Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY 4 SEPTEMBER 1907

WEDNESDAY, 4 SEPTEMBER, 1907.

The SPEAKER (Hon. John Leahy, *Bulloo*) took the chair at half-past 3 o'clock.

QUESTIONS.

WOOLOOGA REPURCHASED ESTATE.

Mr. LESINA (*Clermont*) asked the Secretary for Public Lands—

1. Is any portion of the Woolooga Estate, recently repurchased by the Government, let under occupation license?
2. If so, how much?
3. To whom?
4. And at what weekly, monthly, quarterly, or yearly rental?

The SECRETARY FOR PUBLIC LANDS (Hon. J. T. Bell, *Dalby*) replied—

The information desired will be found in the return tabled yesterday.

ALLEGED MISCONDUCT OF GOVERNMENT FUNERAL DIRECTOR.

Mr. LESINA asked the Home Secretary—

1. Has the attention of the Home Department been drawn to the article in the Brisbane *Sun*, dated Sunday, 1st September, 1907, dealing with the disgraceful incident of the burial at Toowong Cemetery of a young woman named Ellen Marion Payne, late of Torwood?

2. If so, will he cause an inquiry to be held at once into the serious allegations of drunkenness, etc., made therein against A. E. Atkins, Funeral Director to the Government of Queensland?

The HOME SECRETARY (Hon. A. G. C. Hawthorn, *Enoggera*) replied—

1. Yes.

2. Full inquiries have been made, and steps are being taken to cancel the contract with Mr. Atkins for undertaking pauper funerals.

RELIGIOUS INSTRUCTION IN STATE SCHOOLS REFERENDUM BILL.

INITIATION IN COMMITTEE.

The HOME SECRETARY moved—

That it is desirable to introduce a Bill to refer to the electors of Queensland a certain question respecting religious instruction in State schools.

Question put; and the CHAIRMAN having declared that the "Noes" had it——

Mr. G. P. BARBER (*Bundaberg*): Divide!

In division, Mr. G. P. Barber voting with the "Noes,"

The PREMIER (Hon. W. Kidston, *Rockhampton*) said: I claim the vote of the hon. member for Bundaberg—who called for the division—for the "Ayes."

After a pause,

The PREMIER: I withdraw the point in order to get on with business.

The CHAIRMAN: I would just like to point out that I do not think I can disallow the hon. member's vote. The hon. member for Bundaberg was not entitled to call for a division, having given his vote for the "Noes." I gave my decision in favour of the "Noes," and the hon. member was not entitled to call for a division, but I do not think his vote can be challenged.

Division declared—

AYES, 35.

Mr. Armstrong	Mr. Kidston
,, Bell	,, McMaster
,, Blair	,, Mann
,, Bouchard	,, Maxwell
,, Bowman	,, Millican
,, Brennan	,, Moore
,, Cowap	,, Nevitt
,, Denham	,, Paget
,, Douglas	,, Paull
,, Fox	,, Petrie
,, Grant	,, Philp
,, Grayson	,, Plunkett
,, Gunn	,, Redwood
,, Hanran	,, Ryland
,, Hawthorn	,, Sumner
,, Hunter	,, Swayne
,, Kenna	,, White
,, Kerr	

Tellers: Mr. Bouchard and Mr. Maxwell.

NOES, 12.

Mr. Adamson	Mr. Lennon
,, G. P. Barber	,, Lesina
,, Creagh	,, Maughan
,, Hamilton	,, May
,, Jones	,, Mitchell
,, Land	,, Payne

Tellers: Mr. Lesina and Mr. Maughan.

PAIR.

Aye—Mr. McIntyre. No—Mr. Stephens.

Resolved in the affirmative.

The HOME SECRETARY moved that the Chairman do now leave the chair and report that the Committee had come to a resolution.

HON. R. PHILP thought they should get a definite ruling on the matter which had just been decided by the Chairman. According to the Standing Orders, if a man gave his voice with the "Noes" and the vote was declared in favour of the "Noes," and he then called "Divide," he was bound to vote with the "Ayes." Standing Order 149 provided that——

A member, having given his voice with the "Ayes" or "Noes," shall not, on a division being taken, be at liberty to vote with the opposite party; and if he should do so, Mr. Speaker, on being informed thereof, shall order the division list to be corrected.

It was not a question of whether there were fifty votes on one side and twenty on the other, but a serious principle was involved. The Chairman clearly gave his decision in favour of the "Noes," and the hon. member for Bundaberg, who had voted with the "Noes," then called "Divide." The hon. member's vote should certainly be counted with the other side.

The CHAIRMAN: I would remind the Committee that the question now before the Committee is that I do now leave the chair, and report to the House that the Committee have come to a resolution. The hon. member for Townsville, if he wished to raise this point, ought to have done so when the matter was under consideration. It is too late to raise the question now.

Hon. R. PHILP: I could not raise it when we were taking a division.

Mr. G. P. BARBER said he should like to make a personal explanation. When the Chairman put the question he certainly thought he declared it in favour of the "Ayes."

HONOURABLE MEMBERS: Oh, oh! No, no!

Mr. G. P. BARBER: Hon. members might say "Oh!" but that was his opinion.

Question put and passed.

The House resumed. The CHAIRMAN reported that the Committee had come to a resolution.

The resolution was adopted.

FIRST READING.

The Bill was presented, and read a first time.

The HOME SECRETARY moved that the second reading of the Bill be made an Order of the Day for to-morrow.

Mr. LESINA (*Clermont*): I do not know that there is any particular hurry for this measure.

The SECRETARY FOR RAILWAYS: It is only the usual motion.

Mr. LESINA: There is more pressing legislation than this in the programme of the Government, and many people outside are looking for that more important legislation. Of course, if it is purely a matter of form that the second reading of the Bill is to be made an Order of the Day for to-morrow, my objection will not stand, but I sincerely hope that the Government will not push along this measure with undue haste, but that they will give us those measures which the country is anxious to see passed.

Question put and passed.

TECHNICAL INSTRUCTION BILL.

POINT RE PREVIOUS DIVISION.

On the Order of the Day being read for the consideration in Committee of the desirableness of introducing a Bill to make better provision for technical instruction and other purposes,

The ATTORNEY-GENERAL (Hon. J. W. Blair, *Ipswich*) moved that the Speaker do now leave the chair.

Mr. KENNA (*Bowen*): A point was raised in Committee by the leader of the Opposition, who quoted Standing Order No. 149 as purporting to show that a man who had called "No" and then called for a division must give his vote with the "Ayes." I have read that Standing Order, and its meaning appears to be very different indeed. To my mind its meaning is perfectly clear that, if a member calls "No," or if a member calls "Aye," he is not allowed to vote in the opposite direction to that in which he has given his vote. A member cannot call "No" prior to a division, and then vote "Aye," or a member cannot call "Aye" and vote "No." It is laid down by the authorities that the only appeal in such a matter is when the Speaker is in the chair, and I am adopting the course of appealing to the Speaker with the object of removing any misapprehension that may have been left in the minds of hon. members on account of what fell from the leader of the Opposition.

Mr. JACKSON: The hon. member for Bundaberg called "No."

