARY: In reply to an interjection, I understood the hon. member to say that he fully expected the hon. member for Bulloo to be in his place, as he had informed him that the motion was coming on.

Mr. BOWMAN: I sent him word by a member on this side.

The HOME SECRETARY: I feel sure that if the hon. member for Bulloo had known it was coming on this afternoon he would have been here; but he was not here in the House at half-past 3.

Mr. REID: He might have been detained.

The HOME SECRETARY: However, the hon. member for Bulloo is now here and can speak for himself. If the hon. member for Warrego says he told me that he would bring this motion on this afternoon, that is not correct.

Mr. BOWMAN: I told you last Wednesday.

The HOME SECRETARY: He said he intended to move the adjournment of the House on a particular day, but he did not mention this afternoon. I came to the House prepared to listen to what the hon. member had to say on the day he mentioned, but he did not move the adjournment of the House on that day, and I was subsequently informed by the hon. member for Bulloo that in consequence of conversations between himself and the hon. member for

Warrego, that the hon. member for Warrego had decided not to move the adjournment of the House.

Mr. LEAHY: I said probably he would not.

MEMBERS of the Opposition: Ah! only probably.

The HOME SECRETARY: At any rate I have never heard any more of the matter till this afternoon.

Mr. DAWSON: You are not supposed to reveal conversations.

The HOME SECRETARY: There was nothing secret about this conversation.

Mr. LEAHY: That is correct. He had my permission to do it.

The HOME SECRETARY: There is nothing secret between myself and the hon. member for Bulloo, or of such a character that it will not bear the full light of day.

Mr. LEAHY: Quite so.

The HOME SECRETARY: If I had thought for a moment that this conversation was not to be made public, I would not have mentioned it, but I am not aware that it will not bear the fullest light of day. I think if the hon. member for Warrego had a longer parliamentary experience, he would have deferred his motion until we had all the facts and papers before us. Why did not the hon. member come to me in my office and tell me that twenty-seven men in this district had been disfranchised, and ask me to have inquiries made, and get a report from the officer concerned? If he had, I should have been very glad to do so.

Mr. KIDSTON: Past experience would not teach him to do that.

The HOME SECRETARY: The hon. member for Rockhampton knows that what he says is not correct; I think he is only speaking in a jocular way, but his jocular manner doesn't get into *Hansard*. I am speaking seriously. If the hon. member for Warrego had come to me I would have given him all the information I possessed—so far as I was able to give it—just as I did when certain allegations were made with regard to certain claims at Pittsworth. I did my best to elucidate that matter, and that was entirely to the satisfaction of the people most concerned, including Mr. Daniels.

MEMBERS of the Opposition: No; quite the opposite.

The HOME SECRETARY: I have the assurance of Mr. Daniels that I did all I could to elucidate that matter.

An HONOURABLE MEMBER: He denies it.

The HOME SECRETARY: Let him deny it to my face. All I know is that that is what he said to me. Surely hon. members will not say that I am so utterly biassed politically that I will not endeavour to see justice done to any man who has been deprived of his just rights, as far as it is possible for me to do. The hon. member for Warrego would have done a sensible thing if he had come to me in the first place. Does the hon. member distrust me as some hon. members opposite appear to do? Does he think that if I did get a report from my officers, it would be a cooked report? Why did not the hon. member move for the necessary papers, so that the electoral registrar's statement might be put side by side with the *ex parte* statement which he has made here to-day? Does the hon. member think that this House has power to act as court of appeal over the registration court, or that it should be a sort of registration court itself? What has the House before it? Nothing but the *ex parte* statement of the hon. member for Warrego, and that is second-hand. All the hon. member says is what certain men have told him.

Mr. BOWMAN: From your officers.

The HOME SECRETARY: No; what the hon. member heard from the men themselves. How do we know that all those men have not left the district, and that they ought not all to be disqualified, and that the information given to the electoral registrar is not perfectly correct? We have no evidence on that point.

Mr. REID: Yes, you have.

The HOME SECRETARY: No, we have nothing, except the *ex parte* statement of the hon. member for Warrego.

Mr. GIVENS: You have the evidence of one man.

The HOME SECRETARY: The hon. member for Warrego spoke of one man in particular, and said he saw him in April last. But the hon. member has not seen him since, and does not know that the man did not leave the place two months ago. The man, if he is entitled to have his name on the roll, is required by law to make good his claim on oath before the proper tribunal, but all that the man has done has been to write to the hon. member for Warrego, saying, "I am still where I was in April last." That is all the evidence he gives, and it would not hold water in the registration court.

Mr. KIDSTON: Is that not evidence to the point?

The HOME SECRETARY: No; because the law requires that he shall give evidence on oath. If this House were to constitute itself into a registration court with regard to certain registrations at Thargomindah—if the time of the House were to be occupied with matters of that sort, it would have nothing else to do but consider cases where men are dissatisfied, and allege that something has gone wrong in a particular registration court—that their claims have been disallowed when they ought not to have been disallowed. It is admitted that notices were sent to these men. It is their misfortune, perhaps, that they are so placed that they did not get those notices until three days before the registration court was to sit, so that it was impossible for them to appear at Thargomindah and make good their claims. And then the hon. member charges public officers with conspiracy, because those men have been deprived of their votes. I am sorry that the hon. member has so far forgotten himself and what are his duties as a responsible member of this House as to charge public officers unheard with a conspiracy to defraud men of their votes. It is not a charge which should be made. If the hon. member has any sense of justice he will see that the electoral registrar should have been asked to give his version of the matter before the hon. member levelled such accusations against him. How would the hon. member like to be charged in that way?

Mr. BOWMAN: Have you not got his version?

The HOME SECRETARY: No, certainly not. As soon as I knew that the hon. member intended to bring this matter before the House I wired to the electoral registrar, and possibly I shall get his version later on. If the hon. member had asked me, I should have got a proper report. The injustice and futility of the course the hon. member has followed are evident. What does a motion for adjournment mean? Merely that the hon. member can ventilate an *ex parte* statement and the other side not be heard.

Mr. DAWSON: Is not the other side being heard now?

The HOME SECRETARY: An injustice may have been done, but on the other hand it may not be an injustice. The information which the hon. member has given may, on further inquiry, prove to be absolutely incorrect.

Mr. BOWMAN: It is true enough.

The HOME SECRETARY: It may be.

Mr. BOWMAN: It is.

The HOME SECRETARY: I object to *ex parte* statements being made in this House. "*Audi alteram partem*" is a good proverb, and the hon. member should remember it. He would quote that proverb if he were charged with conspiracy without being himself heard. The hon. member admits that some of these men were properly left off the roll.

Mr. BOWMAN: Yes.

The HOME SECRETARY: Of course, I have to take the statement of the hon. member, and so has the House, because nobody knows anything about the matter but the hon. member for Warrego, who has fortified himself with documentary evidence, and such *ex parte* statements as he thinks serves his end.

Mr. BOWMAN: You have an *ex parte* statement also.

The HOME SECRETARY: No, I have not.

Mr. BOWMAN: You said you wired to the electoral registrar.

The HOME SECRETARY: The hon. member has not given me an opportunity of getting it.

Mr. BOWMAN: It takes a long time to get it.

The HOME SECRETARY: I only wired this morning.

Mr. HIGGS: I understood the hon. gentleman to say that he did so last Wednesday.

The HOME SECRETARY: No. It so happened that Mr. Zillman was in town last Wednesday, and I sent word to him to call upon me.

Mr. MCDONALD: He was in town yesterday.

The HOME SECRETARY: I do not know whether he was or not, but I understand that he is not in town to-day, because I have made inquiries.

Mr. MCDONALD: He was yesterday.

The HOME SECRETARY: If the hon. member had told me yesterday that he intended to bring this matter on to-day I should probably have been able to see Mr. Zillman, but the hon. member did not do that. Until I came to the House this afternoon I did not know anything about the matter. I would point out that it is impossible for the House to express any opinion on the matter by means of this motion, and it is impossible for any good to come out of the motion except the mere ventilation of the subject. And on inquiry it may turn out that the information given to the electoral registrar is perfectly correct. If it was incorrect—I am not quite sure how far it can be done—but let me give the hon. member and the House the assurance that if on inquiry it is found that these claims can be made good, and they can be brought up again at the next registration court, no one will be more pleased than I will to see them brought up for consideration. I am not quite sure whether the wording of the Act will preclude that being done, but if it can be done I will certainly be only too glad to do it. I do not know of any case ever having been so dealt with, and possibly the wording of the Act may prevent it. But it is not probable that any election will take place in that district in the meantime. I think that, under the circumstances, the hon. member is not treating the House fairly in bringing this matter forward at the present time. It must necessarily result in a waste of time, because it must be futile, and we have more important business which we want to get on with. It may or may not be a following up of what has come to be proverbial throughout the colony, a desire on the part of hon. members to waste the time of the House.

Mr. REID: That is an old gag.

The HOME SECRETARY: Yes, I know, but it is one with which the country is becoming strongly impressed. I do not say that that is the case in this instance. I believe the hon. member is sincere in what he is doing, but I say that from his want of parliamentary knowledge, and possibly from his lack of seeing things exactly as I do myself—I do not wish to say anything offensive—but I say, from not having a thoroughly appreciative sense of justice, he has brought the matter forward in an incomplete and improper manner. If he had moved for the papers, or had asked me to obtain a report from the electoral registrar, I would have done it, and there would then have been something for the House to go upon. Even then I say it would not have been a matter which should have been dealt with by a motion of this sort. Many men receive notices of this kind. I myself have received a similar notice, and because I was not able to go in and prove my claim I was deprived of my registration for the time being.

Mr. DAWSON: There was any amount of time for you to try and prove it.

The HOME SECRETARY: As a matter of fact there was not, because I did not get my notice until three days after the court sat, but I did not make a cry about it all over the country, and raise the question in Parliament here. These men here possibly have suffered, I will not say an injustice, but an inconvenience. They may have been deprived of a right, but in order to suffer an injustice someone must have done them an injustice. Now, I venture to say that anyone who says that the electoral registrar or the court has done these men deliberately an injustice is going too far on the evidence which we have before us at the present time. Let the electoral registrar be heard; let us know the information it was that he relied upon when he sent the notices out, as he was bound to do. I would call attention to the fact that the law requires the electoral registrar to send out these notices, and it is the misfortune of these men that they did not get them—if their statement is correct, and there is still some doubt about it——

Mr. BOWMAN: You still doubt it?

The HOME SECRETARY: Still I doubt it, because I like to hear the other side. For all we know to the contrary, evidence may yet be forthcoming that these letters were delivered a week or ten days before the court sat, and that the men had some reasons of their own for not going to that court to support their claims. That may turn out to be the case, notwithstanding the information which has been given to the hon. member. And, in any case, I say that it is not a matter which should have been brought before the House in this way. I sincerely trust that hon. members will not devote time to this question—the valuable time of this House—when they know that no earthly good can come out of it. I assure hon. members that everything possible shall be done in order to give these men every facility—if they are really entitled to be placed on the roll—to get on at the next revision court, or the following one, or whenever it can be done. Certainly, it does seem to me that the electoral registrar must have had some good information in his possession, because, according to the admission of the hon. member himself, six of these men were properly notified and are not entitled to have their names on the roll. But no electoral registrar is infallible; he gets the best information that he can, and I am quite satisfied, until the contrary is proved, that a man does his duty according to his lights, and with the desire to do justice, because we know that every man is innocent until he is proved guilty. That is one of the reasons why I say that before condemning, as we are invited to do, and the hon. member has been doing, a public officer in the execution of his duty, that public officer should be heard.

HON. G. THORN (*Fassifern*): I must point out to the hon. member who moved this motion that the assurance which has just been given by the Home Secretary ought to satisfy him. I would also point out to him that a little while ago we appointed a Principal Electoral Registrar, and I am quite sure that if this matter had been brought before that officer he would have seen justice done.

Mr. BOWMAN: I did bring it before him.

HON. G. THORN: And if he failed to do justice, then the hon. member could have brought this matter before this House.

The HOME SECRETARY: Hear, hear!

An HONOURABLE MEMBER: He has been to the Principal Electoral Registrar and got no satisfaction, so what is the use of going to him?

Mr. REID (*Enoggera*): The Home Secretary has met the hon. member for the Warrego in a very good spirit, and I must congratulate him; but he has found fault with the way in which the hon. member has brought the matter before this House. Now, the peculiarity of the case is the strongest argument for bringing it before the House in the present form. The hon. gentleman says that the hon. member did not come to him and get him to make inquiries, but if he had done that it is just possible that we would not have had the information for a week or two.

The HOME SECRETARY: You may not get it for a week or two now.

Mr. REID: When a question of public importance is brought before the House there is this attained: While bringing the matter under the notice of the hon. gentleman and before the House, we let those electoral registrars and assistant electoral registrars in the back country know exactly what to do. In this instance, the whole spirit of the Elections Act has been simply outraged, and I think it is very often done. The hon. member, Mr. Bowman, and myself visited Duck Creek a few months ago. The hon. member for Barcoo also went there, and he filled up some claims for these men. It has been pointed out that in order to get their claims attested—there being no justice of the peace in the locality—they had to ride 100 miles. Well, some of them were so enthusiastic about the question that they rode 100 miles for the purpose of getting their claims attested. Some of the claims filled in by the hon. member for Barcoo went into Eulo, which is much nearer than Thargomindah; but, in the meantime, the Crown Law Officers, for some reason, moved the court from Eulo to Thargomindah, and every one of these claims was rejected on account of the Crown Law Officers having moved the court from Eulo to Thargomindah.

Mr. LEAHY: They could not get a quorum for a court at Eulo.

Mr. REID: It does not matter whether they could get a court or not; the injustice and the hardship to these men is just the same. Their claims were filled in, and sent in to a properly constituted court.

Mr. LEAHY: Were these the same men?

Mr. BOWMAN: Three of them are.

Mr. REID: They sent their claims in to this court; and the hon. member for Bulloo interjected that they could not get a quorum. That has nothing to do with these men. The hon. member for Bulloo is fully aware of the conditions which these men work under. Their claims were thrown out because they could not get a quorum at Eulo and the court being moved to Thargomindah. When I and the hon. member for Warrego went round and filled in the claims, the hon. member for Warrego signed them, or rather attested them to save time. Every one of the claims went through the court without exception. There was no fault found with the qualifications or anything else, but three days before the court was to be held these men got a notice calling upon them to appear in Thargomindah at the revision court, and show why their names should be kept on the roll. Now, the point on which the whole strength of their case rests is that every assistant electoral registrar should make inquiries; but in this case, in my opinion, he did not make any inquiries at all, or if he did he did not make them at the proper source where he could get proper information. There is a constable stationed at Duck Creek, and a man there asked him if any inquiries had been made from Thargomindah of him as to the *bona fides* of these men residing at Duck Creek, and the constable said he had never had any inquiries one way or another. The Act gives the electoral registrar power, when he is in any way suspicious, to make inquiries, and I would like to point out to the Home Secretary, and to those who may be inclined to take part with him, that in these back places men are treated altogether differently to what they are treated in town. Now the people in Brisbane, who are within a stone's throw of the court, who in a few minutes may appear at the court if necessary, are not put to all this trouble. I have put in hundreds, perhaps thousands, of claims in Brisbane during the last ten or twelve years, and I know that when claims come in to the Brisbane courts, if they are signed by a justice of the peace, or even under the old form, it is taken as *primâ facie* evidence that these men are entitled to be on the roll. If no objection is lodged, the electoral registrar does not go out of his way to find out if this man or that man has sent in a wrong claim, and he does not employ men to make inquiries to ascertain whether these men are entitled or not. He takes the document, if it is signed by a justice of the peace, as sufficient evidence to satisfy him and the court that the applicants should be placed on the roll. Therefore, if no one raises an objection, the bench take the claim, as attested by

[4·30 p.m.] the justice of the peace, as evidence that the claimant is entitled to have his name put on the roll. But when we go to some of the backblock electorates we find a number of busybodies who are always willing to do what they call "work the oracle" to suit the sitting member, even without the sitting member asking them to do it, or even without his desiring them to do it. These busy officials are always willing to do these things.

Mr. GIVENS: A lot of toadies.

Mr. REID: It is not only in connection with the Bulloo that this matter crops up. It occurs in every electorate right from the Gulf of Carpentaria down to the border. Many of the officials in the backblocks seem to think it is their duty to strain the law to the very utmost in order to prevent men getting their names on the roll.

The SPEAKER: Order!

Mr. REID: I find fault with those officials for going out of their way to do things that in Brisbane no electoral registrar attempts to do What makes it so hard in this case is the distance those men have to travel. Look at these men on Duck Creek. The Home Secretary asked how we knew that their names should be on the roll. Well, here is the evidence that they are entitled to be on the roll. Here is an official document sent by the electoral registrar to those men on Duck Creek, and received by those men through the post. Surely that is sufficient evidence.

Mr. LEAHY: How many have you got?

Mr. REID: Two and ten—twelve.

The HOME SECRETARY: What are those documents?

Mr. REID: Of course there are two in which reasons were given why they should not be on the roll, but here is a specimen of the other ten. It says—

> Take notice that your claim to have your name placed on the roll for the electoral district of Bulloo, Thargomindah division, has been rejected by the registration court because you have not appeared upon being called upon to prove your qualification.

The HOME SECRETARY: The registration court could do nothing else.

Mr. REID: I claim that the registration court had no right to call upon these men to appear.

The HOME SECRETARY: The registration court did not ask that.

Mr. REID: Well, somebody did.

The HOME SECRETARY: Exactly.

Mr. REID: And that is just the very point I wish to get; and now that the hon. gentlemen is in his place, I will repeat what I said before.

The HOME SECRETARY: I was listening to you all the time.

Mr. REID: In Brisbane they take the signature of the attesting justice as evidence that a man is entitled to be on the roll, but away out in the back blocks, where it is sometimes an utter impossibility for a man to attend the registration court—as it was in the present instance—men claiming a vote are called upon to attend. They did not get the fourteen days' notice to which they were entitled. The mail was only delayed two days through a heavy shower, but the men only got the notices three days before the registration court sat at Thargomindah, and even if they had packed up their swags at once, they could not have got there in time.

The HOME SECRETARY: Do you not think we ought to hear what the electoral registrar has to say about it?

Mr. REID: I hold that the electoral registrar had absolutely no right to send these notices to the men at all. It is not done in Brisbane, where a man has only a stone's throw to go to the court, and why should these men have been asked to ride 100 miles, and in a season like this, when it was an impossibility to get a horse, especially as they asked the constable who was acting as registrar at Duck Creek whether any inquiries had been made, and he said "No"? It is going against the law to do that, because if I lodge an objection against a man I am compelled to deposit 5s., and also post the man whose name I object to notice that I am objecting. In this case that was not done, so where did the electoral registrar get his information?

The HOME SECRETARY: He may have known of his own knowledge.

An HONOURABLE MEMBER: They were 100 miles away.

Mr. REID: I deny that he knew it of his own knowledge, because these men were at Duck Creek when they received the notices. I have a letter from one of them, and I say that if they received the notices at Duck Creek, it is a confirmation of the statement that the men were on the field, and therefore proper inquiries could not have been made. My reason for getting up is to point out that the spirit of the Act has been violated in these outside places, although during the last two or three years, since the appointment of the Principal Electoral Registrar, there has been no fault to find with its administration in town, and I ask that the Home Secretary will see that it is carried out in the same way in the outside districts. So far from any apology being necessary for moving the adjournment of the House to call attention to this matter, I think it was a proper step to take. The Home Secretary said that if the matter had been reported to him he would have made inquiries.

The HOME SECRETARY: I said that we should have got proper information then.

Mr. REID: If the hon. gentleman had been waited upon he could not have restored those men to the roll.

The HOME SECRETARY: Will this?

Mr. REID: By discussing it in the House, and getting the opinion of the hon. gentleman as to the administration of the Act, these men will get official information that they would not have received otherwise, and which they are very much in need of. I am very glad the Home Secretary has said that he will make inquiries, and I was also glad to hear him say that, if he possibly could, he would restore these men to the roll, but that is an utter impossibility.

The HOME SECRETARY: They have never been on the roll. I said nothing about restoring them to the roll.

Mr. REID: The hon. gentleman said that if it was proved to him that an injustice had been done he would see that their claims were put before the court. The hon. gentleman may say that, but it cannot be done. The hardship is that these men are 100 miles from any justice of the peace, and, unless one happens to visit the field, they will be disfranchised, and, as the federal elections are coming on, they will be deprived of an opportunity of voting for the return of the hon. member for Bulloo, or whoever likes to stand for that district for the Federal Parliament. The whole spirit of the Act has been outraged in a way that it will very likely take twelve months to repair, and that is one reason why I am glad the Home Secretary has said that he will do his best to get the matter set right. One case that I wish to call particular attention to is that of a man who has been employed by the storekeeper at Duck Creek for three years. He has been behind the counter and keeping the books, and he has never been off the field at all, except when he may have had to go to Cunnamulla on business. The other men may have gone to Koriot, but this man never left Duck Creek, and yet his claim was rejected as well as the others, and for the same reason. The whole question then is, not only that attention should be drawn to the position in which these men have been placed, but that the attention of outside electoral registrars should be drawn to the custom adopted in big centres, that when a claim is attested by a justice of the peace it should be sufficient evidence that the men are entitled to have their names put on the roll. That was the spirit and intention of the House in putting the provision in the Act to avoid roll-stuffing. It seems to me that some of them seem to make up their minds to put as many blocks as possible in the way of men in the back country getting their names on the rolls. Knowing the hard conditions under which they live, the hardships they have to go through, and the fact that they are stopping out to develop the back country, and are sending things in to keep the towns living, I think those men ought to be even more liberally considered in this matter than the men of the towns are. The whole evidence goes to show that the blame is due to people trying to be just a little too officious. I can hardly blame the electoral registrar, Mr. Zillman; I do not know that gentleman, but I do know that Mr. Daly has been in the district, and that if he had been anxious to make inquiries, no one in the district knew better than that same gentleman where to make them. He knew he had a constable at Duck Creek, and could have sent to him to know if those men were at the Creek. It would have settled it if the constable reported that the men had gone.

Mr. LEAHY: You know nothing about it but what somebody told you.