Mr. KENNA: Having called "No" and voting "No" he is perfectly correct, but if he had called "Aye" and then voted "No" his vote would be disallowed. Or if he had called "Aye" and voted "No" his vote would be disallowed. The Standing Order is as clear as possible, and the reading of it is very different to the interpretation put upon it by the leader of the Opposition.

The SPEAKER: There is no question before the House. The hon. member has raised no point of order.

Mr. KENNA: Then I will raise a point of order, and quote the Standing Order in support of my contention.

The SPEAKER: There is no question before the House. I have allowed the hon. member to proceed because I did not know what he was driving at, and I did not like to stop him for fear of doing an injustice; but the time for the hon. member to have raised that question was when the Chairman reported that the Committee had come to a resolution. We have passed on to other business now.

Question put and passed.

COMMITTEE.

On the motion of the ATTORNEY-GENERAL, it was resolved—

That it is desirable that a Bill be introduced to make better provision for technical instruction and for other purposes.

FIRST READING.

The House resumed. The CHAIRMAN reported the resolution, which was adopted, and the Bill, having been presented, was read a first time, and the second reading made an Order of the Day for to-morrow.

ELECTIONS ACTS AMENDMENT BILL.

COMMITTEE.

On clause 5—"Duty of presiding officer"—

Mr. DENHAM: That was the first of the machinery clauses of that important amendment of the Elections Act, and he should have thought the Minister would have given the Committee some information as to the provision made for securing effective voting. Yesterday afternoon, by quite a narrow majority, the Committee decided that the postal ballot provisions should be abolished after only one year's trial—provisions which, to some extent, prevailed under the Commonwealth Elections Act.

The PREMIER: Thirty to twenty-two is not a narrow majority.

Mr. DENHAM: It was not a very big majority. He would call it, if the hon. gentleman liked, "a majority." In any case the majority determined to do away with the postal ballot.

Mr. COWAP: What has this to do with the postal ballot?

Mr. DENHAM: He was coming to that.

Hon. R. PHILP: The member for Fitzroy does not know.

Mr. DENHAM: The women's claims had been set aside with scant consideration, also the amendment of the leader of the Opposition providing for the sick, infirm, and aged. By the vote of yesterday all those people had been effectively disfranchised, and a certain amount of contempt had been shown for them.

The CHAIRMAN: I would point out that the hon. member is not in order in discussing the postal ballot under this clause. He must connect his remarks with the clause.

Mr. DENHAM: He should connect it immediately. He wanted to show that we had cast aside a provision of the law, and in place thereof substituted an absent voters provision. The objection to the postal [4 p.m.] ballot was in connection with the abuses said to have been perpetrated during the last election, and another ground of complaint was that the secrecy of the ballot had been infringed, but both of those objections would have been remedied by the amendment of the leader of the Opposition. Here they were providing for something which was open to greater objection and abuse than obtained under the postal ballot at the last election. It would appear that the women living at a distance were to be put under a certain disability in favour of the single man who could roam about the country—that the single man counted for more with many members of the Assembly than a married woman. Suppose that at one time an elector resided in Fortitude Valley, but for years past his duties had called him away and he had been absent from his electorate, having no fixed residence there, but occasionally calling there during the preceding seven months, yet under the provisions of this Bill such a man——

The CHAIRMAN: I would remind the hon. member that this clause simply deals with the duty of the presiding officer.

Mr. DENHAM: He considered there was great room for impersonation under this provision, and because of that he would have expected the Home Secretary to have dealt with the various machinery portions of the Bill so as to set at rest any doubts that might prevail. He would like the Minister to explain how they would be able to detect impersonation. The presiding officer had to receive a man's statement as to who he was, but he had no proof of

it. There should be some way by which he should be able to check whether the person signing a claim was the real person or not.

The HOME SECRETARY thought the clause explained itself sufficiently. It was impossible for presiding officers to know whether a man was absolutely entitled to the vote. They could not tell by the signature or any other means of identification whether he was the right man, and all they had to do was to take a declaration which a man made under a penalty of £50, and then to transmit the envelopes to the head office of the electorate for which the man claimed to vote. It was for the returning officer for the place where the vote was counted to identify it, and if he was satisfied he passed it and put it into the ballot-box. The returning officer had really no other function to perform than that.

Mr. BOUCHARD (*Brisbane South*): The Minister and other hon. members who supported the abolition of the postal ballot were much concerned about the secrecy of the ballot. They proposed by this clause to earmark the vote of any absent voter for an electorate for which he was qualified to vote. It was well known that in course of an election it was usually ascertained what voters were absent, and their whereabouts. It would be very easy to discover under the clause how those people were going to vote. If a man was entitled to vote for Toowong, and he had gone to Stanthorpe, where he cast his vote, everybody there would know who he voted for.

The HOME SECRETARY: No; nobody.

Mr. RYLAND: It will be sent down here and placed in the ballot-box.

Mr. BOUCHARD: Would not all the other ballot-papers have been counted before this time?

The HOME SECRETARY: No.

Mr. BOUCHARD: What was the good of the provision, then, if the ballot-box was not to be opened and the papers counted until all the ballot-papers from the various electorates throughout Queensland had come to hand. If that was so, where was the consistency on the part of the hon. gentleman who was so anxious to preserve the secrecy of the ballot? He did like to see consistency. (Laughter.)

HON. R. PHILP: His objection was quite the reverse of the hon. member for Brisbane South. He thought the presiding officer ought to see the votes and advise the returning officer how the voting went; otherwise, what was to prevent all the votes being tampered with in course of post? They knew how the country mails were carried; sometimes they were carried in a buggy, and perhaps detained for half a day while the driver was looking for his horses. During that time the votes could be tampered with and all made informal. The presiding officer ought to advise the returning officer, so that there would be no mistake made in transit.

The HOME SECRETARY: He can get a record of the number by telegraph.

HON. R. PHILP: That would only be the number of people who voted, not as to how they voted. The presiding officer ought to know that, otherwise an election might be kept from being decided for five or six weeks, through returns coming from Camooweal and other distant places to Brisbane. He remembered on one occasion that the ballot-box was tampered with—destroyed or opened—while on transit from Woolgar to Hughenden. There was no safety for the vote and no safety for the candidate unless a record was kept as to how the vote was cast. To just send a telegram saying that thirty or forty men voted was not giving any information at all. They did not want to get the result of an election five or six weeks after it took place. They wanted to find out as soon as possible how the election panned out, but under the clause before the Committee it would take months before the final result was known.

An HONOURABLE MEMBER: That is the case now.

HON. R. PHILP: They should know at once how the election was decided, and they could learn that if the returning officer was informed by telegram. Look what had happened in connection with the elections for the Senate in South Australia. In the case of Vardon *versus* someone else, it was shown that a number of votes were lost, and it meant another election. It would be the same in this case. If any votes were lost, it might mean another election.

Mr. KENNA (*Bowen*): A great deal had been said during the past few days about the secrecy of the ballot. He did not believe there was any such thing as the secrecy of the ballot.

Mr. BOUCHARD: You voted against the secrecy of the ballot.

Mr. KENNA: If he had done that he would be voting against something which did not exist. He was sure that every hon. member of the Committee could specify to a nicety how a good many men in his own electorate had voted.

Mr. LESINA: The unexpected happens sometimes.

Mr. KENNA: Yes; sometimes. But, to show how well the voting proclivities of each individual were known, he would mention, as an instance, his first election at Bowen. A gentleman in that town told him that he would get 160 votes in Bowen, and this gentleman marked on the rolls the names of those who would vote for him. It turned out that he got 160 votes exactly in Bowen. This gentleman also told him how many votes he would get in the whole electorate, and he was only six short of the actual number. Where was the secrecy of the ballot there? It was common knowledge how most people would vote. Just as people guessed the weight of a bullock by experience, so, also, they could tell by experience how a man was going to vote. He should be chary about allowing presiding officers to open votes and see how electors voted.

An HONOURABLE MEMBER: Why not?

Mr. KENNA: Although it might be known pretty well how a man was going to vote, there might be circumstances under which it might be necessary that his vote should not be opened.

Hon. R. PHILP: What about ballot-papers being lost, destroyed, or altered?

Mr. KENNA: There was a sufficient check on that. As a matter of fact, a telegram was to be sent to the returning officer giving the number of votes cast.

Hon. R. PHILP: That only gives the number of votes.

Mr. KENNA: That was so. But supposing the presiding officer at Camooweal wired to the returning officer at Brisbane that ten absentee votes for the North Brisbane electorate had been recorded at Camooweal; these ten votes would be posted, and if on their arrival at Brisbane the returning officer received only eight, he would know there was something wrong.

Hon. R. PHILP: But the ballot-papers might be altered in transit.

Mr. KENNA: He really did not see any objection to the returning officer of the district

wiring the result, but he should be chary about allowing the presiding officer to do it. They remembered in the old days that coercion was bad.

Mr. MAY: There is any amount of it still.

Mr. KENNA: The hon. member for Flinders was a gentleman who had had a lot of experience, and he might see more than the leader of the Opposition had seen. As coercion existed, it might be advisable that the presiding officers in small country districts should not know how people voted. They might know that eight voted one way and ten for another man, but they could not with certainty pick the eight from the ten. The presiding officer was usually the station manager, and that would be too great a power to give to a station manager.

Hon. R. PHILP: There are more storekeepers and telegraph masters who are presiding officers than station managers.

Mr. KENNA: He did not like to give the returning officer or anyone else the power to scrutinise a man's vote. That seemed to him to be one of the flaws in the postal vote, which hon. members did not lay much stress on. The postal votes were opened in the presence of the returning officer, poll clerk, and scrutineers, and they could all tell how a man voted.

Hon. R. PHILP: But you cannot see how they voted. I saw some opened myself, and you could not tell how they voted.

Mr. KENNA was speaking of what happened in his own electorate. The postal votes were opened in the polling-booth in the presence of these people, and anyone could see them.

Hon. R. PHILP: Not the scrutineers.

Mr. KENNA: The scrutineers were there. Did he understand that an improper thing was done?

HONOURABLE MEMBERS: Yes.

Another HONOURABLE MEMBER: The returning officer should have done that.

Hon. R. PHILP: They just compare the signatures.

Mr. KENNA: After they came out of the ballot-box they were opened by the returning officer. The postal vote was endorsed by the name of the man. He did not think, in the abstract, that there was any such thing as the secrecy of the ballot, except in very few cases, but he still thought the principle was one which they should jealously preserve. If they preserved the rights of those who desired to vote from any ulterior consequences they would be doing the right thing.

The HOME SECRETARY did not think the suggestion of the leader of the Opposition was a judicious one. First of all, the presiding officers would have no means of identifying the voters. For that purpose the Bill proposed that all votes should be sent to the returning officer, who would be in a position to decide whether the absent voters were entitled to vote. If there was any doubt, the returning officer could turn up the original application form of the voter and compare the signature, or the signature of the voter might be known to him. He did not think the question of delay amounted to anything. The same delay occurred in connection with the postal vote, which they were abolishing. In any case, it was safer to send all votes to the returning officer, even if it involved a little delay. The returning officer must know how every vote was cast, and they should do nothing that would tend to destroy the secrecy of the ballot.

[*Mr. Kenna.*

HON. R. PHILP did not know how the hon. member for Bowen felt in the matter now, but he had admitted that the secrecy of the ballot was all nonsense.

Mr. KENNA: In the abstract.

HON. R. PHILP: The hon. member pointed out that in Bowen he was promised 160 votes, and he got them. He remembered at one election in Townsville his Labour opponent told him he was going to get 705 votes, and he got 707, so that there was not much secrecy in regard to the 705 votes that he was promised. The Hon. the Home Secretary had missed the point of the argument. He did not wish to destroy the returning officer's final count. All the votes must go to the returning officer eventually; but, to prevent fraud in transit, or in case the votes should be lost while in transit, the presiding officer should open all the votes. It need not be done in the presence of scrutineers. No candidate was going to have 700 or 800 scrutineers all over the country. The presiding officer could be trusted by both sides to open the votes. He could wire that there were eight or ten votes, according to the clause; but he could not say how the votes were given. He ought to keep a record, and send that to the returning officer in a separate envelope, or even by another mail, so that, when the votes got to the returning officer, there would be no mistake as to whom the electors voted for. If something of the kind was not done, the elections would have to be kept open for a month or six weeks, and, in the case of a close contest, there would be uncertainty for the whole of the time as to the result.

The HOME SECRETARY: There will be no more delay than with the postal vote.

HON. R. PHILP: There would be much more delay. Besides, they were abolishing the postal vote, because they could not trust the women of Queensland to give a postal vote correctly.

The HOME SECRETARY: No. The system was rotten the way it was worked.

HON. R. PHILP: It was the system of the Government side of the House.

GOVERNMENT and LABOUR MEMBERS: No.

The HOME SECRETARY: Amended by your side.

The SECRETARY FOR RAILWAYS: Amended in the Upper House by your friends.

HON. R. PHILP: Yes, and amended in a very good way.

The CHAIRMAN: Order!

HON. R. PHILP: The other side did not want it now, because they found it did not suit them.

The CHAIRMAN: I hope the hon. gentleman will not pursue that question. I have already called one of his colleagues to order for discussing the postal vote. I would remind him that that is not the question before the Committee.

HON. R. PHILP had no wish to discuss it except to answer the Home Secretary. In some cases the absent votes would be a month or six weeks in coming in to the returning officer, and in some cases they might never come in; and, if they did not come in at all, there might be a lot of trouble, and a demand made for a fresh election. It was all very well to ask hon. members to accept a thing without full consideration, but the chances were that next year they would be asked to pass another Bill to correct the mistakes they were now making.

Mr. PAYNE (*Mitchell*): There would be no more delay in connection with the absent votes

than there was at present without them. At the last election in Mitchell he asked the returning officer about the result of the election, and that gentleman told him that it would be three weeks before the poll could be declared, as he could not declare the poll until he got every ballot-paper. The results at the different polling-places were communicated to the returning officer by wire, but he had to wait for the actual ballot-papers before he could declare the result of the election.

Mr. PAULL: You are referring to the votes at polling-places in the electorate, but in this case you will have to wait for absent votes from all parts of the State.