Mr. REID: We know that some of the men who were rejected waited upon this constable, and I have no reason to believe that these men have been telling untruths. That constable stationed at Duck Creek is a Government official, and the proper course was to have asked him to supply the information, but the information we have is that he was not consulted one way or the other. The matter seems simply a conspiracy to deprive these men of their votes. I do not know whether it is because the toadying officials in that electorate were trying to do a smoodge to the hon. member for Bulloo, but I know the hon. member himself would not take such a mean and contemptible advantage to deprive these men of their votes. I think the electoral registrars should be instructed by the Home Secretary to carry out the spirit of the Act in the same way as it is carried out in the towns.

Mr. LEAHY (*Bulloo*): I do not know why I should speak on this question at all, but the mover of the motion for the adjournment made some references to myself, and it being in my electorate, it is perhaps due to hon. members that I should say a word or two upon the subject. I had not the advantage of hearing what the hon. member for Warrego had to say, as he was three-parts through his speech when I entered the Chamber. That was owing to the fact that I did not know the hon. member was going to move the motion to-day. He did me the courtesy last week, when meeting me in the street, of telling me it was his intention to introduce the motion some day last week—I think Wednesday, the day mentioned by the Home Secretary. I think he told me the substance of what he intended to say, so that I probably know as much about it as if I had heard his speech. I was in my place in the House on the day he mentioned, and when the usual time for moving the adjournment had passed I said to the Home Secretary, "How is it the hon. member for Warrego has not moved the adjournment of the House?" He said, "I do not know," and I said it was probably owing to the fact that in the conversation he had with me I advised him to get all the information, facts, and figures on the subject before he brought it up in the House, so that he would not be going on hearsay, but having full information on the subject from the constituted authorities he would know what to say, and would be in a better position to deal with it. Everyone will admit that that was proper advice to give the hon. member, and I thought he had decided to follow that course. I got a little information upon the matter myself by sending a brief telegram, to which I got a few words in reply. My attention has been called to the fact that a statement has been made in the House to-day that the hon. member for Warrego sent me word by another hon. member that he would move the adjournment of the House to-day. I think that is not correct. What is referred to I think is that I met the hon. member for Enoggera in the train, as I often happen to do, and I asked him how it was the hon. member for Warrego had not brought forward his motion. The hon. member gave some reason—I do not know what it was—but he added: "He cannot bring it on before Tuesday." I think that is what occurred.

Mr. REID: Hear, hear!

Mr. LEAHY: The hon. member never told me that he was going to bring it on on Tuesday, but that for some reason he could not bring it on before Tuesday. If I had known it was to be brought on I should have been in my place. I was glad to hear that neither the hon. member for Warrego nor the hon. member for Enoggera made any charge against myself in this matter. On the contrary, the hon. member for Enoggera, who does not know much of me, but who has been through a great deal of the South-western part of the colony, and has come in contact with men who do know me, and probably based his opinions upon what they have said, would not charge me with doing anything of the kind. I absolutely know nothing at all about it. I should like to see every man in Queensland on the roll who is entitled to be on it. That is the law and we have a right to give assistance to carry out the law. But we have an equally good right to see that the law is not violated. We have appointed certain officers to perform certain duties, and so far as I can gather there is no definite charge made against any person in this case—either the electoral registrar, the presiding magistrate, or anyone else.

Mr. BOWMAN: I blamed the acting electoral registrar.

Mr. LEAHY: If the acting electoral registrar has been in fault, it should be very easy to find it out and sheet it home to him. But we will take an abstract case. Suppose any electoral registrar has reason to believe that certain persons whose claims to be registered as electers for a district are not resident in the district, it is his bounden duty under the Act to give notice to those men. I am not saying it is a right thing at all. That is beside the question. It may be entirely wrong, but a policeman has no right to say that what Parliament has done is wrong, and that he will put it right himself. There may be hardships in these cases, but a policeman carrying out his duty in the form in which this Parliament has said it shall be carried out is only doing his duty as the servant of this House and of the country, and is a commendable officer. If he does not carry out his duty under the Act, he is blameworthy. Before we can do anything then we must get at the facts. It has not been stated that the officer in this case did not carry out his duty under the Act; but that sufficient time was not given the people to whom notice was sent. I had a look at one of the notices just now for the first time, and they appear to have been properly sent. I should like to know if hon. members have any of the envelopes in which those notices were sent.

Mr. BOWMAN: I wish we had. Ten days from Thargomindah to Duck Creek is rather long.

Mr. LEAHY: If we had them we could see at once if they were posted in proper time, but so far as we can judge everything is in order according to the statute. I do not think hon. members dispute that.

Mr. REID: I do.

Mr. LEAHY: The hon. member for Enoggera disputes it. I do not think he really does. He says something about the spirit of the Act. Now, what a lovely time we would have if we allowed the police to consider what the spirit of the Act was. The hon. member says that there should be one law for the back country and another for the towns. I do not think there should be any laxity in the administration of the law in the back country. I think the law should be carried out to the fullest extent everywhere. If a man is entitled to go on the roll he should go on it, and no person should have the right to keep him off. I think this business is a very undesirable one to occupy our attention from one point of view, because we have not the facts before us on which to base a judgment. As the Home Secretary says, the hon. member's statement is altogether *ex parte*. And it is the worst form of an *ex parte* statement. *Ex parte* means that you have the facts of one side of the case before you, but we have no facts at all in this case. The hon. member merely says that someone told him certain things, and that is what he has brought before the

House. Let me review some of the other statements which have been made. It was cited as a case of hardship that these men had been put on the roll some time ago at Eulo, and through a shuffling of the boundaries of the electorate they lost their right to the franchise. The hon. member for Warrego says that there were only three of these same persons who are concerned in the other case, so that from that point of view his case falls to the ground. The question of the change of boundaries has come before this House before. It happened at that time that a certain number of men were put on at the registration court at Eulo, where there is no police magistrate. The police magistrate of Cunnamulla goes there when he can. The fact was that certain men could not get on the roll at Eulo at all, and application was made by the miners in the Thargomindah district to have the boundaries altered. The boundaries of the petty sessions district and the mineral district did not agree, and I understood that the police and the officers of the Crown were agreeable to the two boundaries being made conterminous. It would facilitate matters if the boundary was made common to the two districts, and as there was a police magistrate at Thargomindah the electoral cases could be adjudicated upon there. The hon. member has shown himself that several of the persons concerned had left the district, so the registrar was right to a certain extent.

Mr. REID: Right to a limited extent.

Mr. LEAHY: The hon. member mentions six claims and ten claims. That makes sixteen, and as he admits that the registrar was right as to six, that leaves only ten. The probability is that they could be accounted for also if we had the evidence on the other side. But we have no evidence on that point. It would be a most serious reflection upon the police magistrate at Thargomindah if he had not got at the true facts of the case. I believe that gentleman was appointed only four or five weeks ago. I never met him in my life, and would not know him from the proverbial crow if I did see him; but at all events he went to Thargomindah some short time ago and formed a court. The gentleman who adjudicated in these cases was Mr. Zillman, who was only in Thargomindah ten days or a fortnight before these cases came on. He knew nothing at all about them, but having been a relieving police magistrate it is to be presumed that he knew something of his business, for he must have been discharging similar duties in many other parts of the colony in which he has acted as relieving police magistrate. It is absurd, therefore, to suppose that that gentleman did not know his business. It would be a very serious reflection upon him to say that he did not.

Mr. REID: It all depends upon the information laid before him.

Mr. LEAHY: It is his duty to see that complete information is placed before him by the responsible officer. I am dealing now simply with the abstract question. We have nothing else before us but the abstract question; but I presume if we wished to pick a man who was capable of investigating cases of this sort we would pick a relieving police magistrate. That is the man who was chosen in this case. He is a public servant, and he has no interest in making anything but a proper inquiry into any cases that may come before him.

Mr. REID: The local constable supplied the information.

Mr. LEAHY: I suppose he asked the local constable whether the law had been complied with. A man named Daly is the local constable, and I know he has the reputation of being a first-class constable in the Western country, and that he has brought a great many criminals to justice. I believe also that he is a very intelligent man, and gives the fullest satisfaction in the discharge of his duties. Since this matter cropped up I have called at the Police Department to inquire about this man, and I am told that he has an absolutely clean sheet. That goes to show that he must be a capable man. I know nothing about the merits of this case at all, but I do know that before anybody is in a position to go into such a case it is necessary to have something more than mere bald assertions to go upon.

Mr. BOWMAN: There are the statements of the men. What more do you want?

Mr. LEAHY: They may be all right as far as they go, but I give the hon. member the advice that I have been glad to take myself. There are two things you should never forget to do—to wind your watch at night and to verify your facts. I ask the hon. member has he verified his facts? So far as I can judge there was no immediate hurry over this matter. As a matter of fact the information which the hon. member has given us this afternoon I know has been in his hands for nine or ten days, so that it could not have been a "matter of urgent public importance." If it is, then the hon. member should have moved the adjournment of the House long ago.

Mr. BOWMAN: I could not bring it forward before.

Mr. LEAHY: What was to stop the hon. member, bringing it on a week ago?

Mr. BOWMAN: The Speaker can give you the reason.

Mr. LEAHY: I think the Home Secretary made a very fair offer when he said that he would inquire into the matter. That is the proper thing to do, but I must say—and I say it reluctantly—that I do not think inquiry is so necessary as the hon. member says. I think he found it necessary to go into the case in the interests of his cause. It was necessary to say to the people in the back country, "I will show you how I will put things right when I go down." I do not know what the hon. member has to do with my electorate, though I know the hon. member for Toowong knows a good deal about other members' electorates.

Mr. BOWMAN: You know pretty nearly all that goes on in your electorate.

Mr. LEAHY: I like to be in touch with my electorate, and that is the difference between myself and the hon. member.

[5 p.m.] At all events, I think this is an unfair mode of procedure. I know a great many people in the back country think members of Parliament can say: "Oh, well, if so-and-so—if public officers don't do what we wish them to do, we will report them, and their estimates will have a lively time going through the House." That would be a nice position to take with regard to our Civil servants. I cannot understand an hon. member saying such a thing, but we have had repeated evidence in this Chamber of that.

Mr. MCDONALD: That is an *ex parte* statement.

Mr. LEAHY: No, it is not. I don't say it is a fact. I only said a great many people think so. When I meet hon. members on the other side, I believe their word as readily as I believe the word of hon. members on this side; but they sometimes get hold of a political fad and pursue it, without regard to the justice of the case, to a greater extent than hon. members on this side do. I think, in view of the fact that we have very important business to get through, that there should be no more discussion on this motion. I would not have spoken if I had not been specially alluded to, and I think the matter should be allowed to stand over until we have

the information which the Home Secretary has referred to. No election can take place for fifteen or eighteen months.

Mr. REID: What about the federal elections?

Mr. LEAHY: The hon. member makes a great mistake if he thinks that people in these outside districts take a great interest in the federal elections. It will be something like the federal referendum we had last year, when it was seen that the people outside did not take such a vast interest in these political matters that some people think they do. I am told that when the hon. members for Enoggera, Flinders, and Warrego go into the back country they make things pretty warm—in fact, red hot—during the time they stay there; but after they have gone the men settle down quietly to their ordinary avocations, and everything is satisfactory. I understand that my limit of time is almost up, and I hope we shall not have any more of this business. I say that when members have such matters to bring before the House they should arm themselves with facts and figures, so that, instead of wasting the time of the House, we may be able to deal with the subjects in a satisfactory manner.

Mr. DAWSON (*Charters Towers*): I desire to make a few observations on this motion, and I would draw hon. members' attention to the line of defence taken up by hon. members who have disagreed with the motion of the hon. member for Warrego. The Home Secretary—who is concerned, as he is the Minister in charge of the particular department which this matter concerns—and the hon. member for Bulloo—whose district this matter relates to—have both adopted the same line of defence: that the hon. member for Warrego is guilty of a gross act of injustice in ventilating this grievance by moving the adjournment of the House. But time after time it has been the custom, when a member has a grievance on behalf of any people, that he should ventilate that grievance immediately by giving notice to the Speaker that he will move the adjournment of the House to call attention to the matter. But the hon. member has done more than is required by the Standing Orders.

Mr. LEAHY: Hear, hear! More than is required.

Mr. REID: He took the necessary precaution to notify the Home Secretary and the hon. member for Bulloo that he intended to move the adjournment of the House on this matter.

Mr. LEAHY: How does it concern me?

Mr. DAWSON: As member for the district referred to, and, as such, I think the hon. member should try and protect these men against injustice. The hon. member for Warrego has done everything that is required, and even more than that. If he has erred, he has erred on the side of generosity and fairplay. I would like to point out that the Home Secretary said he did not know this motion was coming on this afternoon; but the hon. gentleman owned up that he was notified that the adjournment of the House was going to be moved.

The HOME SECRETARY: On a particular day.

Mr. DAWSON: He knew distinctly that it was the intention of the hon. member for Warrego to move the adjournment of the House on this matter.

The HOME SECRETARY: On Wednesday last.

Mr. DAWSON: The hon. gentleman must know that if it did not come off on Wednesday, it would be moved at a very early date.

The HOME SECRETARY: No. I thought the contrary.

Mr. DAWSON: It is a pity that the hon. gentleman has not taken advantage of his experience. Does the hon. gentleman mean to say that if I notified him that I would move the adjournment of the House on a particular day, and I did not do so on that day, that I had abandoned my intention?

Mr. LEAHY: He might have been informed to the contrary.

Mr. DAWSON: He did not say that.

The HOME SECRETARY: I did so. I was told that the matter had dropped.

Mr. DAWSON: The hon. member for Warrego never intimated to the Home Secretary that he had abandoned his intention of moving the adjournment of the House. In this connection the hon. member for Bulloo interjected that the hon. member for Warrego said, "probably."

The HOME SECRETARY: I understood that the matter had been abandoned.

Mr. DAWSON: If the hon. gentleman had his wits about him, knowing how keenly hon. members on this side feel on these matters, he would know that they were not likely to abandon a case of this description. He would know that when it was brought forward we would make as public and as sharply as we could the way in which his office is administered.

The HOME SECRETARY: I could not have had the full reports.

Mr. DAWSON: The hon. gentleman stated that Mr. Zillman is in town. Could not he have got a report from him while he was in town? He was the most prominent man on the tribunal in the district referred to. I presume that he did the hon. gentleman the courtesy of calling at his office when he was in town, following the usual practice.

Mr. LEAHY: I believe he was the only member on the tribunal.

Mr. DAWSON: The hon. gentleman knew this important matter was coming on, and that Mr. Zillman was in town, and yet he never asked him anything about the matter.

The HOME SECRETARY: I sent for him.

Mr. DAWSON: Did the hon. gentleman interview him?

The HOME SECRETARY: I believe the message miscarried. I did all I could.

Mr. DAWSON: I believe that in the Education Department it is a rule that is rigorously enforced that when an officer comes to town he has to report himself to the Under Secretary.

The HOME SECRETARY: This officer called upon me before I knew anything at all about this business, this day week, I think—two days before I heard of the matter.

Mr. DAWSON: The hon. gentleman, and the hon. member for Bulloo, complain that the hon. member for Warrego made an *ex parte* statement, and that they had no evidence before them that what the hon. member stated was true. I noticed that neither of those hon. members took the trouble to reply to the statements that were made by the hon. member for Warrego. I should like those hon. members to say—they can do it easily by interjection—whether the statements made by the hon. member for Warrego are correct or not.

The HOME SECRETARY: How do we know? That is what we want to know.

Mr. DAWSON: The hon. member stated that twenty claims of *bonâ fide* residents on Duck Creek had been rejected. Is that true or not?

The HOME SECRETARY: Probably that is correct, but whether they were rightly rejected is the point.

Mr. DAWSON: Well, if the hon. gentleman admits that they have been rejected, that is one point established in favour of the hon. member.

The HOME SECRETARY: No.

Mr. DAWSON: It is certainly one point established in his favour, and it shows that the officers under the hon. gentleman are not doing

their duty according to the Electoral Act, and that they are guilty of gross injustice to citizens of this colony.

The HOME SECRETARY: Certainly not.

Mr. DAWSON: The hon member for Warrego also stated that the men had been long enough on Duck Creek to qualify for a vote, and that some of them had actually been there for two years, and had never left the electorate. Another statement made by the hon. member—probably the most serious of the whole lot, and no attempt has been made to reply to it, either by the hon. member for Bulloo, or the Minister——

Mr. LEAHY: I did not hear what the hon. member said at the start.

Mr. DAWSON: The hon. member heard this particular statement, and that is, that the colonists who reside at Duck Creek are obliged, according to the administration of the Home Office, to proceed 100 miles to prove their claim to have a right to vote.

Mr. LEAHY: That is not right.

Mr. DAWSON: That is one of the most important points that has been raised by the hon. member for Warrego, and I certainly think that both the Minister and the hon. member for Bulloo should have addressed themselves to that matter.

The HOME SECRETARY: Supposing I did not know? I have no knowledge of the matter.

Mr. DAWSON: Surely the hon. gentleman has officers in his department who could ascertain that information for him very rapidly! The hon. member who represents the district probably knows all about it, and I ask him now what is the distance from Duck Creek to Thargomindah?

Mr. LEAHY: I had many things to say, but I had exhausted my twenty minutes, and I had to sit down.

Mr. DAWSON: The hon. member knows that if he desires to say anything further on a motion of this kind he can ask the permission of the House to do so, and that the House is always courteous enough to give the member for the district that permission.

Mr. LEAHY: Well, you get permission for me now.

Mr. DAWSON: I have no objection whatever to sit down now, and allow the hon. member to reply to that statement in my time. I say it is a very good thing that the hon. member for Warrego brought this matter up, if it was only for that one point. That is one of the best reasons why the adjournment of the House should be moved, because after this debate the public will know all about this business. Here are men out in the far Western portion of the country endeavouring to create an industry that will be a benefit, not only to themselves, but also to other people in the colony, and they are so treated by the authorities of the colony that they are not recognised as citizens, but have to go 100 miles to prove that they have a right to vote in any election in the colony, and the department is so administered that three days' notice is given them to go that 100 miles.

Mr. LEAHY: Isn't there a magistrate at Dundoo?

Mr. BOWMAN: No, he's not sworn in.

Mr. DAWSON: I say that is one of the most scandalous miscarriages of justice that have happened under our electoral law. We have had to complain times out of number about the action of public officers in connection with the administration of the electoral law, but in my opinion there has been no worse cause of complaint than this one in which men are given three days' notice to go 100 miles in to Thargomindah to prove that they are legally entitled to vote for the election of a member of this Chamber. If the hon. gentleman would run a tram, or a train, or a balloon, or a private railway there the men could get into town as long as the train, or the tram, or the balloon did not break down. Hon. members may think that the men could get there by coach, but I understand that there is no coach. In any case the men might not have the coach fare, and if they have not horses they could not get there; they would have to tramp in. I certainly think the whole department wants shaking up, and that it is the duty of the Minister to shake up every one of his subordinate officers, and see that every citizen of this colony is accorded a fair and reasonable opportunity of getting his name on the roll, and of keeping it on when it is there.

The HOME SECRETARY: I will not condemn officers unheard.

Mr. DAWSON: In any case, if the department do not do their duty, it is the duty of the member representing the district to see that the department does do it, or to expose the department for not doing its duty. If the member concerned does not do that, then the member representing the neighbouring electorate is justified in taking up the matter. If any of the citizens of Charters Towers are not properly treated by the department, I regard it as my duty to see that justice is meted out to them, no matter what political opinions they may hold, and that is the duty of the hon. member for Bulloo. As a matter of fact, the department has not been so sadly neglectful in obtaining information as some hon. members would try to make us believe; they have a lot of information in their possession, for this kind of injustice has been going on for years past. This is not the first complaint by any means, and the claims of some of the people concerned in this case have been rejected several times, and no effort has been made by the hon. member who represents the district to get a magistrate reasonably near enough for those men to get their claims attested. A little while ago the men had to go a shorter distance, to Eulo, but the department wiped that out as a place for a registration court, and made them go to Thargomindah.

The HOME SECRETARY: That was done for the benefit of the men, I understand.

Mr. DAWSON: I am sure it was not done for the benefit of the men.

The HOME SECRETARY: They could not get a court together in Eulo.

Mr. DAWSON: If my house was taken from me within half-a-mile of this House, and I was compelled to go a greater distance, I should not think it a very great benefit, particularly after 12 o'clock at night. The speech of the hon. gentleman this afternoon, I may say, was a very surprising one to me. Here is the member for the district of Warrego, Mr. Bowman, the member for Enoggerá, a Brisbane electorate, and the member for the Barcoo, a Central Queensland electorate, know all about this business. They have got the information from A to Z, and here the Home Secretary, in charge of that department, confessedly does not know anything about it; and the member for the district, himself, makes the same humiliating confession.

Mr. LEAHY: That is not true.

Mr. DAWSON: The hon. member did.

The HOME SECRETARY: It is not true with regard to me.

Mr. DAWSON: It appears to me, then, that I must be getting into the condition of not being able to understand the English language, or the English language as it is spoken by these hon. members, and yet I think I am just as capable of benefiting by experience as those hon. members, and I have had a very large and I may say a very varied experience of those hon. gentlemen in this Chamber. What more especially emphasises the complaint made by the hon. member

for Warrego is a statement made by the Hon. the Home Secretary himself before he concluded his remarks. He stated that these men at Duck Creek were not the only ones who had been inconvenienced so far as the administration of the electoral law is concerned; that he, himself, in an effort to get registered as a voter, only received notice from the court, or the registrar, to prove his claim three days after the court had sat. Now, in my opinion, that confession by the hon. gentleman was an absolute proof of the want of administrative power in the department over which he presides.

Mr. LEAHY: He did not say so.

Mr. DAWSON: The hon. gentleman, a Minister of the Crown, the head of the department, gets notice to prove his claim three days after the court has adjudicated upon it.

The HOME SECRETARY: It was my own fault. I did not get it, for I was away.

Mr. DAWSON: The hon. gentleman did not state that.

Mr. McDONALD: You were not struck off.

The HOME SECRETARY: No, I was not struck off—I was not put on.

Mr. DAWSON: There is another case. The Premier of the colony, the most important man in the public life of the colony, states that he was twice struck off in that particular way.

The PREMIER: By some of your friends, too.

Mr. DAWSON: Now, if a man occupying a position such as is occupied by the Hon. the Premier, or a man occupying such a position as that occupied by the Home Secretary, gets struck off—the one twice, and the other once——

The HOME SECRETARY: Not struck off.

Mr. DAWSON: And they are in a city, within train reach——

The HOME SECRETARY: I beg to rise to a point of order.

Mr. DAWSON: I have the chair, Mr. Speaker.

The SPEAKER: Order! The Home Secretary is entitled to state his point of order.

The HOME SECRETARY: The hon. member has misquoted me.

Mr. DAWSON: That is not a point of order.

The SPEAKER: Order!

The HOME SECRETARY: I did not say, I repeat——

Mr. McDONALD: I rise to a point of order. The hon. gentleman is not stating a point of order; he is making a personal explanation.

The SPEAKER: Order! The hon. gentleman is entitled to state his point of order.

The HOME SECRETARY: I said that I did not say that I had been struck off the roll. I have repeated that, but the hon. member still persists in saying that I did say it.

The SPEAKER: The hon. member is bound to accept the denial of another hon. member. I now draw the attention of the hon. member for Charters Towers to the fact that he has already exceeded the time limit allowed by the Standing Orders.

Mr. LEAHY: With the permission of the House, I would like to make a personal explanation.

Mr. DAWSON: Then I shall want another five minutes. I ask the indulgence of the House for another five minutes. Does anybody object?

The SPEAKER: I must point out to the hon. member that if an hon. member exceeds the time limit allowed by the rule, it is usual for the Speaker to call attention to the fact. If the hon. member then wishes to continue speaking he should appeal to the House, and it is for the House, to say whether he shall do so or not. But there must be no general claim to a right to depart from the Standing Order in this respect.

HONOURABLE MEMBERS: Hear, hear!

Mr. DAWSON: I did wish before I concluded to touch upon some other points, but I will not indulge myself. I was trying to point out that the Home Secretary had been struck off the roll, but I find that was a wrong expression. What I ought to have said was that he did not succeed in getting on the roll. The Premier stated, by way of interjection, that he was twice struck off the roll, and the point I wish to make is this: That a man, if living in the centre of population, with every convenience to get to court, and every facility afforded to him by way of finding magistrates to attest his claim, provide witnesses to show that he is the person who has made the claim, and also by virtue of the prominent position held by the hon. gentleman—if he suffers the disability of being twice struck off the roll, how much worse is the case of the unfortunate citizen living away out in a place like Duck Creek, and how much more necessary is it for the department presided over by the Hon. the Home Secretary to exercise greater vigilance to see that justice is done to these unfortunate people.

Mr. LEAHY (*Bulloo*): With the permission of the House I would like to make a personal explanation.

Mr. DAWSON: Hear, hear!

Mr. LEAHY: I would like to say a word or two of personal explanation in reply to the charge the hon. member for Charters Towers has made—that I have neglected the interests of these men, inasmuch as that I did not see that they were provided with a magistrate. I would point out to the House that these opal districts are divided into two groups—one called Duck Creek and one called Yowah. Dundoo lies about thirty miles from Duck Creek. I represented to the Government that it was desirable to have a magistrate appointed at Yowah, where the men came to get their mails at that particular time, and a magistrate was appointed on my nomination. I believe he has left there, because everything is dead on that station. I don't know whether there is anyone on the station now.

Mr. BOWMAN: Mr. Gardiner is manager there now.

Mr. LEAHY: At any rate, there is a place called Dundoo, about twenty-five miles from Duck Creek. I want to call the attention of hon. members to the fact of there being a place within twenty-five miles, as against the 100 miles to Thargomindah stated by the hon. member. The miners of Duck Creek, or someone up there, sent down a petition to have Mr. Davis put on the roll. I know it was done by someone in sympathy with the other side, and he was not put on, because, probably, the Government did not want to Americanise our institutions. But afterwards I found that they wanted a magistrate; that they wanted this particular man put on the commission of the peace. I recommended to the Government that he should be put on, and he was put on the roll. I think that that disposes of this statement about their having to go 100 miles to get a magistrate to attest claims. And it disposes also of the statement that I neglected their interests in the matter. These miners sent down a petition asking that this particular man should be put on the commission; I recommended that he should be put on; and he is there.

Mr. REID: He is not sworn in.

Mr. LEAHY: I cannot help that. This is in reply to the hon. member for Charters Towers.

Mr. DAWSON: It was not a reply, but for permission to make a personal explanation that you asked for.

Mr. LEAHY: I said it was a personal explanation in the nature of a reply.

The SPEAKER: If the hon. member proceeds further he will be exceeding the limit of a personal explanation.

Mr. LEAHY: Very well, Mr. Speaker, I will not proceed any further. I [5·30 p.m.] only wish to say that the hon. member opposite challenged me to get up and say a certain thing. I said that I had already exhausted my time, but he said that the House would permit me to do so. Of course, if the House will not allow me to reply to that charge, the hon. member cannot complain. I have only to say that I extremely regret that these men at Duck Creek should have been deprived of their votes, because at the last election every single man at Duck Creek voted for me, and I am sure they would vote for me again.

The SPEAKER: Order! The hon. member is now exceeding the limits of a personal explanation.

The PREMIER (Hon. R. Philp, *Townsville*): The hon. member for Warrego is a young member, otherwise he would have known that when a complaint requires redress it is not usual to adopt the course he has taken this afternoon. I understand there has been no complaint made to the Home Secretary's department.

The HOME SECRETARY: Hear, hear!

The PREMIER: If the hon. member wanted redress—and I presume he does, and that he is serious in moving the adjournment of the House——

Mr. BOWMAN: Hear, hear!

The PREMIER: He would first have gone and complained to the Home Secretary, and if he failed to obtain redress from him, then he could have complained to this House. In addition to complaining to the Home Secretary in his office, he could also have brought the matter up on the Estimates. He ought also to know that there is at the present time a Bill before the House dealing with electoral reform, and he could have ventilated his grievance on that measure.

Mr. MCDONALD: No. It does not deal with this question at all.

The PREMIER: Any old member knows that to call attention to any matter by moving the adjournment of the House is only wasting time.

MEMBERS on the Government side: Hear, hear!

The PREMIER: I would not like to say that the hon. member has moved the adjournment of the House for that purpose, but if he had been an old member I should have thought that was his object. Being a young member, perhaps, he did not know that in a case of this sort he should have gone to the Home Secretary and asked him to make inquiries; and, if he did not get satisfaction, he could then have complained to the House; but what he has done has been to take up two hours this afternoon. It really makes no difference whether I have been struck off the roll twice or not. I was struck off the roll twice—I believe on account of the good offices of the hon. member for Enoggera. I can assure the hon. member that I would not have done such a thing to him. I have never yet taken action to strike any man off the roll, but, on the contrary, I have done a great deal to put men on, whether they were opposed to me politically or not.

Mr. LEAHY: I guarantee the hon. member for Enoggera never put on a man who was opposed to him.

The PREMIER: If the hon. member for Warrego had gone to the Home Secretary in the first instance he would have done more good to these men at Duck Creek than he has done by taking up the time of the House this afternoon.

The HOME SECRETARY: I have received a telegram from the electoral registrar, and, with the permission of the House, I would like to say a few words, as I might be able to throw a little light on the question.

The SPEAKER: Is it the pleasure of the House that the hon. member be heard?

HONOURABLE MEMBERS: Hear, hear!

The HOME SECRETARY: The hon. member for Warrego referred to the fact that Mr. Zillman presided at this registration court, but he admitted that he had no complaint to make against Mr. Zillman, because everyone must see that he could have done nothing except what he actually did.

Mr. BOWMAN: Hear, hear!

The HOME SECRETARY: Notices had been sent to the men to appear and prove their claims, and as they did not appear the court could do nothing but strike them off. Now, as to sending the notice, I may mention that there are two points which stand out in the telegram that I have received. One is that the electoral registrar had no information, and was in very great doubt as to whether the residences of these men were in the Bulloo electorate or not.

Mr. BOWMAN: What! Duck Creek?

Mr. REID: Oh Lord! That's too thin.

The HOME SECRETARY: I understood that someone else had some doubt to-day.

Mr. REID: No.

Mr. LEAHY: Yes. At this particular time most of them had removed to Koriot.

The HOME SECRETARY: The electoral registrar had no information as to whether that place was in the Bulloo electorate or in the Balonne, and, necessarily, it was quite right that he should get the best possible information, and the men themselves would probably be the best people to whom to go for that information. The second point is that a number of these men claimed on a three months' residence qualification instead of six months, on the ground that they had previously been on the roll for the electoral district of Bulloo. But, though the electoral registrar searched all the rolls, going back very many years—he does not say how long, but he searched all the rolls he had, and he could not find their names on the roll. Now, if that was so, he was perfectly justified in sending out notices. There are other points, of course, as to the date at which the notices were sent, and so on, on which I have no information, but the information I have received only shows how necessary it is, before bringing a matter of this kind forward, that the fullest information should be got. As it is, I merely give hon. members what information has been sent to me in a hurried telegram from the electoral registrar at Thargomindah in reply to one sent by me this afternoon.

Mr. HARDACRE: I know something about that electoral registrar.

The HOME SECRETARY: The hon. member has surely learned by this time that it is not good form to condemn public officials in this House without giving them an opportunity to justify themselves.

Mr. HARDACRE: I know something about this man.

The HOME SECRETARY: If the hon. member has anything to say about a man, I would like that man to be present.

Mr. KERR (*Barcoo*): The information that the hon. gentleman has received—I take it it comes from the electoral registrar at Thargomindah—is that a number of these men who made application to have their names put on the roll for the electoral district of Bulloo had removed to the Koriot Opal Field. Now, that field is also in the Bulloo electorate, and if the acting registrar had known his work he would have known that.

Every officer who fills any official position ought to be acquainted with the boundaries of the district in which his duties lie, and the fact that the acting electoral registrar at Thargomindah did not know that Koriot was in the Bulloo electorate is conclusive proof to my mind that he was not competent to fulfil the duties which devolved upon him. Now, the Home Secretary has had time to get the fullest possible information on this matter. The hon. member for Warrego informed him last Wednesday that he intended moving the adjournment of the House. Well, the hon. gentleman could have sent a wire on Wednesday evening, and the mail leaves Thargomindah on Friday morning, arriving in Brisbane at 12·30 p.m. to-day, so that the hon. gentleman could have had a written statement, showing the reasons for the electoral registrar acting in the way he did. Both the hon. member for Warrego and the hon. member for Enoggera stated that they had no complaint to make against Mr. Zillman for doing what he did on the evidence that was put before him; but I wish to point out that the whole of these complaints throughout the length and breadth of the colony arise from the action taken by acting electoral registrars. When I had occasion to bring forward certain electoral matters in this House, they were due to the action of an acting electoral registrar. The Premier and the Home Secretary spoke of having been knocked off the roll themselves.

The HOME SECRETARY: No, that is not so.

Mr. KERR: The Premier said he was knocked off. But I point out that there is this difference between his case and that of the miners on Duck Creek: The miners on Duck Creek are not registered on any other electoral roll in the colony and have been disfranchised, while the Premier is registered on other electoral rolls, and the striking of his name off one roll did not disfranchise him. I had occasion in 1898 to draw attention to a similar matter in connection with Duck Creek, and on going through the names of the men who have been rejected by the Thargomindah revision court, I find that three of them were on Duck Creek when I visited it in 1898. Abercrombie, Davies, and another have been residing on Duck Creek since 1898, and they were qualified to be put on the roll then. Is there not in that just reason for complaint, and is the hon. member for Warrego not justified in moving the adjournment of the House to call attention to such a thing? The Premier interjected that there was an Elections Bill coming on, but this is just one of the things we want to have amended in that Elections Bill. When an electoral registrar has any reason to doubt claims, he has to make inquiries, and from whom should he make them? We have it on documentary evidence that there is a police constable stationed at Duck Creek; and who could the registrar in this case have more naturally applied to for this information? We have it also on documentary evidence that he never applied to this officer at Duck Creek, and on the same evidence we have the fact that the whole of those men, with the exception of six, are still in the Bulloo electorate. When we have the new Elections Bill before us, the Premier and the Home Secretary should take that into consideration, and see whether this work should be left to an officer who is expecting promotion by the action he takes in knocking men's names off the rolls. These men had fulfilled the conditions of the law as far as they possibly could. Some have even ridden 100 miles to get their names placed on the roll. They have done all they possibly could to comply with the Act, and then they get a notice which gives them but three days in which to appear personally at Thargomindah, a distance of 100 miles. Anyone who has travelled the country between Duck Creek and Thargomindah must know that no man could reasonably be expected to go from Duck Creek to Thargomindah in three days, and carry his swag, and there was no chance at that time of those men being able to get horses or other means of conveyance to take them to Thargomindah in time to attend the revision court. When these obstacles are put in the way of men who are justly entitled—because there is no getting away from the fact that the hon. member for Warrego, the hon. member for Enoggera, the hon. member for the district, and other hon. members know that those men were residing in the district and are residing there yet, and have qualified to have their names placed on the roll—I think it is time something was done to amend the Act in this respect, and instead of the hon. member for Warrego being accused of wasting the time of the House, I say he has conferred a benefit upon the people of the country by calling attention to these facts; and I trust the Home Secretary will do what he so nicely undertook to do to-day. I must congratulate the hon. gentleman upon having made the statement that he would endeavour to get the fullest information possible. The hon. gentleman even went so far as to say that he would endeavour to see if there was no way of getting those men placed on the roll.

The HOME SECRETARY: No; of having their claims brought forward again.

Mr. KERR: What are the facts of the removal of the court from Eulo to Thargomindah? It has been stated by the hon. member for the district and by the Home Secretary that they could not get a court at Eulo, but they forgot to inform the House that twenty-one claims which had been passed at a former court had also been rejected, and that, through the action of the Crown Law Office in removing the court from Eulo to Thargomindah, fifty men were at that time disfranchised.

Mr. LEAHY: No, nothing like fifty.

Mr. KERR: If the hon. member will allow me, I can find it in *Hansard* for him, that there were twenty-one whose names had been registered by a previous court at Eulo, and there were in addition twenty-nine claims from Duck Creek that had been attested by myself, and that were there to have the names put on the roll, and twenty-one and twenty-nine made fifty when I went to school. Those fifty persons were deprived of the franchise, and the hon. member for Bulloo knows it. The hon. member had said he wished those men had got on the roll, as they would have voted for him at the last election. I do not want to know who any man votes for, but I do want to see justice done to every man in the colony; that every man who is qualified to vote may have his name placed on the roll that he may be able to record his vote as he thinks proper.

Mr. J. HAMILTON (*Cook*): The hon. member has been very profuse in his attacks. He has attacked the hon. member for Bulloo, the Home Secretary, and the registrars. He has attempted to show how desirable it is that the rolls should be purified, and that every man entitled to be on the roll should have his name put on. That is so, but, on the other hand, it is also desirable that persons who are not entitled to be on the roll should not be put on. I know one well authenticated instance, which occurred two years ago, where a man, when shearing on the Barcoo, made application to be put on the roll for Bulloo, which electorate was 200 miles from where he was shearing, on the ground that he had resided in the Bulloo for the preceding six months. A magistrate, who must have known that the claim was not correct, as he knew the applicant was shearing in the Barcoo

electorate during the identical time he claimed a vote for residence in another electorate 200 miles distant, verified that statement by witnessing it. That magistrate was the member for Barcoo.

Mr. KERR: He was not 200 miles away. That is a misstatement of yours.

Mr. J. HAMILTON: I appeal to the hon. member for Bulloo.

Mr. LEAHY: It was 200 miles away.

Mr. J. HAMILTON: In cases like the present one the proper business-like course to adopt was to bring the matter before the Home Secretary in the first instance—that is, of course, if hon. members do not wish to go in for fireworks in the House. I was removed from the Brisbane roll because I had merely removed from one side of the road to the other. However, instead of taking up the time of Parliament with a matter like that, I simply went to the electoral registrar who explained that it was all a mistake.

Mr. W. HAMILTON: You had not to travel 100 miles to put the mistake right.

Mr. J. HAMILTON: Yes; but he knocked me off when I had not moved thirty yards from the locality.

Mr. McDONALD (*Flinders*): I was glad to hear the Home Secretary say that he would call for all information upon the matter which has been brought forward by the hon. member for Warrego. I have a very much simpler case to bring before the hon. gentleman, and I hope he will get all the information in that case too. I think the hon. member for Warrego deserves credit for having brought the matter forward, although we have been accused by the Premier of wasting time.

The PREMIER: Why were you not satisfied to take the Home Secretary's assurance and stop the debate?

Mr. McDONALD: This is one of those questions which I think ought to be thoroughly ventilated, and this is the proper place in which to ventilate it. If the Government cannot manage their own business, and bring in their measures at the proper time, that is no reason why we should lay aside important questions and not bring them on for discussion. For years and years this question has been continually brought up in the House, and the iniquities of the electoral laws have been alluded to repeatedly—laws that would be a disgrace to any civilised community in the world.

The PREMIER: You have an Electoral Bill now before you, and do not want to discuss it apparently.

Mr. McDONALD: The hon. gentleman knows that that Bill does not touch this question.

The PREMIER: You can make it touch it.

Mr. McDONALD: The matter of registration is made as difficult under the Government's latest proposals as it is now.

The PREMIER: You can alter the Bill

Mr. McDONALD: But it is not only our iniquitous laws, but the way they are administered that we complain of. For years past certain interpretations have been placed on certain clauses. Only the other day almost the same thing occurred in my electorate to a number of men who were anxious to get their names on the roll. A justice of the peace refused to attest their claims, but I came along and attested them. They went into the court, but someone must have given information to the electoral registrar, so that he could strike the names out and send notices to the men that they must either attend in person or by agent to prove their claims. The men had left the particular station where they were engaged, and were unable to comply with the notices they received, and the result was that a number of them were deprived of their votes. These men had already been registered, but complaint was made that their qualification was not correct. Now, it appears that the electoral registrars allow themselves to be fooled by information given them by interested parties on the other side. When the Premier says that he is not responsible for the name of anyone being knocked off the rolls, he may be correct so far as he personally is concerned, but I would remind him that he is president of a certain association in Queensland whose expressed object is to knock names off the rolls.

The PREMIER: No.

Mr. LEAHY: It is a registration society now.

Mr. McDONALD: I quite understand all about that. The circulars that that association sent out, signed by its late president, Sir Hugh Nelson, became such a scandal that they had to change its name, but it still carries on the same iniquitous practice. I think in this case at Duck Creek there certainly has been room for grave complaint. It is not the first time that these particular men have been knocked off the roll, and it is not the first time that their case has been brought before this Chamber. These men are, unfortunately, placed in an isolated portion of the colony, where they have no opportunity of getting their claims attested according to law. Some hon. member has stated this afternoon that under such circumstances those men should be treated more generously than those in the towns, and I agree with that. We know the difficulty there is in getting names on the roll in these distant parts. In this case the men had thirteen days in which to travel 100 miles, but it must not be forgotten that they had to travel through a drought-stricken country, and it was practically an impossibility to accomplish the task. Again, whoever issued that notice did not issue it in accordance with law, because fourteen clear days are supposed to be allowed in which to appear at the court, whereas, in this case, only thirteen days were allowed. Under those circumstances, the men were not very fairly treated. I hope, when similar questions to this are brought up in the House, hon. members on this side will not be charged with wasting time. It is no waste of time to discuss such important matters, and it is only by repeatedly bringing such grievances forward that we can get any remedy. It is desirable that these matters should get into *Hansard*, and that the country should be informed of the facts of the case. I know that the *Courier* is continually prompting the Government in this matter of supposed waste of time, but I certainly think that if anyone has wasted time this afternoon it has been the Home Secretary. He showed throughout his speech that he did not take much interest in the question, for the hon. member for Warrego gave him notice last week that he intended to bring it forward, yet he had not much information to give the House.

[7 p.m.] Mr. HIGGS (*Fortitude Valley*): At the risk of being charged with wasting the time of this House, I wish to say that I think the hon. member for Warrego, as a new member, is entitled to great credit for having braved the criticism of hon. members on the other side in bringing before the House a matter of this kind at this stage. He has been charged with, perhaps unconsciously or unwittingly, wasting the time of the House; but, if discussions on such matters are deemed to be a waste of time, the gentleman who has charge of the business of the country should have brought us together earlier. From his past experience, he knows that adjournments of the House have been moved, on an average, once a fortnight every session, and probably less, since hon. members on this

side made their entrance into public life than previously. Although I know that I shall be lowered in the esteem of the Hon. the Home Secretary, I have no hesitation in saying that I consider the reason these men have been left off the roll is because there is a certain political association in that electorate. I was in hopes that when the late political association ended its days, that there was likely to be an end to the kind of thing that the hon. member for Warrego complains of. We know that the object of the association was to get certain men who were opposed to the views of the members of that body off the roll.

MEMBERS on the Government side: No, no!

Mr. HIGGS: Yes; all those men who were known to be the political opponents of the party in power.

The HOME SECRETARY: If they had become disqualified.

Mr. HIGGS: If they had become disqualified. Some persons had such exaggerated ideas of what conditions were likely to bring about the means of disqualification, that many legitimate voters were kept off the roll. Many of these men at Duck Creek are well known in the Bulloo electorate, and during my brief experience out in the back country, I have found men who are well known to one another when they are 150 or 200 miles apart. You may ask men in a town about another man 150 miles away, and they will tell you all about him. If the authorities wished to get information with regard to men who had committed some offence against the law, which would probably lead to their being sent to St. Helena, they would be found quickly enough. I am in hopes that those who are in charge of the administration of the electoral laws will endeavour to impress on the electoral registrars, who, in some cases—let us emphasise "in some cases"—are inclined to be biassed against certain applicants for votes whose claims are witnessed by hon. members on this side, that they should not throw any obstacles in the way of those who are legitimately entitled to be placed on the electoral rolls. It has been said how absurd it is for an electoral registrar to demand that a man 100 miles away should be present at the court, and prove his claim to be on the roll. I venture to say that the fact of claims being witnessed by a member of this Assembly should be sufficient proof to the electoral registrar that such claims were entitled to be passed. I think if these claims had been witnessed by members of a different political faith, they would probably have been passed without question.

The HOME SECRETARY: It is admitted that some of them were irregular.