Mr. PAYNE understood that the absent vote was simply to give facilities to electors to vote outside the limits of an electorate, but he did not think it would cause any more delay than there was at present without it. It was quite possible that votes might be tampered with or lost in transit, but he understood that every presiding officer checked on the roll every man who had voted.

Mr. DENHAM: He has not got the rolls to check.

Mr. PAYNE: A man had to make a declaration, and he could check that just as well as he could check a roll.

Mr. MANN (*Cairns*) could not understand the attitude of the leader of the Opposition, who appeared to be afraid that a few [4.30 p.m.] absentee's votes might be tampered with or go astray in transit through the post, and yet was prepared to allow any number of electors to vote by post. There would be more chance of thirty or forty postal votes being altered than of two or three absentees' votes being tampered with, and he did not suppose that on an average there would be more than twenty or thirty absentee votes in any electorate. As to the objection that the transmission of absentees' votes unopened would cause delay in the declaration of the result of an election, he would point out that he had to wait nine days until all the postal votes came in for Cairns before the official declaration of the poll was made. Personally, he believed that the ballot was secret enough. At the first election he contested at Cairns, a prominent resident of the place offered to bet a member of his committee a level £40 that he would be 100 votes behind at the Cairns booth; but when the figures were made known it was found that he was seventy-two ahead. This showed that the ballot was secret enough. With regard to the argument that it was possible that if absentees' votes were not opened by the presiding officer who received them, they might be altered in transit, he might mention that at a polling-place called Oaklands, in his electorate, where he had no scrutineer, the ballot-papers remained in the hands of the presiding officer from Saturday till Monday, during which time the presiding officer might, if he had been so disposed, have marked them with contingent votes, or even have spoiled the primary votes. He did not believe the officer would do that, but it was possible. At Tolga also the ballot-papers remained in the hands of the presiding officer from Saturday till Monday, and there was nothing to prevent that officer marking the papers with contingent votes without the scrutineers being able to check them. So that the danger which some hon. members seemed to fear existed under the present system of voting as much as it would under the voting of absentees. They could not devise an absolutely perfect system of polling, but he believed the clause under discussion was an honest attempt to do the right thing, and that it would give satisfaction.

HON. R. PHILP contended that the presiding officer ought to open the ballot-papers received from absent voters and make a record of how they voted, so as to avoid any danger of the votes being tampered with in transit. At the present time every returning officer opened and counted the votes recorded at the polling-booth over which he presided, and why should he not do the same thing with regard to the votes of absent voters? If the presiding officer was permitted to open all the votes of absent voters received by him, and record how those votes were cast, and he then sent those votes under separate cover to the returning officer, that would prevent votes being altered or tampered with in transit.

* Mr. RYLAND (*Gympie*) considered that the safest way to deal with the votes of absent voters was to send them through the post unopened, as in that way they would best preserve the secrecy of the ballot. Ballot-papers were now sent through the post, and they heard nothing about the fear of their being tampered with, altered, lost by flood, or destroyed. There would not be more than two, or possibly one, absent voter's paper in many polling-places, and if that vote were opened by the presiding officer the secrecy of the ballot would be destroyed. Moreover, the presiding officer at a polling-booth would not know if a person was entitled to vote for the particular electorate for which he claimed to exercise the franchise, and the only way to determine that question was to forward the voting-paper with the elector's declaration to the returning officer, who could compare the signature of the voter with the signature on the claim made by him when getting his name on the electoral roll. He did not think there were many claim forms wanting for persons whose names were on the roll at the present time. They were all there to be had, and before the returning officer opened the absent voters' vote he could compare the signature with the signature on the application form, and satisfy himself that it was a genuine application and not an impersonation. When he was certain that Jack Smith was entitled to vote, he opened the envelope, put the ballot-paper into the ballot-box, and when they were all in he opened the ballot-box, and the votes would be counted. The Bill provided that at the end of each day they should be counted until there were no more left. There would not be a great number. He did not suppose more than 5 per cent. would be absent voters' votes, so that he thought if they interfered with the machinery in the Bill it would spoil the scheme altogether. He thought the Home Secretary should accept the amendment making it one of the conditions that the returning officer should compare the signature on the application for the absent vote with the signature on the application for registration. There was no difficulty in the way of doing that at all. His idea would do away with all possibility of wrong doing, and preserve the secrecy of the ballot.

Mr. LESINA thought the clause not half as important as outsiders would be inclined to believe from the rather lengthy discussion which had taken place upon it. It did not affect very much the country districts, but it was important in this way: People in Queensland were more or less nomadic in their habits, and many of them in the course of the year travelled over an extent of country which would astonish the people of Europe. They went to the different mining fields, and travelled from station to station at shearing time, and therefore provision should be made for those persons exercising the franchise. Every member was anxious that they should have that opportunity. The absent man came

to a polling-booth, made a declaration, and voted, and it appeared to him a very simple thing that that vote should be transmitted under separate cover to the district from whence he came.

The HOME SECRETARY: In the other way you practically make them vote openly.

Mr. LESINA: Yes. Most of them knew how their political supporters voted, but he did not suppose any member would like to take a solemn oath that he knew how a particular person voted. It was largely a matter of circumstantial evidence. Some of the assertions which had been made by hon. members were rather sweeping, and might create the idea in the minds of ignorant voters that the way in which they voted could be easily discovered by their employers. That would scare a number of people from voting. He did not suppose the ballot was absolutely secret, although they had surrounded it with as many safeguards as they could very well devise. If there were any further suggestions for making it more secret, it would be the duty of the Home Secretary to accept them. He was sure the hon. gentleman was as anxious as other members to secure the inviolable sacredness and secrecy of the ballot.

The HOME SECRETARY: That is what this Bill is for.

Mr. LESINA: It might not achieve that object entirely, but it went a very long way. They knew that every official appointed by the State in connection with election matters made a solemn declaration to preserve inviolate the secrecy of the ballot, and if he revealed any information which came into his possession, he was liable to a heavy fine and imprisonment. The Australian system of voting was an improvement on that which was in force for many years in England and the United States of America, and it was only in recent years that in some of the States of America what was called the "Australian Ballot" had been adopted. It was advocated for many years in some parts of America before it was adopted, so that it commended itself to a people who were very keen politicians. He thought that was a very good commendation in its favour. Hon. members of all parties knew that at election times, when they took particular notice of the opinions of their constituents, every up-to-date candidate had a good working committee. He had an election committee of forty or fifty people at Clermont—delegates from every centre where there were ten men; the committee marked off certain votes for labour and the doubtful votes. There was no secrecy about the ballot as far as they were concerned. They were generally pretty accurate, and, in fact, he had known them to get within two votes in a poll of 1,100.

Mr. WHITE: The result of organisation.

Mr. LESINA: Yes, the result of organisation and that intimate relationship which existed in Western Queensland, where every man knew his neighbour and heard him express his opinions. They discussed matters over the camp fire, met over the bar of the local hotel, met at the sports, the race meeting, and at every friendly gathering, and talked politics from daylight to dark.

The CHAIRMAN: Order! I do not like to interrupt the hon. member, but I must point out that he is generalising very much. This clause deals with the duties of the presiding officer, and the hon. member must speak to the question.