Mr. HIGGS: Half-a-dozen out of twenty-seven. On the face of it it appears to me that a great injustice has been done. It is not necessary to wait for all particulars before a matter of this sort can be brought up in this House. Why should an hon. member wait till the end of the year, or until the Estimates come on? The Premier has ventured to lecture the hon. member for Warrego on his action in moving this adjournment, because he considered it a waste of time, but I remember that the hon. member for Bulloo moved the adjournment of the House about a fortnight ago with regard to the wharves here. He could as easily have approached the department on that matter as the Premier says the hon. member for Warrego could on this subject; and although hon. members on the other side say that this motion will be fruitless, I don't think it will prove fruitless. If some registrars are biassed against certain applicants, the bringing up of this matter in the House will make them endeavour to administer the law in a more liberal way. When the Act was being amended some time ago, a great point was made that certain small irregularities led to the disfranchisement of many persons, and the Act was amended so as not to debar men who had a right to vote from exercising that right. The present Agent-General, who was then Acting Premier, made a great deal out of the fact that greater facilities should be given to men to get on the roll. Now we find that these men at Duck Creek cannot get on the roll at all. Although they have lived there continuously for years and have repeatedly applied to be put on, their claims have always been thrown out. Then they approached the hon. member for Warrego to bring the matter before the House, and I suppose they would have approached the hon. member for Bulloo if they thought there was any chance of getting the matter attended to. I am sorry the hon. member is not present, because I wish to draw attention to his lecturing the hon. member for Warrego, and telling him that he ought to wind his watch and verify his facts. The hon. member himself in this House, not half-a-dozen nights ago, referred to this very same place, and endeavoured to cast ridicule on the Labour representative from there by saying that some representative came from that particular district, and that he represented one man and a dog. Is it not probable that the acting registrar, not bothering about getting his information from the constable there, had read *Hansard*, and seeing that the hon. member for Bulloo had said that there was only one man and dog at Duck Creek did not attempt to find out whether these men were entitled to vote? A great deal has been said about wasting time by this discussion. Hon. members opposite are responsible for as much waste of time as anybody; indeed they are truly responsible for the waste of time, because they bring down their Bills in such a slipshod, unfinished, and unworkmanlike manner that sheaves of amendments have to be proposed. I hope this discussion will lead to acting and other electoral registrars making themselves acquainted with their duties, and perhaps prevent them from exercising their powers in such an extraordinary and drastic way as to keep off the roll many good and *bonâ fide* citizens—men whom members on the other side of the House frequently laud as the men who should get a great deal of credit for being pioneers in various industries, and for helping to build up the country's prosperity. In matters of this sort, however, those hon. members seem to forget all the pioneer work of those men, and cast ridicule on the members who bring the subject before the House in order that those men may get some redress and secure the same political rights as men in the towns possess.

Mr. HARDACRE (*Leichhardt*): Although this debate has interrupted the ordinary business of the House, I consider that it is a very necessary debate. I made an interjection in the course of the discussion which has been taken as reflecting on the electoral registrar in the Thargomindah district. It was not the electoral registrar of that district, but the Principal Electoral Registrar for the whole colony that I was referring to. Personally I blame the Principal Electoral Registrar for the throwing out of the claims of those men; I believe that he is the sole cause, and that whatever has been done has been done under his influence. I happen to know something about the way in which his duties are performed, and I know that he is harassing the clerks of petty sessions and electoral registrars all over the colony by insisting on technicalities and formalities, and asking for impossible information, and sending wire after wire until clerks of petty sessions scarcely know what to do. In my district the Principal Electoral

Registrar has insisted that men who have put in claims giving the name of the township and the name of the street in which they live, shall give the number of the allotment, the portion, the county, and everything else; and he has endeavoured to get claims rejected simply because of some slight technicality. If he continues to do that kind of thing it will be necessary to have a somewhat lengthy debate when the Estimates come on. However, what has occurred this afternoon may result in a more liberal administration of the law and save the time of the community.

Mr. STEWART (*Rockhampton North*): I had no intention of taking part in this debate, and I should most certainly have left the matter in the able hands of the hon. member for Warrego and the hon. member for Enoggera, but the charge of wasting time that has come from hon. members opposite has compelled me to take part in the discussion. What more important question can we discuss in the Parliament of the country than the political rights of our citizens? Evidently hon. members opposite think that anything to do with diseases in sheep, or prickly pear, or anything of that sort is a fit subject for discussion in this Chamber, with the one solitary exception of the political rights of the people. I consider that the right to vote, next to a man's life, is the most important matter for a citizen, and holding that view I maintain that when that right is assailed it is the duty of the member of Parliament whose constituents are affected, or who is asked to take the matter in hand, to bring the subject before this Chamber, and it is the duty of the House to listen to the discussion without blaming hon. members for wasting time. I do not think there has been any waste of time here this afternoon. The administration of our electoral laws—I do not know exactly what word to describe it, and be at the same time parliamentary; I am afraid I would have to go much deeper into the dictionary than I am prepared to do at the present time—but I may say that the administration of our electoral laws has been such as to place every impediment in the way of certain classes of people getting on the roll. Instead of those laws being framed so as to make it easy for every man to come by his political rights, the very opposite has not only been intended, but has been done. It is high time that that sort of thing were ended. We have another example of the same thing in this Duck Creek business. Here we have a number of men who complied with the law; they drew up their claims, signed those claims before a justice of the peace, made oath that they had stated their claims correctly, and then handed them in to the proper party. Having done so, they naturally concluded that there the matter was at an end. The electoral registrar, between the court of revision and the next court, by some means or other thought that he had discovered——

Mr. LEAHY: There are not two courts of revision.

Mr. STEWART: Each court is a court of revision.

Mr. LEAHY: Not for the same names.

Mr. STEWART: Not for the same names, but it is a court of revision and a court of registration as well. Each court fulfils both functions. Now, between the court of registration and the court of revision, this electoral registrar imagined that he had discovered some flaw in certain persons' claims, and he called upon them to come and prove their claims. Well, of course, as the hon. member for Bulloo very properly remarked here this afternoon, the electoral registrars are bound to carry out the law, not to interpret the law.

Mr. LEAHY: Hear, hear!

Mr. STEWART: The hon. gentleman says, "Hear, hear!" I do not believe the hon. gentlemen has ever assisted any party in this House to reform the glaring abuses in connection with our electoral laws.

Mr. LEAHY: I said, "Hear, hear!" because it was the first time you ever quoted me correctly.

Mr. STEWART: The first time I ever quoted the hon. gentleman correctly? Well, I do not know that I ever quoted the hon. gentleman before. What I intended to refer to is the difference between our electoral laws and every other law. When a prisoner is arrested and charged with a crime, he is not called upon to prove that he is innocent. His accusers are compelled to prove that he is guilty; but here, in our electoral laws, the claimant for the franchise has got to prove his claim, and the accuser—the person who questions his claim—has not to make out his case at all. If a man's claim to be on the roll is questioned, the person assailing the claim has not to prove his case; it is the voter who has got to prove that he is entitled to the franchise. Now, I think that is practically a reversal of our procedure in every other relation, and if the hon. gentlemen opposite, instead of grumbling about waste of time in discussing this question, would only assist us to reform our electoral laws and bring them——

The SPEAKER: Order!

Mr. STEWART: And bring them in harmony with modern thought on the question, they would be doing much more valuable service to the community. Now, we find that the electoral registrar in this particular case was all out. The men were there, and not only were the men there, but they had not received sufficient warning that their claim was contested. Now, I submit that if this electoral registrar had wanted to give these men a fair chance, he would have given them sufficient notice, knowing that they were a long way from the court, and knowing also that the country was very difficult to travel at the particular time. He would have given them sufficient notice. That he did not attempt to do.

The SPEAKER: Order!

Mr. STEWART: I myself have seen one date upon a notice issued by an electoral registrar, and the postal date a month later. I have seen a notice dated as issued in August, and when the envelope containing that notice was examined it was found that it had not been posted for fully a month afterwards. Now, we have all these defects in connection with our electoral laws, and I think the sooner they are remedied the better it will be for all concerned. As I said at the beginning, if it had not been for the grumbling of hon. gentlemen opposite I would not have taken part in this discussion at all, but I repeat that there never will be any satisfaction in the country until our electoral laws are put upon a fair and equitable basis.

Mr. STORY (*Balonne*): I did not intend to speak upon this matter because it is not of general interest, except that I listened to the speech of the hon. member for the Valley—grave, quiet, and thoughtful, but wonderfully incorrect, and, as usual, with charges scattered broadcast. There was one particular remark that he made that I take exception to, and that was that the electoral registrars are probably biassed against any claim signed by members of the other party.

Mr. REID: Some of them are.

Mr. STORY: He also said that if they are sent in by members sitting on this side of the House they are passed without question.

Mr. HIGGS: I said some of them.

Mr. STORY: Well, that is a very grave charge indeed.

An HONOURABLE MEMBER: But true enough.

Mr. STORY: I am not altogether sure that an electoral registrar would not have some reasonable doubt when he sees claim after claim signed by a man who does not reside in the district, who has no knowledge of it whatever, who visits it just at long intervals, and then signs the claims. Now, if those claims were sent in by reputable responsible residents there might be no question, but that they are signed by the hon. member for Warrego is no guarantee at all that these men would be there. I do not say for one moment that he did not think that they were there, but he visits the place so seldom—we will say that he was there in 1897——

Mr. BOWMAN: In 1898.

Mr. STORY: And he was there some time afterwards, and he found the same men there. Now, a floating population, as he knows, go to the opal fields when other work is slack. They might have been away the whole of the time he was not there, and they may have returned shortly before he came.

Mr. JENKINSON: They might have come back to welcome him.

Mr. STORY: As the hon. member for Wide Bay says, they might have come back to welcome the hon. member for Warrego. It is pretty evident that they were glad to see him, because they appealed to him to help them. Now, one of the duties of a man who signs claims is to satisfy himself that the claims are genuine. Now, did those hon. gentlemen satisfy themselves?

Mr. REID: Yes, both of them.

Mr. STORY: When a member of Parliament travels about the country with electoral forms in his pocket, canvassing for votes, and he signs these claims, he is very easily satisfied indeed that certain men should be on the roll. I want to say a word or two in answer to the hon. member for the Valley. He says that had these claims been signed by members on the Government side of the House they would probably have been passed without question. A number of the members on this side can say that they never signed an electoral form in their lives. I question whether they go canvassing for votes in their own electorate. The hon. member for Enoggera, who found himself at Duck Creek, must have been astonished to find himself in a place so utterly foreign to his usual surroundings, but still he assists in the filling up of these forms. He would fill up electoral forms in Timbuctoo if he happened to be there. The hon. member says that he filled up some forms, and that the hon. member for Warrego signed them. Now, I would like to know how long it was between the two visits of these hon. gentlemen to Duck Creek?

Mr. MCDONALD: About as long as it was since you visited Bonna Vonna.

Mr. STORY: I do not think the hon. member for Flinders is in a position to accuse any other member of any impropriety of conduct, so far as elections are concerned. At any rate, I was not talking about Bonna Vonna. I have said all that I have [7·30 p.m.] to say about that. (Opposition laughter.) I hope that when our electoral law is amended—as I hope it will be very soon—there will be a clause inserted preventing members of Parliament travelling about canvassing for votes. I supported the amendment last session enabling two men in a district—or any one man in a district—to attest a claim.

The SPEAKER: Order!

Mr. STORY: Because if a man claiming a vote went to a man who was known to the electoral registrar, he would know, as soon as he saw that man's name, that it was signed by a man who had lived long enough in the district to know whether the applicant for enrolment was a resident or not. But when hon. members travel about a district with electoral claims in their pockets, I do not suppose they are very hard to satisfy as to whether a man has resided long enough in a district to be entitled to claim a vote. If I am not altogether mistaken, the hon. member for Barcoo, who certainly does not belong to Duck Creek, or that part of the country—I only repeat what the hon. member for Warrego stated—signed all the claims in that part of the country in 1898. I would like to know what the hon. member knew of his own personal knowledge of the qualifications of the men whose claims he attested. Why the hon. member is as open as the day to conviction in a case of that kind. In fact, unless I have been misinformed, I understand that there was a shearer at Albilbah, in his own district, whose claim he attested——

Mr. KERR: You are wrong in your facts.

Mr. STORY: It was in the Barcoo, and he signed a statement that the man was a resident on South Comongin. I am quite satisfied that the hon. member thought that he resided there, because, from the reputation that he has here, I know he certainly would not sign anything he thought there was the slightest doubt about. If the electoral registrars are easily persuaded in one direction, it has been abundantly proved that hon. members who travel about with electoral claim forms in their pockets are very easily persuaded that the men whose claims they fill in and attest are entitled to be on the rolls, especially if they happen to be supporters of the party to which those hon. members along.

Mr. REID: We will be down in the Balonne next year.

Mr. STORY: The hon. member was there last year, and it struck me that he was what I might call the political Lazarus of the century. He was there, and he invited people to go to my funeral, but the hon. member had been so long politically buried that, if he had had a sister Martha, she might have been quite certain that when he rose again he would be offensive.

Mr. BOWMAN: The resurrection took place all the same.

Mr. STORY: Yes, and he was offensive when he rose.

The SPEAKER: I desire to draw attention to the fact that the question before the House is a motion for adjournment, and is subject to the rules bearing upon motions of such a character. The present motion for adjournment is "to draw attention to a definite matter of urgent public importance, namely, 'the illegal disfranchisement of a number of electors in the Thargomindah division of the Bulloo electorate,'" and the rule is that hon. members, in discussing the motion, must confine themselves strictly to the subject matter in respect of which the motion is made. It is therefore not open to hon. members to discuss the general question of electoral reform.

HONOURABLE MEMBERS: Hear, hear!

Mr. FISHER (*Gympie*): That being so, Mr. Speaker, I have no intention of taking any part in the debate, but I certainly wish to read the section in the Elections Act of 1892 dealing with the attestation of claim forms to show that the contention of the hon. member for Balonne is entirely erroneous.

Mr. GIVENS: Oh, nobody expects him to be accurate.

The SPEAKER: Order!

Mr. FISHER: Section 7 of the Elections Act of 1892 provides—

> Any justice or other person who signs any such certificate without personal knowledge or full inquiry from the claimant or otherwise, etc.

As the hon. members have stated that they did not sign until they had made full inquiry of the claimants, they certainly complied with the

statute, and when they comply with the statute, their actions are fully justified and honourable. I do not think the hon. member for Balonne is an authority on questions of law.

Mr. BOWMAN, in reply, said: I may explain why this motion for adjournment was deferred from last Wednesday until to-day. I was advised, Mr. Speaker, to hand you the letter which you read to-day after you had taken your place in this Assembly, and was informed by you that I was out of order, and that I could move the adjournment of the House to-day upon giving due notice, seeing that I did not wish to intrude upon the right of private members on Thursday afternoon. I thought the hon. member for Bulloo was perfectly satisfied after his conversation with the hon. member for Enoggera that the matter was not going to be dropped.

Mr. LEAHY: He never gave me to understand that it was coming up again.

Mr. BOWMAN: I do not think there was any necessity to again approach the Home Secretary, seeing that I had given him notice this day week that I intended to move the adjournment of the House on the following day. The very fact that I did not acquaint him with my intention to withdraw my motion should have been sufficient evidence to satisfy him that I intended pursuing it. The Premier this afternoon, and also the Home Secretary, said that I acted unwisely in not going to the head of the Home Secretary's Department and laying the facts of the case before him, and that there was a disposition on my part to waste the time of the House in moving the adjournment of the House. I did not move the adjournment with that object. I moved it with the intention of ventilating a grievance that existed among a certain number of men, a number of whom had written to me asking me to bring the matter under the notice of the House—not specially for the convenience of those men who were deprived of their votes—because if it were confined merely to the Bulloo electorate, the matter might have been safely left to the Home Secretary. But this is a question that affects almost the whole colony outside the metropolitan area. It is not confined to the miners of Duck Creek by any means. A number of bushmen have been subjected to the same treatment, and their cases could be brought under the notice of the House, and probably will be before long, when the Elections Bill comes on for consideration. I think that the debate this afternoon has been productive of some good. It has shown hon. members that there is a necessity for an amendment of the present Elections Act, and the new Bill makes no provision for an alteration in the clause that has prevented these men getting their votes. The Home Secretary said he received an urgent wire from the acting electoral registrar at Thargomindah to the effect that he was in doubt as to whether the Koriot Opal Field was in the Bulloo electorate. But instead of giving those men who were anxious to get on the roll the benefit of his doubt, he gave his decision to them on the doubt he had respecting this particular place being in the electorate of Bulloo. He also stated that some of the claims which had been referred to had three months' residence qualification on them, but he could not say whether the men had previously been on the Bulloo roll. If the Home Secretary were in his place I should ask him, as I may do later on, to have those claims brought to Brisbane from Thargomindah, so that we can see the number of names registered that had a three months' qualification. There may have been a few of the claims that had a three months' residence qualification, showing that the men had been on an electoral roll in some other part of the colony at some other time, but to the best of my knowledge there were very few of those claims that contained anything but a six months' residence qualification. The hon. member for Bulloo, in dealing with the notices, seemed to think that because ten notices had been received by me, bearing the signature of Mr. Zillman, that was the total number, but there were twenty odd men who were rejected. As I stated this afternoon, I had information from the storekeeper, who had been there a considerable time, that six out of the twenty-seven whose names went in from Duck Creek had left the district, and others were still in the district, and that the police constable stationed at that place could prove. I think that was fair evidence to go upon. I know Mr. Dick Davies and Mr. Sullivan, whose claims were rejected, and I have their letters which state that they could not go into Thargomindah. Sullivan says he could not walk and he had no horse to go. These and other letters written to me are sufficient proof to me that if those men had been inquired about, as they should have been, there would have been no necessity for me to move the adjournment of the House this afternoon. Now the hon. member for Balonne comes along and tells us that he has very grave suspicions about myself and the hon. member for Enoggera.

Mr. STORY: I did not say anything of the kind.

Mr. BOWMAN: You imputed it all the same.

Mr. STORY: I did not.

Mr. BOWMAN: The hon. member imputed it as regards my honesty or carefulness——

Mr. STORY: No, your knowledge.

Mr. BOWMAN: In stating that I was satisfied that these men had a residential qualification. Does the hon. member measure my wheat by his bushel?

Mr. STORY: No, thank God! He does not.

Mr. BOWMAN: I think that when a justice of the peace and an hon. member of this House gives his assurance that he at any rate was satisfied that the claims were correct, his statement should be taken even by the hon. member for Balonne, or Bonna Vonna.

Mr. STORY: Well done!

Mr. BOWMAN: That hon. gentleman has impugned our statements and has inferred that we were prepared to sign anything. I read over each claim before I signed it, and asked each individual whether it was a correct statement. In every case I was told it was. I am prepared to take those men's word. I am not a "doubting Thomas" like the hon. member. I was perfectly satisfied from the experience and acquaintance I had of those men on Duck Creek that they were perfectly entitled to the claims they made, and I would at any time sign a claim so long as the man making it is prepared to swear that he has fulfilled the qualifications laid down by the Act. If the hon. member for Balonne was a justice of the peace, and a man came along and desired him to attest his claim, would he refuse point blank to do so?

Mr. STORY: Yes; he never signed a claim in his life of that sort, or went canvassing in that way for votes.

Mr. BOWMAN: I may tell hon. members that I was the only justice of the peace who had visited Duck Creek for two years. The hon. member for Barcoo was there in 1898, and signed a number of claims, as he told you. A number of us belonging to this side of the House were made justices of the peace, and when those men were anxious to get their claims attested the conditions under which they had to contend in the past warranted them getting their claims attested when they were prepared to state that the qualifications they had set down were correct. As I have already told the House, the nearest

place at which they could have got their claims attested, unless a justice of the peace visited the place, was 100 miles away. The hon. member for Bulloo, in reply to the hon. member for Charters Towers, stated that there was one at Dundoo.

Mr. LEAHY: He was the man the miners wanted there.

Mr. BOWMAN: Yes, but the hon. member knows very well that Mr. Davis, the manager of Dundoo, had not been sworn in. Then there were only Ardoch, Tilbooroo, and South Comongin.

Mr. LEAHY: How far to Ardoch—twenty-five miles?

Mr. BOWMAN: Twenty-five miles! It is twenty-five miles to Toompine, and thirty miles from there to Ardoch.

Mr. LEAHY: They need not go that way.

Mr. BOWMAN: It is over fifty miles to Ardoch, and there is fifty miles to come back, which makes it 100 miles they would have to go.

Mr. LEAHY: Is that the way you measure?

Mr. BOWMAN: Of course that is the way we measure. I do not regret signing those claims, and I hope I may live to sign many more claims under similar circumstances. If the hon. member is prepared to support an amendment of the Act that any two colonists may attest a claim instead of a justice of the peace, I will be perfectly satisfied that there will be no necessity for justices of the peace to travel hundreds of miles to attest claims under the circumstances in which we attested them at Duck Creek.

Mr. STORY: I did support it.

Mr. BOWMAN: Well, the Government you support didn't.

The SPEAKER: Order, order!

Mr. BOWMAN: And an opportunity will be given you when the Elections Bill——

The SPEAKER: Order, order!

Mr. BOWMAN: I was thankful to the Home Secretary this afternoon for stating that he would have full inquiries made into this matter to have it redressed. As pointed out, these men cannot get their names on the electoral roll according to the Elections Act at the present time, still this might be a lesson for the future, and the Home Secretary might advise persons acting as electoral registrars to show a little more leniency than was shown on this occasion. Now that the hon. gentleman is in his seat I will repeat what I said about the claims which were for three months' residence. I think the Home Secretary might have these claims brought to Brisbane to satisfy those who are interested how many have a three-months' qualification. I am satisfied that very few have it. I now beg to withdraw the motion.

Motion, by leave, withdrawn.

MEDICAL BILL.

FIRST READING.

The SPEAKER announced the receipt of a message from the Legislative Council, forwarding this Bill for the concurrence of the Legislative Assembly.

On the motion of the HOME SECRETARY, the Bill was read a first time, and the second reading made an Order of the Day for to-morrow.

PASTORAL LEASES ACT OF 1869 AMENDMENT BILL.

MESSAGE FROM THE COUNCIL.

The SPEAKER announced the receipt of a message from the Legislative Council, returning this Bill without amendment.

HEALTH BILL.

COMMITTEE.

On clause 69—"Rooms over privies, etc., not to be used as dwelling or sleeping rooms"—

The HOME SECRETARY: This provision was taken from the English Act; but he thought it quite possible that hon. members might consider it too drastic. He was inclined himself to think it was, and that, if passed, even portions of the Parliamentary Buildings might have to be pulled down. He thought there were sufficient safeguards provided by other clauses to meet all such cases as the clause provided for.

Mr. STEPHENS (*Brisbane South*) agreed with the Home Secretary that the clause was rather too drastic. It would affect almost every hotel in the city.

Mr. DAWSON: Not unless the local authority interferes.

Mr. STEPHENS: No man should be placed in such a position that if he had a row with a local authority, and had a smell in his back yard, they could compel him to shift some portion of his house and get at him in that way. A local authority in that way might compel a man to incur a cost of hundreds of pounds.

Mr. DAWSON: What about the Assyrians' quarters?

Mr. STEPHENS: If they were objectionable they would have to be shifted elsewhere. The very best hotels and boarding-houses in the city would be affected by such a clause, and he thought it should be either considerably modified or knocked out altogether.

Mr. McDONNELL (*Fortitude Valley*): In the case of a good many shops the buildings covered the entire land, and there were no back yards, consequently sanitary accommodation had to be provided under the same roofs as the shops. All such shops would be in contravention of such a clause as that. He thought it would be unworkable, and should be modified.

The HOME SECRETARY: Negative the clause altogether.

Clause put and negatived.

Clauses 70 and 71 passed as printed.

On clause 72—"Definition of common lodging-house"—

Mr. TURLEY (*Brisbane South*): He understood that at the present time in Brisbane lodging-houses were required to be registered, provision being made that a certain amount of space, etc., should be provided in each room. He understood that that was not carried out. Would this clause mean that every house where people were taken in as boarders would have to be registered?

Mr. SMITH: Lodged for less than a week.

Mr. TURLEY: Nearly every boarding-house took in lodgers in that way for a day or two.

Mr. SMITH: Those that take in lodgers for a longer term than a week do not come under the common lodging-house provisions.

Mr. TURLEY: If a person only stopped two or three days at a boarding-house where the boarders usually stayed a considerable time, would that make it necessary for the house to be registered as a common boarding-house? [8 p.m.]

The HOME SECRETARY: Yes.

Mr. TURLEY thought it was rather strict. A number of boarding-houses were as private as private houses could be. There should be some distinction. In the cases of a double house, where one part was used by boarders who only stayed two or three days, and the other by persons who had probably been living there for years, would the whole of that place come under the definition of a common lodging-house?

The HOME SECRETARY: The hon. member had overlooked the word "ordinarily." If there was to be any such distinction, it would be necessary to have a wide interpretation. It was really a matter for local authorities. The provision was taken from the Victorian Act.

Mr. HIGGS asked if it was contemplated to charge any fee for the registration of these boarding-houses? A fee of 10s. 6d. was charged by certain local authorities, and that fee, small as it might appear to persons who were not pushed for money, was a hardship in some cases. Considering that local authorities demanded that a common lodging-house keeper had to provide sufficient cubic space for each lodger, and that was a matter concerning public health, the local authorities might allow these places to be registered without any fee.

The HOME SECRETARY: The regulations did not provide for any fees. There was an amendment by the hon. member for South Brisbane in print, enabling the local authorities to make by-laws prescribing a fee.

Mr. GROOM asked would the definition apply to a boarding-house like "The Mansions."

The HOME SECRETARY: He did not know how that particular house was run. The definition applied to houses where boarders were ordinarily taken in for a day or two He understood that in such places as the hon. member referred to the practice was to take in boarders at so much per week, not for a day or two.

Mr. GROOM: A great many persons who desired to augment their income a little advertised for one or more boarders—would they come under the Act?

The HOME SECRETARY: Not if they are weekly boarders.

Mr. TURLEY: Many persons did not know how long they would stay in a boarding-house. They might be there for only two or three days and then leave, or they might stop for a considerable time. Would they come within the definition?

THE HOME SECRETARY: Yes; but the word "ordinarily" had to be considered.

Mr. TURLEY: Some houses in George street, and on the North Quay, such as "Netherway," took in people for a few days in the same way as hotels did.

The HOME SECRETARY: I think they are exceptional.

Mr. TURLEY: The principal part of the people who lived there had probably lived there for some time; but there were others who made these places merely a house of call. He thought those houses would come under the definition. They might go, and there would have to be a sign put up pointing out that it was a common lodging-house within the meaning of the Act. He believed in a certain amount of space being allotted to each person who resided in those houses, but it would not be very nice to require those houses to come under the designation of "common lodging-houses."

The HOME SECRETARY: It was very difficult to get a definition which would be perfectly satisfactory.

Mr. TURLEY: The reason I mentioned the matter is that there could be so much favouritism under a definition of this sort.

The HOME SECRETARY: It was necessary in dealing with such matters to make the definition or provision sufficiently wide to gather in all they wanted to catch; they might make it wide enough to catch others, but it did not follow that it would be used to catch those others. The question was really one for the local authorities. The provision had been the law in Victoria for about ten years, and had apparently worked satisfactorily there.

Mr. TURLEY: The English Act provided that the part of a house which might be used as a common lodging-house should come under the Act, but not the part of the building which was occupied by regular boarders.

The HOME SECRETARY: They had a custom there, which, so far as he knew, had not been adopted in the colony, and that was, letting houses in flats. A particular flat might be used as a common lodging-house, and another flat might not be so used. But the provision in the English Act would not get over the difficulty which the hon. member felt, and which they must all feel, in trying not to impose irksome conditions on respectable houses where lodgers might occasionally be taken in for a day or two.

Mr. SMITH thought the clause was intended to affect only common lodging-houses which took in lodgers for a less number of nights than a week, and that it would not affect those houses which ordinarily took in lodgers for over a week.

Mr. McDONNELL: There would be a good deal of evasion of the law under the clause as it stood; in fact, it would be inoperative, because if an inspector went to certain people they could easily get over the clause by saying that they only took boarders for a week. A number of places were conducted by widows who were as particular about the cleanliness of their houses as the proprietors of many of the larger establishments which had been mentioned, and yet their places would have to be registered under the clause.

The HOME SECRETARY: That is not the intention.

Mr. McDONNELL: He knew that was not the intention, but it would be very hard to make the clause operative in the way desired unless the definition were altered. He thought it would be better to omit the words "For a single night or for less than a week."

The HOME SECRETARY thought the hon. member who had just spoken was under a misapprehension in the matter. There were two classes of lodging-houses; one was the common lodging-house, and the other was the house let in lodgings.

Mr. REID: Brothels.

The HOME SECRETARY: If the hon. member must have the word, common lodging houses would include brothels, or places used for immoral purposes.

Mr. REID: Why not use the word?

The HOME SECRETARY: Because they might want to get at a place which it would be very difficult to prove came under that definition. The houses to which the hon. member for Fortitude Valley referred would be registered under subsection 2 of clause 74, which had recently been enforced in South Brisbane. He thought hon. members might allow the clause to go. It seemed to have worked well in Victoria.

Mr. McDONNELL said he knew there had been a good deal of evasion in connection with that law.

The HOME SECRETARY: That is for want of this definition.

Mr. McDONNELL: Many persons stated they entertained friends, not lodgers, and so were enabled to evade the provision. As a rule it was only the people who put up the sign "private board and residence" who were brought under the by-law. It should be definitely stated that all those places, whether first-class, second-class, or third-class lodging-houses, should come under the operation of the Act.

The HOME SECRETARY: So they do; that is provided in clause 74.

Mr. McDONNELL: But in clause 72 there was the qualifying term "for less than a week," which could be so easily evaded that it might be omitted altogether. Either all should be brought in or none at all.

The HOME SECRETARY: All lodging houses of every kind would have to be registered; but there were two classes of lodging-houses—those which were disreputable and those which were not. The latter, whether fashionable and expensive places or those kept by people in a humbler walk of life, came under clause 74. It was necessary to take those clauses practically as they stood or else drop all inspection of common lodging-houses, and that he did not think would be at all desirable.

Mr. REID: We shall have generally to depend on the common sense of the local authority.

The HOME SECRETARY: Exactly, to a very large extent.

Mr. HIGGS: No doubt the Government had had a great deal of difficulty in so framing the clause as to carry out the intention of the Health Act—namely, the prevention of overcrowding. He could well understand, from his experience on the city council, the desire of those who had to administer the Act not to cause irritation and inconvenience to people who might, as the hon. member for Drayton and Toowoomba stated, have taken in one or two friends as boarders to augment their incomes; but the definition made might lead to evasions and also to invidious distinctions being made, which would be very unjust. Why use the language that had been put into the clause? One might think the Government were dealing with criminals. They talked of "common lodging-houses" and "harbouring" persons. The word "harbouring" was generally used in connection with some offender against the law. If the hon. gentleman could see his way to strike out the word "common" it would remove the objection which many people who kept boarding-houses had to have their places designated as common lodging-houses.

The HOME SECRETARY: They will not be so designated.

Mr. HIGGS: The hon. gentleman had told them that private boarding-houses would come under that definition.

The HOME SECRETARY: No.

Mr. HIGGS: How was it possible to exclude a large boarding establishment which had its doors open till 12, 1, or 4 in the morning, and received visitors from the south or elsewhere, who only stayed two or three days?

The HOME SECRETARY: There were lodging-houses and common lodging-houses; and that was the distinction which was drawn. In such a boarding-house as those to which the hon. member referred, although persons might occasionally be taken in for a day or two, it did not necessarily follow that because of that it became a common lodging-house. He thought the word "harboured," as applied to a common lodging-house, was very properly used. A man found in a house of ill-fame might say he was not a lodger, but a visitor, and so an evasion might take place.

Mr. HIGGS: But in clause 74 the term "common lodging-house" is used.

The HOME SECRETARY: That was the 1st subsection. It was the 2nd subsection he was speaking of. There was a possibility of over-crowding in a highly respectable lodging-house.

Clause put and passed.

On clause 73—"Register of common lodging-houses"—

Mr. HIGGS said the question was a very delicate one, but it seemed to him that a lodging-house kept by an unfortunate widow would be registered just the same as a house of ill-fame.

The HOME SECRETARY: No; certainly not.

Mr. HIGGS: The hon. gentleman mentioned that the term "common lodging-house" was to be used in connection with those disreputable houses.

The HOME SECRETARY: And those merging upon them.

Mr. HIGGS: I do not know enough about it.

Clause put and passed.

On clause 74—"By-laws, common lodging-houses"—

Mr. STEPHENS moved the insertion of the following provision, after line 61:—

(iii.) Prescribing fees to be paid for the registration of common lodging-houses and houses let in lodgings.

Mr. DAWSON: He noticed by the second subsection that a time was to be fixed for the inspection of houses; and the number of persons who were living in one house or part of a house, and there were also to be regulations prescribing the separation of the sexes and the registration and inspection of such houses. He would like to know if that provision was meant to apply all round—whether it applied to everybody in the community, including all white people of respectability and otherwise—all Javanese, Chinese, Assyrians, and people of various colours and tints? He might say that one of the greatest sources of evil that we had in Brisbane at the present time was the herding of the Assyrians in the city, and particularly in South Brisbane. He was pleased that both the members for South Brisbane were present, because it gave him an opportunity of making the statement in their presence. He believed that both of them had been neglectful in their duty in not bringing under the notice of the proper authorities the herding of these Assyrians in small places in South Brisbane. He hoped that this was intended to apply to this the greatest curse they had in their industrial population.

[8·30 p.m.]

Mr. STEPHENS assured the hon. member that he did not know all the members for South Brisbane did. He had no doubt that the hon. member, Mr. Turley, had done something in this matter. He (Mr. Stephens) was an alderman in South Brisbane, and he had done his best to have these places cleaned; and to have them inspected from time to time. As far as the law would allow, the authorities were doing their best to make these people live in a more civilised way. They were not neglecting their duty at all.

Mr. TURLEY thought the question raised by the hon. member for Charters Towers—whether this would cover these people—was correct, because he did not know whether the places they lived in came under the term "common lodging-houses"? Numbers of them lived together as a sort of householders, but he did not know whether they could call their houses common lodging-houses. He thought the Home Secretary should tell them whether this clause would cover those people.

The HOME SECRETARY: This was a clause empowering the local authority to make by-laws, and it would depend upon the local authority whether their by-laws were sufficiently comprehensive to deal with cases of the kind.

Mr. TURLEY: The term "common lodging-house" meant a house in which persons are ordinarily lodged for hire for a single night or for less than a week at one time. He understood that these people were not in that position.

The HOME SECRETARY: He did not see how they could get a better definition than these. They had been devised after many years of experience, not only here, but in the other colonies, and probably in the old country. The powers given here were very wide, and provided generally for the good conduct of the houses.

Mr. SMITH thought something was required to meet the case of Assyrians who herded together. Their places might not come under the term "common lodging-houses," and the local authority might not have any power over them.

Mr. STEPHENS: If it is occupied by people other than one family.

Mr. HIGGS: The case might be met by fixing the number of persons who from time to time might occupy a house, or part of a house, let in lodgings.

The HOME SECRETARY: Or occupied by more than one family—that is about as wide as you can make it.

Mr. HIGGS: He hoped the Minister would not accept the amendment, for the reason that the common lodging-house, or house let in lodgings, was, generally speaking, kept by a widow or other poor person, who would find the registration fee of 10s. a year a hardship.

Mr. STEPHENS thought the hon. member was talking in the wrong place. The clause gave local authorities power to frame by-laws; and if the hon. member, who was in the North Brisbane Council, heard it proposed that a registration fee of 10s. should be inserted in a by-law, he might argue that it was too much. They must give the local authorities credit for possessing ordinary feelings, and allow them some freedom and scope. His experience of aldermen was that they had just as big hearts as members of Parliament.

Mr. FISHER was of opinion that it was not necessary to have a fee for that purpose at all. It would be a reflection on the draftsman to say that he could not draw a distinction between a house of ill-fame and a lodging-house where respectable people could be accommodated instead of going to a hotel. The discussion practically turned on that point. He certainly could not support the hon. member for South Brisbane in making people pay a registration fee because they were too poor to make people believe that their lodgers were their friends.

The HOME SECRETARY: That is not the proposal.

Mr. FISHER: Well, it gave the local authorities power to do that. The hon. gentleman knew that if they gave the local authorities power to collect a fee, they would appoint a man to collect those fees, and he would take care to hunt up every person from whom a fee could be extorted and have them registered, and the result would not be beneficial. The amount collected would be by no means an equivalent of the injury that would be done to honest people who were earning a livelihood in a perfectly legitimate way. He trusted the amendment would be withdrawn.

Mr. McDONNELL hoped the Home Secretary would not accept the amendment, but, if he was going to accept it, he hoped that the maximum fee should be fixed. He would oppose anything like 10s., because it was far too much. He would support 2s. 6d. or 5s., because if there was to be inspection it would be necessary that some small fee should be charged. The present fee charged in the municipality of Brisbane was too high.

The HOME SECRETARY: It did not seem to him to follow that it would necessarily be an annual fee. It might be a fee paid upon registration for the first time, but that was a matter they could fairly leave to the local authorities. He had no difficulty himself in leaving it to their common sense and good feeling.

Mr. TURLEY: You know the different fees they put on. If you register a dog on one side of the river it is 2s. 6d., and if you register the same dog on the other side, you have to pay 5s.

The HOME SECRETARY: Probably in the second case dogs were too numerous, and had become a nuisance. The ratepayers might trust their representatives to put on a reasonable fee. He could quite understand conditions in one locality which were very different to the conditions in another locality, and which warranted much higher fees being charged in the one than in the other. It did not at all follow that it would be an annual fee. It might be a 2s. 6d. fee to cover the cost of registration. Where there was registration there should be a fee of some kind, if it was only to pay for the registration. He really thought it was a matter they need not waste time over, and for his part he had no difficulty in leaving it to the local authorities.

Mr. FISHER was still unsatisfied with the reasons which had been given as to the necessity for a registration fee. The argument used by the senior member for Fortitude Valley was that if you were going to have inspection there should be a fee, while the Home Secretary said if there was registration there should be a fee. It might happen, say in the case of a new rush to a goldfield, that every house in the place would be partly occupied by friends or relatives who were there for a time, and they would all be common lodging-houses within the strict acceptation of the term. The senior member for Fortitude Valley said that there must be inspection. Well, under the Bill power was given to inspect every house that was considered to require inspection; and, therefore, by a parity of reasoning, they might extort a fee from every house, to complete the singularity of the thing. He hoped the hon. member would not press his amendment, but that it would be left to the good sense of the local authorities to look after their own affairs.

Mr. FOGARTY (*Drayton and Toowoomba*) said that the amendment would give the local authorities a legal standing in regard to the passing of by-laws of that sort. The members of local authorities were in as good a position to say what would be a reasonable charge for registration as hon. members of that Committee. If they did lay a heavy hand upon the unfortunate widow it would only be for one year, because the ratepayers would have sufficient independence to infuse enough new blood into the local authority at the next election to secure the rescinding of the obnoxious by-law.

Mr. FISHER: If the hon. gentleman would tell him that, if he kept a paying guest in his house he would be prepared to have his house registered as a lodging-house, he would agree with him.

Mr. STORY: What sort of an article is a "paying guest"?

Mr. FISHER: It was a phrase coined by the shabby genteel people, to prevent them being classed as lodgers in a common lodging-house.

Mr. HIGGS asked the hon. member for Brisbane South if he would add the words "such fee not to be more than 5s. per house per annum"?

Mr. STEPHENS: He did not mind. He was willing to submit to anything almost that they might get on with the Bill.

Mr. HIGGS: What does the Minister think?

The HOME SECRETARY: So am I. If the words were to be added he suggested they should take the form of a proviso—

Provided that the scale of fees so prescribed shall not exceed 5s. per house per annum.

Mr. STEPHENS moved the addition of the proviso as stated.

Mr. FISHER moved the omission of the words "per annum."

Amendment put and negatived.

Question—That the words proposed to be added [*the proviso*] be so added—put and passed.

Amendment, as amended, agreed to.

And clause, as amended, put and passed.

On clause 75, as follows :—

If in any proceedings for a breach of any of the provisions of this Act or of any by-law, relating to common lodging-houses or houses let in lodgings, it is alleged that any inmates of any house or part of a house are members of the same family, the burden of proving such allegation shall lie on the person making it.

Mr. FISHER was not going to offer any strong opposition to the clause, but he thought that casting the burden of proof upon the person against whom the charge was made was somewhat foreign to their usual mode of court procedure. It had been applied to Chinese, but he did not think it should apply to Europeans.

The HOME SECRETARY : Provisions of that sort were as common as noonday in our legislation, and the hon. member should know scores of cases in which the burden of proof was thrown upon the defendant. Unless they had some such provision all prosecutions would fall to the ground. The reason for throwing the onus of proof upon the persons making the allegation that they belonged to the same family was that they were the only persons who had the knowledge which could support the allegation.

Mr. FISHER : Can you not conceive some very delicate situations in which the provision would be inadvisable ?

The HOME SECRETARY : Oh, well, they could not help that.

Clause put and passed.

On clause 76—"Nuisances"—

Mr. FOGARTY drew attention to subsection 7, under which "any chimney, not being the chimney of a private dwelling-house, sending forth smoke in such a quantity as to be a nuisance" should be deemed to be a nuisance liable to be dealt with in the manner provided in the Bill. He knew of a case where a speculator came along and purchased some valuable ground, on which he erected a building that cost a considerable sum of money, but unfortunately a pioneer's cottage adjoined it. In consequence of the chimney being up against the first-class building that he spoke of, the tenant no sooner took possession than he vacated it, and the local authority had no power to afford relief. He should like to hear what the Home Secretary had to say on the subject.

[9 p.m.]

The HOME SECRETARY : There were nuisances and nuisances. There was the ordinary nuisance which was sometimes to be found within the precincts of that Chamber. There was another kind of nuisance, the perpetrator of which was liable for damages at law, and there was still another kind of nuisance which was dealt with under the Bill. The fact that a chimney was a chimney of a private dwelling-house would bring it outside the operation of that part of the Act, but it would not limit the right of the person who was damnified to bring an action against the perpetrator of the nuisance. He could proceed by ordinary action at law.

Mr. RYLAND thought the local authorities should have more power to abate nuisances than they possessed at present. It was generally admitted that their powers were too limited in that respect, and that any new legislation should afford them greater powers. He could not find that under the Bill they were given any greater powers. In support of his contention he would refer to some evidence given before the Royal Commission on Local Government. Mr. Cahill, the Under Secretary for Justice, was under examination by Mr. Woolcock, and he was asked—

There is a general by-law for the suppression of nuisances in the Act. Have you any observations to make as to the extent to which that has been used, and whether it has been misread by the local authorities or not? It has been misread a great deal. The local authorities have endeavoured to apply it to all ordinary health nuisances, and I do not think it is applicable to that kind of nuisance at all.

Are you aware that there is a decision which says that the power to make by-laws as to nuisances only refers to such nuisances as exist in common law? I believe so.

Therefore any by-laws with respect to nuisances that do not exist in common law would be *ultra vires*? I think so.

He could not find that in that Bill local authorities were given any extended powers with regard to nuisances.

Mr. FOGARTY would like to know why any exemptions should exist at all, considering that the local authorities were the judges as to whether the thing was a nuisance or not ? If discretionary power was left in their hands in one case why not in all ?

The HOME SECRETARY : Unless he was mistaken, the evidence read by the hon. member for Gympie related to nuisances generally which could be dealt with under the Local Government Act. It did not allude necessarily to matters of health. There were in the Local Government Bill which he hoped to submit to the House alterations which referred to matters regarding nuisances. He should be very glad if the hon. member would point out to him matters that were not covered by clause 76 and which ought to be included in a Health Act.

Clause put and passed.

Clause 77 put and passed.

On clause 78—"Notice requiring abatement of nuisance"—

Mr. STEPHENS moved the following addition to the end of the clause :—

(8.) All expenses incurred by a local authority in performing any work in or upon any land in pursuance of this section shall, until repaid to the local authority by the person liable to pay the same, be and remain a charge upon the land, notwithstanding any change that may take place in the ownership thereof.

Mr. TURLEY : Under the clause the court would have to decide whether a trade was noxious or a nuisance. Was there any provision by which a person might appeal against the decision of the court ?

Mr. STEPHENS : The first clause on page 27 would lead to the belief that justices would deal with the matter in the ordinary way.