Mr. LESINA had only referred to the ballot because the hon. member for Bowen had made a statement which was worthy of some reply. He would point out that it was important to know that as far back as 1852 Lord Macaulay, dealing with this very matter, said—

> We now know by the clearest of all proof that universal suffrage, even united with secret voting, is no security against the establishment of arbitrary power.

Perhaps it would not be wise for that expression of opinion to become general; it might do away with parliamentary institutions altogether. But nevertheless, with the best possible system of government we had, there was still no guarantee that we should not have the establishment under wrong administration of arbitrary power at the ballot. However, they wanted to give the people all possible safeguards to enable them to exercise their vote, and it appeared to him that the clause would be a safeguard. In his district he never anticipated getting much support from the stations, where his vote was a small one. Last time he received eleven votes on one station, and fifteen against him. It was quite likely that coercion was sometimes used in those cases, but they were few and far between. The element of fear was not as predominant on stations now as it was at one time; it might exist on mining fields, where large bodies of men worked for individual companies. He had heard of coercion being brought to bear in Charters Towers years ago in a wholesale way against Labour candidates.

Mr. PAULL: No.

Mr. LESINA: The hon. member for Charters Towers denied that fact. When Messrs. Dunsford and Dawson were first returned, hundreds of men were sacked for expressing their political opinions.

The CHAIRMAN: Order! This clause only deals with the absent votes which may be polled in another electorate. I hope the hon. member will confine himself to the principle of this clause.

Mr. LESINA: He would not labour that aspect of the question. (Laughter.) Even if no such pressure was brought to bear, they ought to make all proper safeguards to preserve the secrecy of the ballot. He believed the clause was all right as it stood, and, unless better arguments were given against the clause, he could not see his way to oppose it.

Mr. BOWMAN (*Fortitude Valley*) thought there was a good deal of misapprehension on the part of those opposed to the clause in regard to the unfairness of sending the ballot-papers through the returning officer. For some years the Labour party had fought to get the ballot-boxes sent in from various stations to a head centre to be counted; in fact, the last time an Elections Bill was before the House it contained that provision, but was defeated in the Upper House. The hon. member for Oxley, he believed, was one who supported it; he thought he had seen his name in the division list. It was advisable for the protection of voters on stations and in small polling-places that the votes should be sent in to a head centre—he thought the limit was 100 votes.

An HONOURABLE MEMBER: Fifty now; 100 in the Federal.

Mr. BOWMAN: Fifty now. He thought that overcame the objection of the leader of the Opposition. A good deal had been said about the possibility of something happening, but he did not think they need have any fear in that direction. A ballot-box might be lost in time of flood, but there would be no implication on the man in charge. He thought if a man made a declaration as an absent voter, it was a sufficient guarantee that he was a *bonâ fide* elector, and that could be verified. If they wanted to find out whether a man was on the roll, his applica-

tion form could be turned up and his signature compared. He believed that the majority of hon. members thought it was necessary in small polling-places, and he thought there was a clause which would deal with it later on. It was a question of the votes in small electorates being sent to the returning officer, and not being tampered with at all by the presiding officer. He was satisfied, from information that he had got from men who had been on stations, that there had been a desire on the [5 p.m.] part of presiding officers to be too inquisitive altogether as to how men were voting. He knew a case where a presiding officer put certain marks on the ballot-paper, and he had actually boasted that he had done it to see how a certain man voted. That was done in the Western districts. A man was not going to make a false declaration for the sake of getting a vote, knowing the penalties that were attached to his action if he were found out. So long as a man got an opportunity of voting, that would be sufficient. At the last election the presiding officers did not know how the postal votes were cast, as they were not known until the votes came to be counted. In the election for Fortitude Valley the primary votes were counted first, and the postal votes were counted afterwards. The envelopes were opened, and after they had been set aside the votes were counted one by one by the returning officer. Until those votes were opened up in the polling-booth the returning officer did not know how the votes were recorded.

An OPPOSITION MEMBER: Quite right.

Mr. BOWMAN: He would not be agreeable to allow anyone to have anything to do with the absent votes except the returning officer, so that in the case of commercial travellers, shearers, and others who lived in Brisbane or the Downs, and who went to the Western districts, their votes would only be known to the returning officers of their respective electorates. The presiding officers at the Balonne, Warrego, or Bulloo, or wherever they were, would not know how these men voted. They would take the absent votes, transfer them to the returning officers of their respective electorates, and would just add that the voter had his name on a roll for a certain electorate and had voted accordingly. He was prepared to trust the returning officer, but not the presiding officer.

* Mr. HUNTER (*Maranoa*) thought the Committee ought to retain the secrecy of the ballot. In spite of what had been said, he contended that there was a secrecy of the ballot. (Hear, hear!) It was largely a matter of guess as to how a man voted. In the aggregate, the estimates were generally right, but nobody could say absolutely that So-and-so voted for him, or that So-and-so voted for the other man. Even employers who were disposed to be hard on their employees because they voted in a different way to what they would have wished; so long as they could not say definitely how the employees voted, they would not be likely to interfere. There were a number of people who would not care to have it known how they voted, and, even if they only amounted to 5 per cent. of the total voters, then secrecy should be given to them. This clause was a very good one, and, if the members of the Opposition looked at it from their own point of view, they would see that it would fall in with their desire even as much as in the case of the bush workman. There were a large number of people who visited various towns—North, Centre, and West—and were absent from their electorates at the time of an election. The clause would give these people an opportunity to record their votes wherever they were; and, seeing that the postal vote was taken away, if this clause were not there these people would not be able to exercise that vote at all. The same thing would apply to drovers and railway employees who were compelled sometimes to go out of town when a poll was being taken. From the remarks of the hon. member for Oxley one would think that this vote applied only to the male sex, and that the Government were not taking into consideration anyone outside of the bush worker. The clause would apply equally to servant girls or women on holiday. It was a wise provision and one which in the absence of the postal vote could not be improved. It was suggested by the hon. member for South Brisbane that the returning officer should find out where the voters had gone and have their addresses.

Mr. BOUCHARD: I did not make any such suggestion.

Mr. HUNTER: He understood that the hon. member said, in reply to an interjection, that the returning officer should know where the voter was. He was pleased to hear that the hon. member did not make such a statement, as it would do him little credit if he had. The possibilities of the ballot-papers being destroyed were rather far drawn, and they could reasonably take that risk. There were transmitted through the post, almost every day in the year, documents of greater value than ballot-papers, and they heard very little about their being either lost or destroyed. The absent voter ballot despatched through the post office could be trusted to arrive safely. He believed the best possible solution to the problem of the absentee vote that was desirable had been obtained, and he would support the clause as it stood.

HON. R. PHILP: They would trust the presiding officer to count the ordinary votes, but they would not trust him to count these votes. There must have been about 700 polling-booths all over Queensland at the last election, and was it possible for the presiding officers to take note how everyone voted at each one? There were polling-booths for sixty different electorates in Brisbane. Was the returning officer going to see how everyone voted? He could not do it. It was nonsense to say that a presiding officer or a returning officer was anxious to see how men voted. No man could have scrutineers at every place.

Mr. BOWMAN: But if a vote is to be counted, it is only fair that the scrutineer should be there to see it counted.

HON. R. PHILP: He could count them when the returning officer got them.