Mr. TURLEY : What was a noxious trade or a nuisance had to be decided in an ordinary magisterial court, and he asked—Was there any right of appeal ? A man might wish to take a matter further than the decision of the lower court, but there was nothing in the Bill which enabled him to do that.

The HOME SECRETARY : The question as to whether a trade was noxious or not was a matter of evidence.

Mr. TURLEY : But there is no appeal provided for.

The HOME SECRETARY : A man could go for a quashing order in the ordinary way.

Mr. TURLEY : There is nothing to prevent the work being carried on, if a person wanted to take the matter further.

The HOME SECRETARY : In that case he could get an injunction. In the case where a man's rights and business are interfered with, he could go to the Supreme Court for damages and an injunction, and that injunction would be granted on such terms and security as the court would think just.

Mr. TURLEY: Is not that very costly?

The HOME SECRETARY: They could not help that.

Mr. TURLEY: Could it not be provided in this Bill that the work should be stayed when notice of appeal was given? He understood the injunction system was a very expensive one, and he thought a much cheaper system of appeal than by way of injunction might be provided. A way of appeal should be provided without a man running the risk of insolvency. The injunction system might be good for lawyers, but it was not conducive to the well-being of the people interested in the various trades. He thought the Home Secretary could easily fix the matter.

The HOME SECRETARY: He did not see how it could be done without a proper tribunal to issue an injunction.

Mr. TURLEY: It might mean ruin to the person defending the case.

The HOME SECRETARY: It might mean ruin to a whole factory, and the owner of a factory might ultimately succeed in his contention that the trade was not a noxious one.

Mr. TURLEY: Would it not be better to provide for power of appeal under this Bill, instead of having to go to the Supreme Court?

The HOME SECRETARY: If the defendant was convicted he could get a quashing order.

Mr. TURLEY: It would take him some time to get that.

The HOME SECRETARY: No; judgment would be suspended in the meantime. What he understood the hon. member to ask was what protection the defendant had against any action being taken to abate the nuisance pending the trial of the case. That could only be done by commencing an action in the Supreme Court, and obtaining an injunction on what was called an interlocutory proceeding, pending the final hearing and decision of the court as to who was in the right and who was in the wrong; and such injunction was very properly only granted by the court on certain terms and certain security.

Mr. TURLEY asked, in the event of the court making an order for certain work to be done to abate an alleged nuisance, and the owner of the place refusing to execute that work, could the local authority carry it on before the appeal was settled?

The HOME SECRETARY: Yes; but if the local authority persisted in going on to a man's premises and interfering with his business he could go the same day for an injunction, the only delay being the time that would be taken in getting a copy of the depositions and preparing affidavits, and he would get what was called an order *nisi*, which would stop everything until the case was finally determined.

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

Clauses 79 and 80 put and passed.

On clause 81—"Individual may complain to justice of nuisance"—

Mr. TURLEY pointed out that under the clause as it stood there was a possibility of an injustice being done. It was provided that—"Complaint may be made of the existence of a nuisance on any premises in the area by any person aggrieved thereby, or by any inhabitant of the area, or by any owner of land within the area." Would it not be fair and reasonable to provide that notice should be given to abate the nuisance before a person was dragged into court?

The HOME SECRETARY: The probability was that a man would get notice, but he did not think it was usual to require that notice should be given in such cases. As a matter of fact, in administering a measure such as this, a man generally got notice several times before legal proceedings were taken.

Mr. TURLEY thought that notice should be given to the owner or occupier of the premises before action was taken in court, and that it would be an improvement to the clause if, before the word "complaint," they inserted "after due notice has been given."

The HOME SECRETARY: This had been the law since 1884.

Mr. TURLEY: Yes, but we are altering it now.

The HOME SECRETARY: Why should they alter the provision, unless it could be shown that an injustice had been done under it? He had never heard of any injustice being done under the clause, and it did not necessarily follow that because the local authorities might be more active in the future than they had been in the past, they would be more unreasonable.

Mr. TURLEY: Is there any objection to a person who is responsible for a nuisance being notified before a complaint is made in court?

The HOME SECRETARY: Suppose it was a second offence; that a man had been fined and would not amend his ways, were they always to give him notice? How long would the hon. member give him?

Mr. TURLEY: A week.

The HOME SECRETARY: He thought it would be better to leave the clause as it stood, seeing that they had not heard that it had worked any injustice.

Mr. RYLAND: Under the clause a householder could be pulled into court by anyone who chose to make a complaint against
[9·30 p.m.] him, and he was certainly as much entitled to have notice served upon him as he was if the local authorities made the complaint.

Mr. HIGGS thought clause 78 met the case, and that the private individual who made the complaint would have to give notice just the same as the local authorities.

Mr. TURLEY: The two cases were quite different. Clause 78 provided that the local authorities must serve notice. Clause 81 provided that the private individual making a complaint could take the person straight to court without having to serve a notice on him at all.

The HOME SECRETARY: The reason why the local authority had to give notice was that the local authority was clothed with large powers, whereas the individual aggrieved was not.

Mr. JENKINSON: But why should not a man get a notice when a complaint is made by an individual?

The HOME SECRETARY: Because the powers conferred upon the local authority were very much wider than those conferred upon the individual. It would be a novel thing to say that no one should lay a complaint against anybody for a breach of the law without giving him a week's notice that he intended to do so.

Mr. JENKINSON: It might be done to harass a man, probably.

The HOME SECRETARY: Had it been done in the past?

Mr. JENKINSON: He believed there had been instances of the kind.

The HOME SECRETARY: Was not the knowledge that a man might be harassed if he broke the law a very good way of keeping him within the law? He would only be harassed if he broke the law.

Mr. TURLEY suggested that some provision be inserted in the clause to the effect that notice should be served on the individual responsible for the nuisance before the court proceedings commenced.

Mr. STEPHENS: He entirely disagreed with the idea of giving a man notice. Living next door to him there might be a fish shop, the owner of which threw all his rubbish under his sitting-room window, and thus created a nuisance.

If you gave him twelve hours' notice to shift it, he would do so, but the same process might be repeated day after day, and he (Mr. Stephens) would have no redress at all. If such persons could not be summoned as soon as they created a nuisance, they would leave it for the full time of the notice, but it would be practically a continual nuisance, although not arising from the same material. It was necessary to get straight at the person who caused the nuisance. Citizens were not in the habit of going about seeking out nuisances which did not affect themselves, and if a complaint was made for the purpose of harassing a man the judges would soon let him know what costs were.

Mr. TURLEY: But the local authority which had far larger powers, had to serve a notice.

Mr. STEPHENS: The local authority would tell a man that if the nuisance occurred again they would summon him forthwith. They would not give him another notice.

Mr. TURLEY: The hon. member knew very well that under clause 78 they must have notice given to them. In the case of an individual, however, without giving notice, he could take them into court, and have the whole matter brought up there. The individual would have greater power than the local authority.

Hon. T. MACDONALD-PATERSON: He is the party affected. He is the party who has his nose on the subject.

Mr. TURLEY: As a rule a number of people were affected by these nuisances, and the local authority would have to step in and have them abated. The local authority represented other people than those who might have given notice, and there could be a good deal of injustice done under an Act like this. He did not see why the hon. gentleman should want to give the individual greater powers than the local authority.

The HOME SECRETARY: The individual had not greater power than the local authority. The local authority was authorised to act without going into the courts at all. It could simply say to the alleged offender, "Abate that nuisance," and give him a certain time to do it in; and if he did not, they could step in and do it for him.

Mr. TURLEY: Under clause 78, the local authority had to bring the person before the court, and get an order.

The HOME SECRETARY: The offence there was the absolute commission of a nuisance. For instance, a complaint under section 81 could be laid by anybody; they need not proceed under clause 78 unless they wished. If they thought that it was a case in which the man did not understand that he was committing a nuisance, they could give him notice to abate it. If the notice were given for the nuisance to be abated by the following day, it might be abated accordingly, and the next day it would be there again, and the unfortunate man who was giving notice might be constantly giving notice, and the nuisance be continuing all the time.

Hon. T. MACDONALD-PATERSON: Probably aggravated.

The HOME SECRETARY: It might be. It would work so that you never could get a conviction, and you would never get the nuisance abated.

Mr. HIGGS was sorry that the hon. gentleman did not see that it was necessary for persons to have notice—that he gave to the individual greater powers than he gave to the local authorities. According to him the nuisance would be a continuing one, and there would be no means of getting it abated. He did not think it would in any way deteriorate the strength of the clause if the hon. gentleman would insert in line 19, after the word "thereupon," the words "and the like notice."

The HOME SECRETARY: You might just as well strike the clause out altogether.

Mr. HIGGS: The local authority was compelled to send in notice. Why should not the local authority be empowered to take a man who was committing a nuisance direct into court?

The HOME SECRETARY: So it is. The party may be summoned by the local inspector.

Mr. HIGGS: He understood this clause to be meant to meet a case where there was not a local authority, or if a man did not care to approach the local authority.

The HOME SECRETARY: The local authority may do the same thing by its inspector.

Mr. HIGGS: He supposed if the Minister could not see the point he would not accept any amendment.

The HOME SECRETARY: I do not know why you should say that.

Mr. HIGGS said he would withdraw the remark. In clause 81, line 22, there seemed to be an error in construction. The words were "as in the case of a complaint relating to a nuisance, made by the local authority." He thought the words "by the local authority" ought to follow the word "complaint."

The HOME SECRETARY: Then it would be local authority relating to a nuisance.

Mr. HIGGS: He thought that would be clearer than "relating to a nuisance made by a local authority."

The HOME SECRETARY: It only needs a couple of commas to make it clear.

Mr. RYLAND: It seemed to be the intention of the clause to follow the same procedure that had to be taken under clause 60, which provided that, in the event of a local authority neglecting to remove house refuse, after seven days' notice being given to the occupier, if the nuisance was not abated, the local authority might be proceeded against. If an individual did not abate a nuisance, he stood in exactly the same position as the local authority in the other case, and should have seven days' notice before being dealt with. The last words of the 1st paragraph showed the analogy, as they read—"as in the case of a complaint relating to a nuisance made by a local authority."

The HOME SECRETARY: That did not refer to a nuisance made by a local authority, but to a complaint made by a local authority. All that was needed to make it clear was a couple of commas.

Mr. HIGGS: It was such an eyesore to him that he begged to move the omission of the words "relating to a nuisance made by the local authority," with the view of inserting the words "made by the local authority relating to a nuisance."

Amendment agreed to.

Mr. HIGGS wished to draw attention to a statement which had just been made to him by Mr. Bell, a barrister, to the effect that the inspector of a municipality would have no power under this clause, because he would not be the person aggrieved.

The HOME SECRETARY: He would be an inhabitant, and any inhabitant in the area may take action.

Mr. HIGGS: Perhaps the inspector might live in another area.

The HOME SECRETARY: Then he would probably get someone else to take action.

Mr. HIGGS: Mr. Bell informed him that the question came before Justice Cockburn, who said that it was a glaring instance of parliamentary injustice that no notice should be given.

The HOME SECRETARY: I am afraid he had not very much experience of nuisances or of local government.

Clause, as amended, put and passed.

Clauses 82 to 85, inclusive, put and passed.

Clause 86—"By-laws"—was passed after being amended by the insertion, on the motion of Mr. STEPHENS, of the following paragraph, to follow paragraph 2 :—

Regulating the keeping of poultry, pigeons, or other birds upon any premises.

On clause 87—"Inspection of food"—

Mr. HIGGS asked whether it would not be wise to insert some provision in the clause whereby the manufacturer of adulterated goods should be first proceeded against. He had in his mind one or two great cases of hardship in which storekeepers in Brisbane had been proceeded against for selling jams which were not up to the standard quality, and those storekeepers had no positive means of ascertaining whether the goods were adulterated or not.

The HOME SECRETARY: They bought on the strength of the brands?

Mr. HIGGS: Yes. It struck him that they might put in some words like these at the end of the clause—"Provided that the manufacturer shall in all cases be proceeded against as well as the person who sells the article complained of."

Mr. STEPHENS: If the stuff is made in Sydney or London, what will you do?

The HOME SECRETARY: Or Germany?

Mr. HIGGS: He saw a difficulty there, but it would still be admitted that there [10 p.m.] was something in his contention. Only the other day a hotelkeeper had informed him that he was threatened with a prosecution for selling ginger beer which was either more or less than ginger beer, though he bought it in a bottle which, if opened, would render the article unsaleable. How was he to know what it was. That was another case in which the manufacturer should be the person proceeded against. One case in which a fine was inflicted for the sale of a tin of jam that was not up to the proper standard was one in which the man fined had only been in the business a few months, and in such a case the defendant's reputation and business might be greatly injured.

The HOME SECRETARY: Surely the proviso to clause 90 would meet all such cases. It said :—

Provided that no person shall be liable to be convicted under the provisions of this section in respect of the sale of any food or drug, if he shows to the satisfaction of the justices that he did not know of the food or drug sold by him being so mixed, coloured, stained, or powdered, and that he could not with reasonable diligence have obtained that knowledge.

Clause put and passed.

Clause 88 put and passed.

On clause 89—"By-laws—food—unsound food"—

Mr. RYLAND thought the local authority should have power to make by-laws with respect to the storage as well as the carriage, distribution, and inspection of all kinds of perishable foods. He moved the insertion of the word "storage" after the word "carriage," in line 43. He had referred to the matter on the second reading, and had mentioned that he had known Chinamen to keep bananas wrapped up in blankets in which they were accustomed to sleep.

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

On clause 90—"Mixture of food with injurious ingredients, and selling the same"—

The HOME SECRETARY moved the omission of the words "sells any food so mixed, coloured, stained, or powdered; or," with a view of inserting the following :—

(ii.) Mixes, colours, stains, or powders, or orders or permits any other person to mix, colour, stain, or powder, any food with any ingredient or material prepared from coal tar, or with carbolic acid or any of its preparations, or creosol, or borax, or boric acid, or sulphuric acid, or salicylic acid, or salicylate of soda, or formic aldehyde, or fusel oil, or picric acid, or benzene or any of its derivatives, or sodium silicate, or alum, or any of the salts of lead, copper, or tin, or any alkaloid, or paraffin, or saccharine or sodium fluoride, or any other substance, ingredient, or material which the Governor in Council by Order in Council under the provisions of this section declares to be an injurious ingredient, with intent that the same may be sold in that state; or

He might mention that those were, after very mature consideration, the ingredients which were recommended by the Government Analyst to be placed in the Bill. There were two of them which he would ask leave to omit—namely, boric acid and formic aldehyde. The reason for omitting them was that at the present time they were used in the dairying industry. Strictly speaking, he believed they were injurious to health, more or less, but they were used for the purpose of preserving cream and milk, and the alternative to their use would be pasteurising, an alternative which would press hardly on the poorer dairymen on account of its cost. If at any time it was found necessary to include those ingredients, it could be done by an Order in Council. He did not suppose any hon. member was competent to say what materials ought or ought not to be included. They were obliged to accept the opinion of an expert, and he presumed the Government Analyst had thoroughly considered the matter and consulted the best authorities.

Amendment agreed to.

On the motion of the HOME SECRETARY, the clause was further amended by the addition of the words—

Sells any food so mixed, coloured, stained, or powdered as in the two last preceding subsections mentioned.

Clause, as further amended, put and passed.

On clause 91—"Sale of food and drugs not of nature, substance, and quality demanded"—

The HOME SECRETARY moved the insertion after the word "gin" of the words "as determined by Sike's hydrometer."

Mr. JENKINSON thought it quite possible that an improved hydrometer might be invented. Why not say "Sike's or other approved hydrometer."

The HOME SECRETARY: Sike's hydrometer had been recognised as long as he could remember as the most approved method of testing spirits. If it was improved upon it would still be known as "Sike's hydrometer."

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

Clause 92 put and passed.

On clause 93—"Giving of label"—

The HOME SECRETARY moved the insertion of the following provision :—

Such label shall not be deemed to be distinctly and legibly written or printed unless it is so written or printed that the notice of mixture given by the label is not obscured by other matter on the label.

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

Clause 94 put and passed.

On clause 95—"Purchaser may have article analysed"—

The HOME SECRETARY moved the omission of the words "a fee prescribed by the commissioner by regulations (which regulations the commissioner is empowered to make) be entitled to have such food or drug analysed by the analyst," with a few of inserting the words "the prescribed fee be entitled to have such food or drug analysed by an analyst."

Amendment agreed to.

The HOME SECRETARY also moved the insertion, after the word "permit," on the 39th line, of the words "by the purchaser in the presence of the seller or his agent."

Amendment agreed to.

The HOME SECRETARY moved the addition of the following words :—

And if such seller or agent so desires, with the seal or distinguishing mark of such licensee or person, as well as of the inspector.

His attention had been called to the fact that under the Licensing Act the same privilege was allowed to the seller, and it was availed of very properly. Inspectors in the old country, and possibly here, had been subjected to adverse criticism on the part of defendants; who, when they had been convicted, alleged that the inspector had tampered with the samples before they had come before the magistrates. The words he proposed to insert would give the seller the opportunity of proving anything of that sort. With the exception of the words "or distinguishing mark," the clause was similar to section 87 of the Licensing Act.

Amendment agreed to.

Clause further amended verbally and agreed to.

The HOME SECRETARY moved the insertion of the following new clause to follow clause 95:—

[10·30 p.m.]

Any State inspector or medical officer of health or other officer authorised in that behalf by the local authority or the commissioner may, in exercise of the powers conferred by this Act,—

(i.) At all reasonable hours have access to all public or private salerooms occupied or used by merchants, brokers, wholesale dealers, or other persons, and to all public and private warehouses, factories, stores, quays, sheds, ships, or barges where food or drugs are offered for sale or deposited for the purpose of sale, and seize or procure samples of any such food or drugs;

(ii.) Seize or procure samples of any food or drugs at the place of delivery, or at any railway station or other place during transit, or upon the premises of or elsewhere in the possession of any person for the purpose of carriage;

(iii.) Seize or procure at the port of entry or elsewhere samples of any food or drugs imported as merchandise;

(iv.) For any of the purposes aforesaid break open any parcel, box, barrel, basket, bag, case, tin, or other package in which such food or drugs may be contained.

New clause put and passed.

Clauses 96 and 97 put and passed.

The HOME SECRETARY moved the insertion of the following new clause to follow clause 97:—

In every proceeding under the provisions of this Act with respect to any drug, the pharmacopœia as defined by the British Pharmacopœia Adopting Act, 1898, shall be taken as the standard.

New clause put and passed.

The HOME SECRETARY moved the insertion of the following new clause to follow the clause last passed:—

The consignee or other person having the custody of any food or drug imported into Queensland shall permit any State inspector or medical officer of health, or other officer authorised in that behalf by the local authority or the commissioner, to take such samples of any such consignment as may be necessary for the enforcement of the provisions of this Act. When such officer takes a sample of any such consignment, he shall divide it into three parts, and shall deliver or send one of the parts to the consignee or his agent. He shall retain one of the parts for future comparison, and shall submit the third part to a State analyst or State expert.

If upon analysis or examination the same is found to be adulterated or impoverished, or if it has been mixed with any other substance, or if any part of it has been abstracted so as in any case to affect injuriously its quality, substance, or nature, the food or drug shall not be delivered to the consignee except with the sanction of the commissioner, and subject to such terms and conditions as he thinks fit to impose.

If upon such analysis or examination any food is found to be unfit for the food of man, such consignment shall be destroyed or otherwise dealt with as the commissioner directs:

Provided that no food shall be deemed to be adulterated by the addition merely of vegetable colouring matter of such a nature and in such quantity as not to render the food injurious to health.

He might mention that this clause was taken from the English Act, and that they had a provision with regard to the deterioration of foods, so far as it related to tea, already on the statute-book.

Mr. KIDSTON did not rise for the purpose of discussing the new clause, but merely to point out to the hon. gentleman that the next time he had a Bill to introduce into the House he might construct it before he introduced it, instead of wasting the time of the Committee and the country in this way.

The HOME SECRETARY did not know whether the hon. member was present and heard what he said on a previous occasion. If the hon. member was, then he could only regard his remarks as an impertinence. He explained at the time that owing to the absence of the Government Analyst in England his suggested amendments did not reach him until after the Bill was in print. He should have thought that one intimation of that sort was sufficient for people of ordinary intelligence, but evidently the hon. member was not a person of that description. Hon. members should understand that there was a certain amount of courtesy due in that Chamber, and if the hon. member for Rockhampton was unable to observe that, and took it upon himself to lecture him, he was not going to submit to it.

Mr. KIDSTON: He would not have given the hon. member the advice he gave him if he had known how it would have been received. The fact remained that once the Bill got out of committee its own mother would not know it—if it had a mother. He thought the complaint he made was quite legitimate after the hon. member complaining about other members wasting the time of the Committee.

Mr. JENKINSON asked whether it ought not to be provided that the samples should be sealed, as was provided in clause 95?

The HOME SECRETARY: It did seem anomalous that they should have the provision to which the hon. member referred in one clause and not in the other; but the reason was that this clause related to the importation of goods in bulk, while the other clause related to goods offered for sale in small quantities.

Mr. JENKINSON thought it would make the Bill more uniform to have the same provision in this clause, but he would not waste time discussing the matter.

New clause put and passed.

The HOME SECRETARY moved the following new clause to follow the clause last passed:—

Any person who sells or exposes for sale any substance or compound under the name or description of or with intent that the same may be used as a disinfectant, deodoriser, germicide, preservative, antiseptic, sanitary powder, or sanitary fluid, without disclosing the name or names of such substance or compound and the percentage of active ingredients contained in the same by a label distinctly and legibly written or printed on or with the substance or compound, shall be liable to a penalty not exceeding fifty pounds.

The provisions of this Act relating to the analysis or examination of food and drugs shall apply to all substances and compounds in this section referred to.

New clause put and passed.

The HOME SECRETARY moved the following new clause to follow the clause last passed:—

The commissioner may from time to time make regulations with respect to all or any of the following matters—namely,

(i.) Prescribing the fees to be paid by persons applying to be approved and registered as public analysts or public experts.

(ii) Prescribing the fees to be paid by persons for the analysis or examination of foods, drugs, or disinfectants.

(iii.) Settling and appointing standards for the composition of foods, drugs, and disinfectants, and, subject as hereinbefore provided with regard to spirits, the amount of dilution, if any, to be allowed in the sale by retail of any foods or drugs.

(iv.) Settling and appointing standards of the amount of deterioration or natural poverty, if any, in any food or drug to be permitted without prosecution under the provisions of this Act.

(v.) Settling and appointing standards of the amount and kind, if any, of foreign substances to be allowed for the preservation or flavouring of preserved foods.

(vi.) Regulating the wording upon labels to be used in the sale of mixed or altered foods, drugs, or disinfectants.

It would be noticed that he had omitted the word "manufactured" from the amendment as printed. The reason was that milk, for instance, was not a manufactured food, yet it ought to be included, and probably there were other foods to which the same remark would apply.

Mr. JENKINSON: The 6th sub-clause seemed rather stringent. To alter the wording upon labels on goods imported into the colony from the Continent of Europe seemed to be putting a very big power into the hands of the commissioner.

The HOME SECRETARY: It might be taken for granted that the commissioner and the Executive would be alive to the evils of interfering with trade, but it might be very desirable that labels for locally manufactured articles—including in that all articles of Australian manufacture—should be regulated. And with regard to foreign manufactures, they constantly bore labels and advertisements which distinctly referred to the colony. For instance, it was not unusual to see on goods manufactured in Germany a statement that they were manufactured specially for a particular firm in Queensland. They were very much alive to the requirements of their customers.

New clause put and passed.

Clauses 98 to 100, inclusive, put and passed.

On clause 101—"Shops may be searched for bread short of weight within twenty-four hours after baking"—

Mr. JENKINSON: The clause provided that any justice, or officer, or policeman might enter at any time into "any house or premises belonging to, or in the occupation of, any baker." That meant that a baker's private dwelling-house could be entered at any time. A previous searching clause contained the words "at all reasonable hours."

The HOME SECRETARY: All hours are reasonable with a baker.

Mr. JENKINSON: But not with regard to his private dwelling-house. He would suggest the insertion of the words "at all reasonable hours."

The HOME SECRETARY: What were reasonable hours for a baker would be unreasonable hours for anybody else. It was better to leave the clause as it stood. That was the law now, and he had not heard that it had been abused in any way, or had been a subject of complaint.

Mr. JENKINSON said he would not press the point.

Mr. McDONNELL: He had noticed that when legislation had been introduced on the question of labour, hon. members were very concerned about the sanctity of the dwelling. For instance, in the Factories Act there were certain provisions made with regard to the inspector entering the dwelling-house. That Act provided that the inspector should be at liberty to enter at all reasonable hours of the day or night. In this case the inspector might enter the baker's premises at any time in the day or night for the purpose of finding out light-weight bread. He thought if the principle contended for in the case of the Factory Act was good, it was also applicable to this Bill. It was a rather drastic provision that the inspector could enter into the baker's private house at any time.

[11 p.m.]

The HOME SECRETARY: That is not intended, unless it is the bakehouse.

Mr. McDONNELL: The only way of entrance to the bakehouse might be through the dwelling, and in that case the sanctity of the dwelling—which hon. members were so particular about—might be violated. He thought the word "reasonable" should be inserted.

Mr. STEPHENS: What is a reasonable time for a baker? He works at night.

Mr. McDONNELL: An unreasonable hour to enter the baker's house would be in the middle of the night, and practically there would be no necessity for it.

The HOME SECRETARY: The hon. member must recollect that the baker not only turned flour into bread, but night into day. If the hon. member wished it, he had no objection to putting in "all reasonable hours of the day or night," as in the Factories Act.

Mr. JENKINSON thought the inclusion of those words would protect the baker.

The HOME SECRETARY: If an inspector unnecessarily went into a private dwelling, instead of going to the bakehouse, he would stand a very good chance of losing his billet. The local authority was bound by public opinion in these matters, and their officer, being also amenable to public opinion, could be trusted not to overstep his duties.

Question put and passed.

Clauses 102 to 106 put and passed.

On clause 107—"Possession of ingredients for the adulteration of bread"—

The HOME SECRETARY: He had been furnished that morning with a list of suggested amendments by the Master Bakers' Association. In their letter they referred to a deputation from their body which waited upon the late Mr. Byrnes in 1895, who, they said, had expressed himself favourable to some of their views, and promised that when the opportunity offered he would give effect to them. On looking up the report of that deputation he found that Mr. Byrnes was very guarded in what he did say, and certainly he did not promise to give effect to their views.

Mr. McDONNELL: What do they want?

The HOME SECRETARY: They wanted a variety of things, but, as he had only got their list of suggestions that morning, he had been unable to consider them at any great length.

Mr. JENKINSON: Why not postpone this clause?

The HOME SECRETARY: He did not propose to accept any of them. He merely mentioned the matter in justice to the Master Bakers' Association, and to say that he was unable to accept any of their suggestions.

Mr. JENKINSON: Well, why delay the Committee?

The HOME SECRETARY: He did not want to delay the Committee. He might mention that one of the things they had asked for in 1895 was conceded in a clause they had already passed—that was eighteen hours instead of twenty-four.

Clause put and passed.

On clause 108—"Infectious diseases; hospitals"—

Mr. STEPHENS thought that was a fitting opportunity for raising the question of what financial assistance the Government were going to give the local authorities. They were placing

additional burdens on the local authorities, and many of them were very anxious to know what was going to be done to relieve them.

The HOME SECRETARY: It would be remembered that the Local Government Bill which had been introduced in 1896, proposed that the financial aspect of the question should be dealt with in a separate Bill. What form it would ultimately assume he had not been able to make up his mind to so far. He spoke, of course, of the differential system of endowment which obtained in Victoria, where there were six different classes of local authorities. It was quite clear that if matters connected with local government were extended it necessarily meant increased expenditure. It was also equally clear that the present rating powers of local authorities and the amount they received in endowment would not be sufficient to enable them to provide for emergencies and to carry out all the duties that were requested of them by that Bill, and indeed, by the present law. They had had that thoroughly demonstrated by the abnormal expenditure which had been necessary in connection with the plague epidemic. Had it not been for the very substantial help which had been given by the Government, it would have been impossible for the local authorities to have carried out their duties. The Government expenditure in connection with that epidemic in Brisbane alone had probably not been far short of £12,000, while the local authorities had spent very nearly £5,000 from their own funds. Of course, a good deal of that had been spent in sanitation, which it might be said they should have done under any circumstances, but a good deal of the expenditure was caused by the exceptional and emergent state of affairs which was brought about by the advent of plague. Hon. members might, however, take it from him that not only the present Government, but any Government, would necessarily have to see that the resources of the local governing bodies were not overtaxed. Whether it would be desirable in the future to increase the rating power of local authorities, or whether the Treasurer would be able to see his way to increase the endowment, he did not know, but the action of the Government in reference to the plague epidemic ought to be taken as a sufficient guarantee that the Government was prepared in emergencies, at all events, to do its duty by the local authorities. He did not know whether he could say very much more on the point.

Mr. JENKINSON was perfectly satisfied with the hon. gentleman's statement, but he was afraid it would hardly satisfy the local authorities. The large additional expense that was being placed on their shoulders would practically prevent many of them from knowing how they were going to meet their engagements. In a subsequent clause in that part of the Bill power was given to them to remove or destroy buildings, and, as they would have to pay compensation, in some cases it would mean an enormous expense. During the time he was crossing the Pacific some months ago the plague was raging at Honolulu, and the authorities found it necessary to burn down the residences of between 9,000 and 10,000 Asiatics. If it should be found necessary to take similar action in Queensland, the local authorities would be unable to find the money to provide compensation, and a clause should be inserted in the Bill providing that some proportion of the expense incurred should be borne by the Government.

The HOME SECRETARY: He did not think it advisable to do that, because it referred entirely to emergency cases. At present the Government were paying two-thirds of the compensation incurred by the local authorities in the destruction of buildings, and asked only that in connection with buildings—not in connection with furniture and goods—the consent of the Minister should be obtained before any building was destroyed. In the case of buildings of little value some local authorities had burnt them first and notified him afterwards. He had drawn attention to the fact that that was not exactly according to the arrangement made, but he had made no objection. However, if it came to the destruction of an expensive building he would probably get his back up if that kind of thing were done. In a matter of this sort the contribution by the central Government might very well be left to the pressure of public opinion. As showing that, he might mention that when at first it had not been anticipated that the expenditure upon local authorities would be so heavy as it had become, he had thought it would be a fair thing if the Government were to pay half. A deputation which had subsequently waited upon him had satisfied him that half the cost in connection with the establishment of plague hospitals and compensation for buildings destroyed would be a very severe burden upon the local authorities; and, as he had stated, the Government were now finding two-thirds of the expenditure.

Mr. JENKINSON: Thus establishing a precedent.

The HOME SECRETARY: To a certain extent they might say so. It was under consideration now whether they might not even go further. Further concessions had been asked for, but as it was a matter upon which the Treasurer had to be consulted, he was not in a position to say that night whether they would be conceded or not. He mentioned it as a proof that the Government of the colony, having charge so to speak of the administrative well-being of the community, were directly interested in seeing that the scheme of local government should not break down, and that all local bodies should be sufficiently armed with funds to carry out the duties required of them by law.

Clause put and passed.

Clauses 109 to 111, inclusive, put and passed.

On clause 112—"Compensation"—

Mr. STEPHENS moved the omission of the word "of" after the second word "or" in line 29, with a view of inserting the words, "an amount equal to." His object was to provide that while half the value of buildings should be paid, the whole value of, for instance, a mechanic's goods, clothing, or material should be paid.

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

On clause 113—"Local authority to cause premises to be cleansed and disinfected"—

The HOME SECRETARY moved the insertion of the words, "to the satisfaction of the medical officer of health," after the word "notice," in line 40.

Amendment agreed to.

The HOME SECRETARY, in moving the addition of the following new subsection after line 51:—

4. The local authority shall enforce the provisions of this section in every case in which death from the disease known as phthisis is reported to it—

explained that he did so at the suggestion of the Medical Association, and also of the Society for the Prevention of Tuberculosis.

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

On clause 114—"Infected bedding, etc."—

The HOME SECRETARY moved the addition of the following new sub-

[11·30 p.m.] section:—

For the purposes of the first three subsections hereof, the disease known as phthisis shall be deemed to be an infectious disease.

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

Clause 115 put and passed.

On clause 116—"Exposure of infected persons and things"—

Mr. JENKINSON: They had passed a clause providing that anyone who was unfortunately suffering from the disease known as phthisis was an infected person, and this clause provided that when any person was suffering from consumption, if he went into a street, shop, inn, or public conveyance without previously notifying the owner thereof, he should be liable to a penalty of £20.

The HOME SECRETARY: If the hon. member read the amendment which he had introduced in clause 114, he would see that it applied only to the first three subsections of clause 114, which related to the destruction of bedding, clothing, or articles of furniture, the destruction of a building, and the providing of proper places for disinfecting infected articles. Perhaps he should have explained that when he moved the addition to the clause.

Clause put and passed.

Clauses 117 to 121, inclusive, put and passed.

On clause 122—"Temporary shelter"—

Mr. JENKINSON: This clause provided that the local authority should give temporary shelter to persons who had been compelled to leave their dwellings during the process of disinfection. Had the hon. gentleman really gone into that matter? In the event of an outbreak of plague, scarlet fever, or smallpox, the local authority would be put to severe straits to find all the temporary shelter necessary. It was casting upon them rather a severe burden.

Mr. STEPHENS: This is only while the house is being disinfected.

The HOME SECRETARY: If the local authority took upon itself to turn people out of their houses in order to disinfect the premises, it could not very well turn them into the street.

Mr. JENKINSON: Where would they put them?

The HOME SECRETARY: There were now twelve or fourteen plague hospitals along the coast, which were practically hospitals for the treatment of infectious diseases. He believed that from time to time hospitals for the treatment of infectious diseases would be established in other centres. Perhaps they would not be of such an extensive character as the present plague hospitals, but there would be buildings attached which would have disinfecting chambers and accommodation for such cases as were contemplated by this section.

Mr. JENKINSON: That might apply to the cities, but not to the small towns.

The HOME SECRETARY: Tents might be provided. They would come under the heading "temporary shelters." It was only fair that if people were turned out of their houses for the public good they should get some kind of shelter.

Clause put and passed.

At twenty minutes to 12,

Mr. DAWSON called attention to the state of the Committee.

Quorum formed.

Clauses 123 and 124 put and passed.

On clause 125—"Notification of infectious disease"—

The HOME SECRETARY moved the insertion, after the words "infectious disease," on line 25, of the words "or dies from the disease known as phthisis."

Amendment agreed to.

The HOME SECRETARY moved that the words "or in case of death from phthisis within forty-eight hours thereafter" be inserted after the words "or infectious disease," on line 36.

Amendment agreed to.

A similar amendment in line 42 was agreed to.

Mr. JENKINSON thought the amendment just inserted would make the clause read as if phthisis was an infectious disease.

The HOME SECRETARY: No. Subsection (*b*), as he intended to amend it, would read—

(*b*) Every medical practitioner attending on or called in to visit the patient shall forthwith, on becoming aware that the patient is affected with any infectious disease, or, in the case of death from phthisis, within forty-eight hours thereafter, send to the local authority a certificate stating the name of the patient, the situation of the house, and the infectious disease with which, in the opinion of such medical practitioner, the patient is affected, or the effect of such death, as the case may be, and the clerk of the local authority shall forthwith report the receipt of every such certificate to the commissioner.

A distinction was clearly drawn between a patient suffering from phthisis who was alive and the case of a person who died from phthisis He moved the insertion of the words "or the effect of such death, as the case may be," after "affected," on line 46.

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

On clause 126—"Fee for certificates"—

Mr. JENKINSON asked where the money was to come from to pay this medical practitioner.

The HOME SECRETARY: Probably out of miscellaneous services. There might be a special vote, but he did not know.

Mr. JENKINSON asked if the local authorities would be responsible for that expense.

The HOME SECRETARY: No.

Mr. DAWSON thought the principle embodied in the clause was a very dangerous one. Provision was made that every medical practitioner should receive a certain fee for each certificate sent by him in accordance with the Act. He did not mean to insinuate that every medical practitioner was dishonest; but at the same time this clause would give a dishonest medical practitioner an opportunity of making money in this way. He could speak very feelingly, because he had been one of the victims who were segregated on Magnetic Island for ten days. In other places people were only detained in quarantine for five days, and if the "Cintra" passengers had not made a strong protest they would probably have been there now, because the medical officer was getting double pay for every day these passengers were kept there in quarantine. In view of his own personal experience he regarded that as rather a dangerous provision to be put into an Act of Parliament.

The HOME SECRETARY believed that the reason the hon. member enjoyed the public hospitality for a longer period than was usual under the circumstances was due to the fact that unfortunately one of his fellow-passengers, or somebody on the island, developed plague after they arrived there, and before the expiration of five days.

Mr. DAWSON: No.

The HOME SECRETARY: Perhaps he was wrong about that, but this was a provision which was, he believed, in all modern Health Acts. A public duty was cast upon a medical man, and 2s. 6d. was almost too little to give him for the performance of that duty; but he understood that it was about the same fee as was paid elsewhere for a similar duty.

Mr. STEPHENS thought the fee was too high. Members of friendly societies could get a medical man to attend themselves, their wives, and families for twelve months for 15s., and if there were many cases of infectious diseases a doctor would soon get as many half-crowns as he would receive in a whole year from a member of a friendly society. He was not sure that a medical an should not send in his certificate

without any payment, as it was as much his duty as anybody else's to protect the health of the community.

The HOME SECRETARY believed he was correct in saying that in Victoria, where this provision obtained, the number of notifications did not exceed something like 400 for the whole colony. One reason why it was necessary to have a payment was, he understood, that they could not enforce a penalty for the non-performance of a public duty unless there was a *quid pro quo* for it.

Clause put and passed.

On clause 127—"Cases of smallpox to be reported to the commissioner"—

Mr. JENKINSON admitted that the outbreak of smallpox was a very serious thing, but at the same time thought that a fine of £50 was too severe a penalty to impose in the case of a private person who might have knowledge that a person was suffering from smallpox, but who might not be connected with such person in any way.

The HOME SECRETARY: The clause dealt with a matter which was of very serious import to the whole community. He dreaded to think of the consequences of smallpox coming into the colony, or into Australia, in the present unvaccinated state of the population. It had been shown by experience in the southern colonies that the way to grapple with smallpox was to deal with the first case promptly before any contact had taken place, because, unlike plague, it was a very highly infectious disease. If a man had knowledge that anybody was suffering from smallpox, and kept that knowledge to himself—not reporting it to the medical officer of health, or the local authority—he deserved all he might get in the way of a £50 fine.

Clause put and passed.

At two minutes to 12 o'clock,

The CHAIRMAN said: Under Standing Order 171, I call upon the hon. member for Lockyer, Mr. Armstrong, to relieve me in the chair.

Mr. ARMSTRONG took the chair accordingly.

On clause 128—"Persons arriving in vessels in which smallpox exists or has existed during the voyage to be revaccinated"—

Mr. DAWSON: He thought the hon. gentleman in charge of the Bill would have had something to say on this particular clause, because it really opened up the whole question of compulsory vaccination. It provided that persons coming into the colony by sailing ship or steamship on which smallpox had occurred should be vaccinated or revaccinated before landing.

[12 p.m.] Vaccination was one of the main questions raised on the second reading of the Bill; but he was afraid there were not enough members present now to do justice to this all-important question. It was not only an empty House; it was also a sleepy House; and he would ask the hon. gentleman to postpone these particular clauses for the present.

HON. D. H. DALRYMPLE did not think the Committee could reasonably be called sleepy. There was not a great number of members present, but those who were present were very wide-awake; and it was not unusual to transact business when there was not a very large number present.

The HOME SECRETARY: This clause did, to some extent, raise the question of vaccination; but it was a perfectly fair thing that provision should be made for the vaccination of persons coming off an infected ship.

Mr. JENKINSON: If this clause is accepted, will it not be practically adopting the principle of vaccination?

The HOME SECRETARY: Only so far as relates to persons coming off a vessel.

Mr. JENKINSON: I think we had better take the discussion on his clause.

The HOME SECRETARY: Very well. But before he went into the question of vaccination, he wished to say a few words in reference to the remark made a short time ago by the hon. member for Rockhampton about the voluminous character of the amendments. That hon. member surely must have forgotten that after the Bill was presented, he was requested to submit it to the various local authorities and to the pharmaceutical and medical societies, in order that they might make any suggestions which they might have to make, and it would have been a very obstinate man who would not have selected from those suggestions such as would improve the Bill.

Mr. HIGGS: Hear, hear! I hope you will treat us in that way later on when we have some amendments to make in other Bills.

The HOME SECRETARY: The question of vaccination was one on which he wished to say as little as he could for the sake of brevity, yet it was a question on which something ought to be said in order to explain his position in regard to this part of the Bill. There was no doubt it was a question which had exercised a very great deal of attention and controversy, sometimes of a very bitter character, and men had gone to gaol and paid endless fines rather than allow their children to be vaccinated. As a result of that a commission sat in England some years ago and went into the whole matter very fully, their deliberations extending over some seven years. They ultimately brought up a report to which he would make reference later on. But anyone who had perused that report, or who had followed the march of medical science—especially bacteriological science—since that report was submitted, could not but feel convinced that the prejudice against vaccination exhibited not only in the old country, but in many parts of the world, was due to the fact that vaccination had not been properly carried out; that the methods had been faulty in the past. There were three courses open to anyone who was drafting a Health Bill, and who would have to consider the question of vaccination. The first was to do nothing at all. The second was to have compulsory vaccination, such as was proposed in the Bill as originally drafted, and was practically the case now in Victoria. The third was to have compulsory vaccination with a conscience clause, which was the principle adopted in England. To do nothing at all must be considered as inadvisable. There was no doubt a very grave risk existed of the spread of smallpox in Australia, and if it once got a footing it is difficult to say where it would end. The subject was one, therefore, which ought to be tackled; and on that point he would quote the words used in the report, which gave practically a summary of the views of the Commission on that point—

> 377. We have not disregarded the arguments adduced for the purpose of showing that a belief in vaccination is unsupported by a just view of the facts. We have endeavoured to give full weight to them. Having done so, it has appeared to us impossible to resist the conclusion that vaccination has a protective effect in relation to smallpox.
>
> We think—
>
> 1. That it diminishes the liability to be attacked by the disease.
> 2. That it modifies the character of the disease, and renders it (*a*) less fatal, and (*b*) of a milder or less severe type.
> 3. That the protection it affords against attacks of the disease is greatest during the years immediately succeeding the operation of vaccination. It is impossible to fix with precision the length of this period of highest protection. Though not in all cases the same, if a period is

to be fixed, it might, we think, fairly be said to cover in general a period of nine or ten years.

4. That after the lapse of the period of highest protective potency, the efficacy of vaccination to protect against attack rapidly diminishes, but that it is still considerable in the next quinquennium, and possibly never altogether ceases.

5. That its power to modify the character of the disease is also greatest in the period in which its power to protect from attack is greatest, but that its power thus to modify the disease does not diminish as rapidly as its protective influence against attacks, and its efficacy during the later periods of life to modify the disease is still very considerable.

6. That revaccination restores the protection which lapse of time has diminished, but the evidence shows that this protection again diminishes, and that, to ensure the highest degree of protection which vaccination can give, the operation should be at intervals repeated.

7. That the beneficial effects of vaccination are most experienced by those in whose case it has been most thorough. We think it may fairly be concluded that where the vaccine matter is inserted in three or four places, it is more effectual than when introduced into one or two places only—and that if the vaccination marks are of an area of half a square inch, they indicate a better state of protection than if their area be at all considerably below this.

He mentioned that as the conclusion arrived at with regard to the protective efficacy of vaccination. He did not propose to go into any very elaborate figures, but there were one or two striking sets of figures he had come across which he would mention. In Belgium vaccination was not compulsory, and in the ten years from 1875 to 1884, inclusive, the death rate was 441 per 1,000,000 of the population per annum. In Prussia, where vaccination and revaccination were compulsory, the death rate was 22 per 1,000,000. In Italy, from 1871 to 1890, where vaccination was not compulsory, the average was 355 per 1,000,000, but in the following five years, after it had been made compulsory, the death rate was reduced from 355 per 1,000,000 to 65 per 1,000,000 per annum.

Mr. JENKINSON: Did not the great European epidemic prevail during the former period?