Mr. BOWMAN: A scrutineer might be there with the presiding officer, and he should have the right to see that the count is correct.

HON. R. PHILP did not think so. A scrutineer for that electorate would be there, but they could not have a scrutineer for the sixty-one electorates in Queensland at every polling-place. In the interests of the voter himself, he should see that his vote was properly recorded, and he could only do that if the presiding officer first opened his vote. He was satisfied that the bulk of the absent votes would be cast in the big towns, because there were more absent voters in those towns than there were in the remote country districts.

Mr. HAMILTON: It all depends on the time of the year when the election takes place.

HON. R. PHILP: It would be the same at any time of the year. Prior to the last election there had been a polling-place in Brisbane for every electorate in the State, but for some reason or other it was found not convenient to have that at the last election. The returning officers and the presiding officers could be trusted to count the votes properly; and if any votes went astray

there would be a record of them, and a fresh election could not be demanded. He believed the bulk of the absent votes would be given in Brisbane. At the last election numbers of Northern people were in Brisbane, and they could not vote here, and there was not sufficient time to get postal votes.

The SECRETARY FOR RAILWAYS: Under your scheme there would be no secrecy.

HON. R. PHILP: At the last election in Townsville neither the returning officer nor the scrutineers knew how any postal voter recorded his vote. They were all put into one box.

Mr. GRANT: But you had such a number.

HON. R. PHILP: Well, he contended that the bulk of these absent votes would be recorded in Brisbane.

Mr. BOWMAN: Supposing an election took place during the shearing season, there would be a very big percentage of men outside their electorates.

HON. R. PHILP: For every shearer who was absent from his own electorate there would be half a dozen others absent.

The SECRETARY FOR RAILWAYS: There was one shed in my electorate where fifty shearers were absent at the last election.

HON. R. PHILP thought there must have been thousands of voters in Brisbane from other electorates. There were over 200,000 voters in Queensland, and he did not suppose there were 2,000 shearers.

Mr. HAMILTON: Seven hundred have been struck off the roll at Townsville since the election.

HON. R. PHILP: That was quite true, but candidates and members of Parliament had nothing to do with that matter now. That was done by the police, and a very good thing, too. It was all moonshine to say that the outside electorates would be affected, as he believed that three out of four of the absent votes would be polled in the big towns. He did not wish to stop the scrutiny of the votes by the returning officer at all. They could not be too careful in that respect; but it was a reflection on the returning officers—most of whom were Government officers—police magistrates in many cases—to say that they could not be trusted to count the votes.

Mr. WHITE (*Musgrave*) said that he had known of things being lost in transit. He knew where a horse-mailman lost a heavy mailbag in the Kolan River, and it would never have been known where all the mail went to had the bag not been washed up by the tide on the coast. If the suggestion of the leader of the Opposition was not adopted, very likely the very men who were now calling out against it would want the Act amended next year in that direction, for the sake of getting the actual results as soon as possible. It was a very sensible suggestion, as people were anxious to know the results of the elections, and it was a check upon the returns when they arrived at their destination. The leader of the Labour party seemed to think that there should be scrutineers at every polling-place. When the votes reached the returning officer the scrutineers could investigate every vote. Very often—especially in the Musgrave—the returning officer would not be able immediately to compare the signature on the vote with the signature on the original claim. He had not got the claims, and to get them might entail a good deal of delay. A great many of the claims for Musgrave were in Bundaberg, while others were at Gin Gin; there were two divisions in the electorate.

The SECRETARY FOR RAILWAYS: How many hundred absent voters do you expect in the Musgrave electorate?

Mr. WHITE: There were a good many absentees at the last election, because it was not the sugar season. There were a good many absentees, both planters and men, who would have voted if there had been an absent vote, but they were not able to vote by post because they did not make their applications in time.

The PREMIER: Do you object to giving them the right to vote?

Mr. WHITE: No. He wanted to give them every facility for voting. He did not know how the Premier inferred that he did not want them to vote.

The SECRETARY FOR RAILWAYS: That is the impression you are conveying.

Mr. WHITE: He would like to give every man the right to vote, and to get the returns to their final destination as soon as possible, so that every elector would know the result of the poll.

Mr. HAMILTON (*Gregory*) thought that if an election took place during the sugar season or the shearing season, there would be a very large number of absentee votes recorded, and almost at any time a considerable number of commercial travellers would have to vote in an electorate some distance away from their place of residence. Why, then, should not those persons be able to enjoy the secrecy of the ballot as well as other voters? There were any number of polling-places in the State where there were no scrutineers, and it would not be right to allow a presiding officer at such places to open votes recorded by absent electors. For instance, in many shearing districts the manager or storekeeper on the station was the presiding officer, and it would not be right to allow them to open the papers of absent voters and see how they voted. With regard to the delay which it was alleged would occur in ascertaining the result of an election if the papers of absent voters were not opened until they were forwarded to the returning officer of the district for which the votes were recorded, he did not think there would be any more delay than took place at the present time. In outlying portions of the State the return of the writ had been delayed for weeks in order to allow of all the ballot-boxes being sent to the returning officer, and he was sure there would be no more delay through their having to wait for the votes of absent electors. He was in favour of the clause as it stood, as it would preserve the secrecy of the ballot.

Mr. GRANT (*Rockhampton*) intended to support the clause. The leader of the Opposition seemed to think that hon. members who supported the clause were questioning the honour or integrity of the presiding officer. That was not the question at all; the question was that it would be generally known how absent electors had voted if their papers were opened by the presiding officer. For instance, the majority of men at a shearing-shed would probably vote as absent voters, and if the presiding officer opened and counted their votes, and then wired the result to the returning officer, that result would be published, and everyone would know how those men voted. With regard to the statement which had been made that there was really no secrecy in the ballot, and that everyone knew how electors voted, that might be true in the bulk, but it was not true as far as electors individually were concerned. At the last election but one both Mr. Keogh and Mr. Hodge challenged certain votes before the Elections Tribunal, and in several cases they found that the

votes which they had challenged, believing that they were against them, were in their favour. As a matter of fact, Mr. Hodge lost the seat through challenging votes which were in his favour; so that it was clear that there was a great deal of secrecy about the ballot. With reference to the suggestion that ballot-papers might be lost in the transit, he did not think that was probable. Everyone who had had any experience of the post office, and had had to deal with heavy mails, knew that in very few cases did letters go astray.

Mr. DENHAM moved, as an amendment, that on line 52, after the word "shall," there be inserted the words—

count the votes, keep a record of same, replace them in the original envelope, and.

This provision was for absent voters. The person who would call at a polling-booth and claim his vote under this clause would be at most a resident of that district for only a short time. If he were likely to be a resident for a lengthened time, he would have his right transferred to that electorate. The presiding officer would have no interest in the district in respect of which the vote was claimed, so that there could be no question of intimidation through the presiding officer opening the voting-paper, and when such voting-papers were received by the returning officer for the district for which the votes were claimed they would be examined by him in the presence of scrutineers. He did not think the secrecy of the ballot would be violated to any extent by the acceptance of his amendment.