The HOME SECRETARY: The great European epidemic, he believed, was in 1875, prior to any of the dates he had given, except in the case of Italy, and the ten-year period he had quoted from Belgium was after it had been overcome. There were more figures regarding the great European epidemic of 1870-1875. In the great European epidemic, vaccination was compulsory in Scotland, England, Sweden, and Bavaria; and the figures were: Scotland, 1,470; England, 1,830; Sweden, 1,660; Bavaria, 1,660. It was not compulsory in Prussia, Holland, and Austria, and the figures were:—Prussia, 5,060; Holland, 5,490; and Austria, 6,180. These figures were very significant. They referred only to the mortality per 1,000,000 in the worst years of the epidemic. Dealing with facts of that sort it was not to be wondered at that the Royal Commission came to the conclusion that it did. Therefore it was desirable, on the first point, that they should do something. Their first alternative was to let things remain as they were. The second was to adopt absolute compulsion. They knew that where absolute compulsion had been established it had been more or less a failure. In Victoria, where they had had compulsory vaccination for about twenty-eight years, they had not been able to thoroughly enforce it. In fact it had not been satisfactory. For the last four years attempts had been made by one man in the Victorian Assembly to pass a Bill practically doing away with compulsory vaccination. He thought that last session it was read a second time by a majority of one or two, and he imagined that when a private member's Bill had a majority of that sort it would not get through committee, and vaccination would remain compulsory in Victoria for the present. It was admitted that it was more or less a failure, as an absolutely compulsory measure. Another reason why it was not desirable was that they had it on the authority of the Royal Commission that vaccination was only good for about ten years or thereabouts; and in order to make it perfectly effectual it would be necessary, not only to make the first vaccination compulsory but the revaccination compulsory. In Prussia both were compulsory. A man had to be vaccinated when he entered the army, and he (the Home Secretary) did not remember how often he had to be revaccinated. These were matters which had to be considered when they were dealing with compulsory vaccination. It was possible to compel the parents of infants to have them vaccinated if they went to any great lengths; but it would be very difficult to find out who had been and who had not been vaccinated. And the difficulties would be much the greater in carrying out provisions for compulsory revaccination. He would like to read something from the report of the Royal Commission, and if anything it would tend to shorten discussion. In their concluding report the commissioners said—

533. We have already adverted to the importance which we attach to revaccination. It has been suggested that the operation should be made compulsory by law. We are quite alive to the protective value of general revaccination. At the same time we are not insensible of the difficulties necessarily involved in rendering it compulsory. It is, comparatively speaking, easy in the case of infants to ascertain whether the law requiring vaccination has been complied with. The constant movement of the population would render it much more difficult to ascertain whether at the more advanced age at which it would become applicable, a law providing for compulsory revaccination had been observed. Again, it is impossible to leave out of sight the effect that such an extension of the present compulsory law might have in intensifying hostility where it at present exists, and even in extending its area; though if our recommendations, especially that which exempts from penalty those who honestly object to the practice, were adopted this objection would be much diminished. After full consideration of the question we are, however, deterred by the considerations to which we have adverted from proposing that revaccination should be made compulsory. At the same time, in view of the great importance of revaccination, we think it should be in every way encouraged. If an adequate fee were allowed in every case of successful revaccination, by whatever medical man it was performed, we think that there would probably be a large extension of the practice. We think steps should be taken to impress on parents the importance of having their children revaccinated not later than at the age of twelve years. We recommend further that when smallpox shows signs of becoming epidemic special facilities should be afforded both for vaccination and revaccination.

534. We think that notification of smallpox should everywhere be compulsory, and, whenever the disease showed a tendency to become epidemic, a notice should be served by the sanitary authority upon all persons in the neighbourhood who would be likely to come within the reach of contagion, urging them to submit to vaccination or revaccination, as the case might be, if they had not been recently successfully vaccinated or revaccinated; and attention should be called to the facilities afforded for their doing so. Attention should also be called to the importance of avoiding contact with persons suffering from the disease, or coming into proximity to them, and of avoiding contact with any person or thing which may have become infected. It is important to notice that even where vaccination has been neglected there is great readiness to submit to it in the presence of a threatened epidemic; a large number of vaccinations are then obtained willingly and without opposition. Whenever a sanitary authority has received notification of a case of smallpox, we think the fact should be at once communicated to the vaccination authority of the district in which the case of the disease has occurred.

It must be remembered that when that was written vaccination was compulsory in the old country, and it was only as a result of this report that the conscience clause was introduced. He believed that the result of that clause had been that there were really more children vaccinated now than there were before. That was probably due to the fact that a large amount of prejudice against vaccination was occasioned by the mere fact that it was made compulsory. Since then a good deal of the hostility to vaccination had been squelched.

Mr. JENKINSON: The feeling is not nearly so strong against it now as it used to be.

The HOME SECRETARY: They came now to what was called the English compromise, containing the conscience clause. That, he thought, was what they should adopt. He could not do better than quote from the report of the Royal Commission as to why that should be adopted. It might be said that it was extremely illogical to provide that people should do certain things under heavy penalties, and then go on to say that they need not do them if they had conscientious objections; but the report on that subject said—

[12·30 p.m.]

523. Why, it is asked, should not vaccination cease to be compulsory altogether, and be left to the free choice of parents? If no penalty were attached to the failure to vaccinate it is, we think, certain that a large number of children would remain unvaccinated from mere neglect on the part of their parents, or indisposition to incur the trouble involved, and not because they thought it better in the interest of their children. This appears to us to be a complete answer to the question. If we be right in the conclusions which we have expressed on the subject of vaccination, it is better for the child, and better for the community, that it should be vaccinated than that it should remain unvaccinated. A parent can have no inherent right, under the circumstances to which we have alluded, to prevent or neglect its vaccination. The difficulty arises where the parent abstains from procuring the vaccination of the child because he believes it will be detrimental to its interests. We do not intend to discuss the abstract question whether the State is entitled, in such circumstances, to compel the parent, in spite of this conviction, to see that his child is vaccinated. We will assume, for the purpose of our argument, that it is so entitled. This leaves untouched the question whether, on the whole, such a course conduces to a better vaccinated condition of the people. We think that ardent advocates of vaccination have not always borne in mind the practical consequences of an attempt to enforce the law in such cases. They have maintained that no one has a right to set up his judgment against that of the community embodied in the statute law, and to refuse, in consequence, to render that law his obedience; they have, therefore, opposed any relaxation of the laws relating to vaccination, assuming that because in particular instances it might lead to children remaining unvaccinated who would otherwise be vaccinated, it must necessarily result in a diminished number of vaccinations. We believe that this assumption is not well founded. It has been apparently forgotten that under the existing law a penalty, or even repeated penalties, can be paid without difficulty by a man only moderately well-to-do, and that a poorer man will constantly pay, or suffer a distress of his goods, or go to prison, rather than allow his child to be vaccinated. We think these ardent advocates have not always been the wisest friends of vaccination, and that there would have been more vaccinated persons if the law had been enforced with more discretion.

524. After careful consideration and much study of the subject, we have arrived at the conclusion that it would conduce to increased vaccination if a scheme could be devised which would preclude the attempt (so often a vain one) to compel those who are honestly opposed to the practice to submit their children to vaccination, and, at the same time, leave the law to operate, as at present, to prevent children remaining unvaccinated owing to the neglect or indifference of the parent. When we speak of an honest opposition to the practice, we intend to confine our remarks to cases in which the objection is to the operation itself, and to exclude cases in which the objection arises merely from an indisposition to incur the trouble involved. We do not think such a scheme impossible.

Although the scheme was illogical, he believed it had led to a larger number of children being vaccinated in England than was the case under the old compulsory system. He believed they would not be doing their duty as legislators if they did not tackle the question in some way. The danger of remaining unvaccinated was recognised all over Australia, and, although vaccination might not be absolutely certain in every case, it was almost certain as a preventive of disease. They might, therefore, very well adopt the principle which had been laid down by such an able body of men as composed the Royal Commission which reported in England in 1896. He thought it advisable that the three alternatives should be put to the House, and then it would be competent for the Committee to decide which of the three they would adopt. There were one or two matters which had escaped notice in the Bill as submitted to hon. members which it would be necessary under any circumstances to amend. There was the matter of the calf-lymph, which had been referred to by the hon. member for Wide Bay. In Victoria nothing but calf-lymph was used, and it was generally admitted that arm-to-arm vaccination should not take place. The surest way to prevent arm-to-arm vaccination taking place was to see that as many as possible were vaccinated in times when there was no panic, because in a time of panic, so many would want to be vaccinated, that they would not be able to supply sufficient calf-lymph, and they would have to resort to arm-to-arm vaccination. He asked hon. members to pass clause 128. Clause 130 was common to both the compulsory and the English schemes, and then, when they came to clause 132——

Mr. JENKINSON: You are referring now to your amendments?

The HOME SECRETARY: Yes. They would then decide whether the next clause, 132, should be inserted as an amendment, and that would decide the whole question straight away as to which of the schemes was to be adopted. If they decided to adopt the scheme of the Bill—and he did not suppose they would—they would reject the amendment, and they would then adopt the scheme of the Bill with some trifling amendments. In the other case, they would simply adopt the clauses which were embodied in the amendments, and that was the reason why he had had the amendments drawn out in that particular way.

Mr. FISHER desired to draw attention to the fact that the clause provided for a penalty of 10s. daily in the case of a person who refused, after notice, to be vaccinated, or to permit any child in his custody to be vaccinated. Would that penalty be enforced by levy and distress; and in case there were no goods, would the person be imprisoned?

The HOME SECRETARY: That is usual.

Mr. FISHER: He did not think it was provided for.

The HOME SECRETARY: The Justices Act provides for it.

Mr. FISHER: He admitted that it was necessary to do something in that way, but 10s. daily was a very big penalty.

The HOME SECRETARY: It is very easy to get out of it.

Mr. FISHER thought it was not. A person might come from Great Britain, where they had the conscience clause, and might resist here for a day or two; and though he might give way, the daily penalty might have so accumulated that he would not be able to meet it, and might have to go to prison.

The HOME SECRETARY: This applies to people coming off an infected vessel.

Clause put and passed.

Clauses 129 and 130 put and passed.

Clause 131 put and negatived.

The HOME SECRETARY moved the insertion of the following new clause to follow clause 130 :—

The commissioner shall supply to all public vaccinators and medical practitioners sufficient glycerinated calf lymph or other proper lymph for the purpose of vaccination.

He shall also supply to them, and to every registrar and deputy registrar of births, deaths, and marriages, the forms relating to vaccination prescribed by this Act to be used.

New clause put and passed.

Clause 132 put and negatived.

The HOME SECRETARY moved the insertion of the following new clause to follow the last new clause as passed :—

(1.) The parent of every child born in such area or part thereof shall within six months after the birth of such child cause the said child to be vaccinated by the public vaccinator for the area or part thereof in which the child is resident, or by a medical practitioner, or shall notify to such public vaccinator that he is willing to have the said child vaccinated at such time and place as may be arranged, unless such child has previously been vaccinated by some medical practitioner or by some other public vaccinator in Queensland.

(2.) The public vaccinator shall thereupon, or as soon after as it may conveniently and properly be done, vaccinate the child.

(3.) The public vaccinator shall, if the parent so requires, visit the home of the child for the purpose of vaccinating the child.

(4.) If a child is not vaccinated within four months after its birth, the public vaccinator, after at least twenty-four hours' notice to the parent, shall visit the home of the child, and shall offer to vaccinate the child with glycerinated calf lymph, or such other lymph as may be supplied by the commissioner.

(5.) The public vaccinator shall not vaccinate a child if, in his opinion, the condition of the house in which it resides is such, or there is or has been such a recent prevalence of infectious disease in the area, that it cannot be safely vaccinated, and in that case shall give a certificate of postponement of vaccination as hereinafter provided, and shall forthwith give notice of any such certificate to the medical officer of health for the area.

(6.) Notwithstanding any regulation of any lying-in hospital or infirmary or other similar institution, the parent of any child born in any institution shall not be compelled under such regulation or otherwise to cause or permit the child to be vaccinated at any time earlier than the expiration of six months from its birth.

Clause put and passed.

The HOME SECRETARY moved the following new clause to follow the last clause as passed :—

No child shall be deemed to have been vaccinated unless such child is after the operation examined by a public vaccinator or medical practitioner for the purpose of ascertaining the result of the operation, and no certificate of successful vaccination shall be given unless or until such subsequent examination has been so made.

Clause put and passed.

Clause 133 put and passed.

On clause 134—"Successive certificates"—

On the motion of the HOME SECRETARY, the clause was amended by the omission of the words "take the child or cause the child to be taken," and the insertion of the words "submit the child."

Clause, as amended, put and passed.

Clause 135 put and passed.

On clause 136—"Certificates of successful vaccination to be delivered"—

The HOME SECRETARY moved the omission of all the words after "marriages," on the 10th line on page 42.

[1 a.m.]

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

Clause 137 put and passed.

Clause 138 put and negatived.

Clause 139 put and passed.

Clause 140 put and negatived.

The HOME SECRETARY moved the following new clause to follow clause 139 :—

Every such registrar and deputy registrar shall, within twenty-one days after the registration in his office of the birth of any child not already vaccinated, cause notice in writing to be given or sent by post or otherwise to the parent of such child.

Such notice shall be in the following form, or to the like effect :—

Notice to Vaccinate.

I, the undersigned, hereby give you notice that you are required to have the child [*insert name of child*] whose birth is now registered vaccinated within six months from the date of its birth, pursuant to the provisions and directions of the Health Act of 1909, and that in default of your doing so you will be liable to a penalty of five pounds, unless within four months from the date of the birth of the child you file with me a statutory declaration made before a justice of the peace that you conscientiously believe that vaccination would be prejudicial to the health of the child.

If you intend to apply to the public vaccinator I have to inform you that he will attend at [*name of place*], at the hour of [*time*], on [*date*], or if you so require he will visit your home at a time to be arranged between himself and you.

Dated this day of 19 .

C.D.,

Registrar [*or* Deputy Registrar] of Births, Deaths, and Marriages.

Every parent who fails to observe the requirements of such notice shall be liable to a penalty not exceeding five pounds :

Provided that no parent shall be liable to any such penalty if within four months from the birth of the child he files in the office of such registrar or deputy registrar a statutory declaration under his hand made before a justice of the peace that he conscientiously believes that vaccination would be prejudicial to the health of the child in respect of whom the notice aforesaid has been given.

Mr. TURLEY moved that the following provisions be added to the proposed new clause :—

Such declaration shall be in the following form, or to the like effect :—

I, , of , do hereby declare that I am the [*state whether parent or guardian*] of , who was born on the day of , 19 ; and that I conscientiously believe that vaccination would be prejudicial to the health of the said child.

And I make this declaration under and by virtue of the provisions of the Oaths Act of 1867.

Taken before me this day of , 19 .

A.B., (Signed) E.F.,

J.P. Parent [*or* Guardian].

Forthwith upon the filing of a declaration under the provisions of this section, such registrar or deputy registrar shall deliver or transmit to the person making the same a certificate in the following form or the like effect :—

I, the undersigned, do hereby certify that , of , the parent [*or* guardian] of , who was born on the day of , 19 , has this day filed in my office a statutory declaration that he conscientiously believes that vaccination would be prejudicial to the health of the said child.

Dated at this day of , 19 .

A.B.,

Registrar [*or* Deputy Registrar] of Births, Deaths, and Marriages.

Every such certificate purporting to be signed by such registrar or deputy registrar shall be received in evidence upon production thereof without further proof.

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

Clause 141 passed with a consequential amendment.

Clause 142 put and negatived.

On the motion of the HOME SECRETARY, the following new clause was agreed to in lieu of clause 142, omitted :—

Every public vaccinator or medical practitioner who refuses or neglects to deliver any certificate required of him under the provisions of this Act to the parent submitting a child for vaccination, or who neglects to transmit to such registrar or deputy registrar the duplicate of any certificate required by the provisions of this Act to be by him so transmitted completely filled up and legibly written within the time hereinbefore specified, and every such registrar and deputy registrar

who neglects to duly transmit any notice or list prescribed to be transmitted by him, shall be liable to a penalty not exceeding five pounds.

Clause 143 put and passed.

On clause 144—"Register of names and houses to be kept by local authority"—

Mr. JENKINSON thought it would be sufficient in the 2nd paragraph of the clause to say: "The registration shall remain in force for one year," stopping at the word "year."

The HOME SECRETARY thought the intention of the clause was clearer with those words. As the clause stood it could not be said that a person was not entitled to a further registration at the end of the first year.

Mr. STEPHENS moved the omission of the words, "No fee shall be charged for registration," with the view of inserting, "There shall be charged and paid for each such registration and renewal thereof such fee as may from time to time be prescribed by by-law, which by-law the local authority is empowered to make."

Amendment agreed to.

Mr. JENKINSON moved to further amend the clause by inserting, after the word "months," in line 51, the words "and in addi-
[1·30 a.m.] tion may be liable to have his name and house struck off the register."

The HOME SECRETARY said he was not sure there was any necessity for the amendment. Could the hon. member suggest any sufficient thing which would be a contravention of the provision of the clause, except the fact that the person or the house was unlicensed. If it was unlicensed, it could not be struck off the register.

Mr. JENKINSON said he would not press his amendment.

Amendment withdrawn.

A verbal amendment was made in line 49.

The HOME SECRETARY moved that after the word "hire," in line 54, the following words be inserted—

Prescribing the food and accommodation to be provided for and the care and management and medical treatment of such infants.

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

Clauses 145 and 146 put and passed.

On clause 147—"Local authority may strike name and house off register for neglect, etc."—

The HOME SECRETARY moved the insertion of the following provision:—

And the local authority may cause any infants then intrusted to his care to be removed to some suitable place until they can be restored to their relatives or guardians or be otherwise lawfully disposed of.

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

Clause 148 put and passed.

On clause 149—"Exceptions from provisions of this part"—

The HOME SECRETARY moved that the following provision be added to the clause:—

For the purposes of this part of this Act the expression "relatives" means and includes the parents, grandparents, and uncles, and aunts, by consanguinity or affinity, of the infant retained or received; and in the case of illegitimate infants, the persons who would be so related if the infant were legitimate.

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

Clauses 150 to 153 put and passed.

Clause 154, having been consequentially amended, was put and passed.

Clauses 154 and 155 put and passed.

On clause 156—"Compensation payable, how to be fixed"—

Mr. DAWSON asked for some explanation of the clause, which seemed to him to introduce a new procedure.

The HOME SECRETARY: It was a new procedure, but it was infinitely better than the roundabout and expensive process of the Public Works Lands Resumption Act, which otherwise would have had to be adopted. The provision was for fixing the question of compensation. Did the hon. member object to an appeal from the police magistrate?

Mr. DAWSON: I do not object to an appeal, but the restriction of the appeal to the District Court.

The HOME SECRETARY: There would be an ultimate appeal to the Supreme Court. If people were such gluttons for law that they wanted to go from the District Court to the Supreme Court, they would be able to do so. They could get just as good a jury in the District Court as in the Supreme Court—there was the same jury list, and if there was any dissatisfaction with the law of the District Court there could be an appeal to the Supreme Court. They would not want a retrial of the facts by another jury. This provision was proposed purely with a view to saving the money of litigants.

Clause put and passed.

Clause 157—"By-laws"—put and passed.

On the motion of Mr. STEPHENS, the following new clause was inserted to follow clause 157—

The Governor in Council shall, as soon as is conveniently practicable after the passing of this Act, cause to be prepared model forms of by-laws for all or any of the purposes for which by-laws may be made by a local authority under any of the provisions of this Act. Such forms shall be published in the *Gazette*.

A local authority may by resolution adopt the whole or any specified portion of such by-laws.

Such resolution shall be passed at a special meeting called for that purpose, shall then be advertised in some newspaper, shall be confirmed at a subsequent special meeting held not earlier than fourteen days after the date of such advertisement, and shall be sealed with the seal of local authority.

Such resolution shall be published in the *Gazette*, and thereupon shall operate to extend such by-laws or portion of by-laws so adopted to the area, and with the same legal effect for all purposes as if the by-laws or portion so adopted were a part of this Act:

Provided that nothing herein contained shall be deemed to deprive the local authority of the power to make by-laws with respect to any of the matters mentioned in this Act in the manner provided by the laws in force for the time being relating to the making of by-laws by local authorities.

Clause 158—"Service of notice"—put and passed.

Clause 159—"Wilful misappropriation of warranty" and "False label"—passed with consequential amendments.

Clauses 160 to 170, inclusive, put
[2 a.m.] and passed.

On the 1st schedule—

Mr. RYLAND: Though this was a Consolidation Act, he found that two Health Acts—those of 1886 and 1890—were not included in the list of Acts repealed. Perhaps the Home Secretary could give some reason for that.

The HOME SECRETARY: It was because they related to rating and finance. The hon. member would see that the whole of the Health Act of 1884 was repealed, except section 121, and that section had been left for the same reason.

Mr. RYLAND presumed that the Acts to which he referred would be repealed when they came to pass a Local Government Bill.

Schedule 1 put and passed.

Schedule 2 put and passed.

The HOME SECRETARY moved that the Chairman leave the chair and report the Bill to the House with amendments. He had to thank hon. members for their attendance at such an

hour of the morning; and for the business-like, satisfactory, and practical way in which they had assisted him in getting the Bill through.

HONOURABLE MEMBERS: Hear, hear!

Question put and passed; and the House resumed.

The CHAIRMAN reported the Bill with amendments; the Bill, as amended, was taken into consideration; and the third reading made an order for Tuesday next.

ADJOURNMENT.

The PREMIER: I move that this House do now adjourn. The first business this afternoon will be the resumption of the debate on the Financial Statement.

Mr. DAWSON: I wish to ask the Premier whether he proposes to go right on with the discussion of the Financial Statement until it is disposed of, or whether it is his intention to allow other business to intervene in the discussion? So far as we are concerned on this side of the House, we are extremely anxious to get on with the most important business of the session—that is, the Financial Statement, followed as closely as possible by the Estimates.

The PREMIER: The Financial Statement will go on until we finish it.

Mr. DAWSON: Without a break?

The PREMIER: Without a break.

Mr. FISHER: What about sitting days?

The PREMIER: We shall have to sit four days a week soon.

Question put and passed.

The House adjourned at eleven minutes past 2 o'clock.