The HOME SECRETARY said he could not accept the amendment. The whole essence of their system of ballot was secrecy, and if they allowed a presiding officer to open the votes of absent voters, they would be enabling him to know exactly how those who came [5.30 p.m.] before him had voted. What was the use of the envelope if it was to be opened by the presiding officer? They might as well do away with the envelope entirely if they allowed that kind of thing, and let a man go to the presiding officer and say, "I want to vote for So-and-so." The amendment would strike at the very foundation of the secrecy of the ballot. He did not propose to accept any amendment of that kind which would lead in any way to a knowledge of how a man voted.

HON. R. PHILP: The hon. gentleman would trust the returning officer, but not the presiding officer.

The HOME SECRETARY: The returning officer does not know how a vote is given.

HON. R. PHILP: The only difference would be that two men would know instead of one. The returning officer opened the ballot-papers.

The PREMIER: They are only opened after they have been put together.

HON. R. PHILP: They were opened day by day; but, of course, the Premier did not understand the Bill. They were counted each day.

The PREMIER: He understands it better than you do.

HON. R. PHILP: For the protection of the man who voted, he would support the amendment. The only two men who could possibly know how a man voted would be the returning officer and the presiding officer. To his mind there would be no violation of the secrecy of the ballot. Besides, the voter would, under the amendment, know that his vote as he gave it was recorded. If a record was kept where the vote was given, they could assure the accuracy of that vote. Otherwise there would be no check.

Question—That the words proposed to be inserted (*Mr. Denham's amendment*) be so inserted—put and negatived; and clause put and passed.

On clause 6—"Duty of returning officer"—

HON. R. PHILP thought the signature should be compared with the claim signature, and if the member for Gympie, Mr. Ryland, moved the amendment which he had suggested, he would support it. They should take every care that the right man only got the vote, and a comparison of the signatures would be a great protection.

Mr. RYLAND had been informed by the Home Secretary that that could be done, but that it was not necessary to put it in the Bill. Personally, he would like to see it put in the Bill so as to make quite certain that there was no impersonation. His suggestion could be given effect to on page 4, line 6, by inserting after the word "election," the words "and compare the voter's signature on the envelope with his signature on the electoral claim application." That would make it imperative for the returning officer to compare the two signatures. In the case of the Gympie electorate not 1 per cent. of the claim forms would be unavailable, and if there was no record of the signatures it would be the duty of the registrar to get a fresh claim put in by the elector. Of course, if the Home Secretary did not think the amendment necessary he would not move it.

Hon. R. PHILP: It will not be done unless it is provided in the Bill.

Mr. RYLAND: He thought it would improve the Bill considerably.

The HOME SECRETARY thought the provision that the returning officer was to be satisfied that the vote was a correct one was quite sufficient. He had all the means of getting that information if he wanted it. If he was satisfied, then they should be able to trust him. It might happen that if they made the comparison of signatures compulsory, it might not be possible to get the actual claim form. They might be a long distance away in the same town, and there must be considerable delay. Moreover, there might be instances in which the claim form had not been kept. If they left it to the returning officer, he would take the proper means of satisfying himself that the right man was exercising the vote. He thought the amendment was unnecessary.

Mr. DENHAM: By the provision in the clause the returning officer could only see that John Jones, who made the application, was on the roll. The comparison of the signatures would be a means of identification, and would act as a deterrent to impersonation.

The SECRETARY FOR RAILWAYS: The hon. member's suggested amendment might act very well in places like Gympie or Oxley, where the returning officer was close to where the claim forms were kept, but it would be different in Western electorates. In the Barcoo there were claim forms kept at Blackall, Tambo, Isisford, Alpha, Barcaldine, and down at Jundah on the Thompson. It would not be possible to compare the signatures. In all the Western districts there were different polling divisions; therefore the claims did not all go into the returning officer, and he could not compare them. If the amendment were moved and carried, it would not facilitate matters, and it would delay the arrival at a conclusion about the votes. The hon. member would be well advised if he did not move his amendment.

HON. R. PHILP said it appeared that the hon. member for Gympie did not want any

safgueards, but would simply leave it to the Home Secretary. There was no trouble in getting these claim forms sent to the returning officer of the district; it could be easily done.

An HONOURABLE MEMBER: They might get lost.

HON. R. PHILP: They could send them in charge of a policeman.

The SECRETARY FOR RAILWAYS: The policemen have something else to do.

HON. R. PHILP: He did not believe the hon. member for Gympie cared at all; he was only talking to the "gallery." The Opposition provided a quorum for him—(laughter)—and he was quite satisfied to take the Minister's assurance that it would be all right. There was a much more careful scrutiny by the returning officer before than there was now.

Mr. DENHAM did not know whether it would be incumbent on the returning officer to give notice to the scrutineer that he proposed to keep the ballot open for various absent voters.

The SECRETARY FOR RAILWAYS: They do that.

Mr. DENHAM: The scrutiny of the votes was usually conducted during the first two or three days after the election. There might be ballot-papers dropping in for two or three weeks, and coming from 700 or 800 different places. It ought to be the duty of the returning officer to give notice to the scrutineer that he proposed at a given hour to open the ballot-papers. If the Home Secretary said that that was the regulation there would be no doubt about it.

The SECRETARY FOR RAILWAYS: If the hon. member for Oxley knew anything about Western electorates, he would know that it was the rule for the returning officer to notify the scrutineers of the various candidates, and the candidates also, that certain ballot-boxes had arrived from the outside districts.

Hon. R. PHILP: Those are not boxes.

The SECRETARY FOR RAILWAYS: No; but they were coming in, as the hon. member for Oxley pointed out, at different periods. What took place when the mails were arriving with the postal vote was simply this: that when a certain number arrived the returning officer notified the scrutineers of the various candidates that he was going to count the postal votes.

Mr. DENHAM: In the case of the postal ballot the returning officer knew exactly how many certificates were issued—he had the roll marked showing so many certificates issued—whereas in this he had not the faintest conception.

The SECRETARY FOR RAILWAYS: Has he not a wire of the number that are coming in?

The PREMIER: He knows exactly the number coming in, and where they are coming from.

Mr. BOUCHARD: With regard to the inquiry of the hon. member for Gympie as to obtaining absolute verification of the votes, the Home Secretary had replied that the returning officer could do that without specially providing for it. If the Home Secretary referred to clause 7 of the Bill he would see that the signature of the voter was *primâ facie* evidence of his right to vote. That being so, the returning officer would say that he was precluded from going beyond the signature by that clause. Was the hon. member for Gympie satisfied?

The HOME SECRETARY: It is only *primâ facie* evidence that such voter voted at the election.

The PREMIER: Are you satisfied yourself?

Mr. BOUCHARD: He was satisfied that it did not take much to satisfy the hon. member for Gympie where the Government was concerned. (Laughter).

Mr. WHITE did not see anything about notifying either the scrutineers or the candidates of the arrival of these packets of postal papers. He would like to move the addition, on line 3, after "ballot-papers," of the words "in the presence of the scrutineers or candidates." The whole of the votes had to go to the returning officer, and there was no difficulty about notifying both the candidates and the scrutineers that the votes had arrived, and that they should be present. He thought it was a reasonable amendment, and would be glad if the Minister would accept it without delay.

The HOME SECRETARY: Before the hon. member actually moved the amendment, he was satisfied he would find it was covered by the principal Act, section 81, which read as follows:—

> No returning officer shall open or examine any sealed packet in the joint absence of any candidate and his scrutineer unless he has given twenty-four hours' previous notice in writing to such candidate, or to his scrutineer, of his intention to open and examine the same.

Mr. WHITE: That is all right, then.

Mr. BOUCHARD said that the Government, when passing the provision relating to postal votes, deemed it necessary to insert some such provision as that suggested by the hon. member for Musgrave. If it was right then it would be right now.

The HOME SECRETARY: It is covered by section 81.

Mr. BOUCHARD: This Bill repealed the provisions with regard to postal votes.

The HOME SECRETARY: But section 81 is not repealed.

Mr. BOUCHARD was referring to the provision which was made to absolutely verify the postal votes made in favour of candidates or their scrutineers.

Clause 6 put and passed.

On clause 7—"Evidence of voter's signature"—

HON. R. PHILP agreed with the clause, as under it if the returning officer was satisfied that the signature upon the envelope was the signature of a voter it showed that he had voted. The clause gave the returning officer authority to accept the signature.

Clause put and passed.

Clauses 8, 9, and 10 put and passed.

The HOME SECRETARY: Before they got away from the provisions of what was substituted for the postal vote he would like, with the consent of the Committee, to read the reply he received from the returning officer at Warwick with reference to the sworn declaration read the other night by the hon. member for Bulimba.

The CHAIRMAN: I would remind hon. gentlemen that there is no question before the Committee.

HONOURABLE MEMBERS: Hear, hear!

Hon. R. PHILP: There is no objection at all.

HONOURABLE MEMBERS: Hear, hear!

The HOME SECRETARY: The Committee would remember that a sworn statement was read several times by the hon. member for Bulimba, and a certain Jane Thompson was referred to. She made a declaration, and the inference to be gathered by most people who read that declaration was that Mr. A. C. Morgan and Mr. P. Hagenbach had been guilty of something wrong

in connection with the Warwick election. He asked the returning officer for an explanation, and this was the reply he had received—

Clifton, 3rd September, 1907.

Sir,—Your wire of yesterday was repeated to me here too late for yesterday's mail. *In re* declaration by Jane Thompson referred to in *Hansard*, I have the honour to report that I have no documents to refer to, as all papers have been forwarded to the Clerk of the Legislative Assembly.

As far as my memory serves me, during the time between nomination and polling-day at Warwick some one or more persons, I think Messrs. A. C. Morgan and P. Hagenbach——

These were the two men who were accused of doing something wrong. It appeared that they went to the returning officer of their own accord. It went on—

Messrs. A. C. Morgan and P. Hagenbach told me that a mistake had been made, and that some woman named Jane Thompson, who was not entitled to vote, had applied for a postal ballot certificate——

(Opposition laughter.)

and had returned the ballot-paper to me. The right Mrs. Jane Thompson and her husband also saw me. I suggested——

Hon. members would see that this was the suggestion of the returning officer on being told that a mistake had been made—

I suggested that the wrong Jane Thompson should make an affidavit of the facts.

He would remind hon. members that there were two other Jane Thompsons on the roll, showing that there were three Jane Thompsons in Warwick, and the returning officer suggested that the wrong Jane Thompson should make an affidavit of the facts.

Mr. BARNES: They were bowled out.

The PREMIER: They prevented the wrong thing from being done.

Mr. BARNES: They were bowled out.

Mr. DENHAM: That is very apparent.

The HOME SECRETARY: The returning officer went on—

She did so, and I attached it to her postal vote and filed the papers with other irregular applications, thus allowing the right Jane Thompson to vote. The Jane Thompson who made the affidavit did not vote at all. As I had nearly 900 applications to attend to I had not time to pay much attention to any particular mistake made beyond the necessary action to set it right. My impression of the matter at the time was that it was simply a mistake caused by some lady canvasser whose zeal was greater than her knowledge of the Electoral Acts.

I have, etc.,
P. W. PEARS,
Returning Officer, Warwick.

That was the explanation which he had got from the returning officer.

The PREMIER (to Mr. Barnes): That was your mare's nest.

On clause 11—"Assistant returning officers"—

Mr. BARNES asked for the privilege of being allowed to speak in reply to the Home Secretary.

HONOURABLE MEMBERS: Hear, hear!

The CHAIRMAN: Order! The Home Secretary asked leave to make a statement. I drew attention to the fact that there was no question before the Committee, but no objection was taken to the Home Secretary making that statement. The statement was then made, although there was no question before the Committee. If the hon. member for Bulimba wishes to make a personal explanation he may ask leave to do so.

The PREMIER: There is no personal explanation.

Mr. BARNES asked if he had not the right to say a word or two.

HONOURABLE MEMBERS: Hear, hear!

The PREMIER: No.

The CHAIRMAN: The question is that clause 11 stand part of the Bill.

HON. R. PHILP: An hon. member has asked leave of this Committee to make a statement.

The PREMIER: Is this in order? What is the question?

HON. R. PHILP: When the hon. member for Bulimba asked for leave to address the Committee, the Premier was the only man in the Committee who objected.

The CHAIRMAN: Order! I ask the hon. gentleman to speak to the question before the Committee.

Mr. BARNES: It carries its own significance.

HON. R. PHILP: Before they passed the clause the Home Secretary might tell the Committee what he meant by assistant returning officers, and the reasons for appointing them.

* The HOME SECRETARY: This clause was to alter words in the definition to meet the appointment of assistant returning officers. Under the next clause they proposed to group certain outside polling-places where there were less than fifty votes recorded. They would all be grouped, and one man would be appointed to look after a certain number of them. He would be called "the assistant returning officer," and he would mix his own ballot-papers with those brought in from small places, and count them all together. There was a certain disinclination to vote, owing to the knowledge of the way that persons voted in small polling-places when their votes were counted there, and that was why the alteration in clause 11 was proposed.

Clause put and passed.

On clause 12—"Duties of assistant returning officer and presiding officer of group"—

HON. R. PHILP: This was a very important clause. It provided that when not more than fifty votes would be polled at one or more of the polling-places for a district, the results would be more conveniently ascertained at one central polling-place, and an assistant returning officer would be appointed to act there. That might do in cases where there were only a few votes, but not where there were fifty votes. If fifty men went to a polling-booth, or fifty women either, and twenty-five voted for one candidate and twenty-five voted for another candidate, who was to know, unless these voters told them themselves, how these fifty people voted? The chances were that they would make a boast about it. People did not care where they were employed. They say, "We have a vote," and probably there was no harm done. This was going to mean a good deal of extra cost to the State.

A GOVERNMENT MEMBER: Not at all.

The PREMIER: Like the advertising.

HON. R. PHILP: Like the courtesy of the Premier in refusing to allow an hon. member to make a statement. At some time he would tell the House how he allowed the Premier on one occasion the privilege of addressing the House when he was attacked by another hon. member of the House. He gave the hon. gentleman that permission on that occasion.

The CHAIRMAN: Order, order!

HON. R. PHILP: This was a very important clause. Did it mean that, if at any polling-place not more than fifty votes [7 p.m.] were recorded, the ballot-box must go to some central place?

The HOME SECRETARY: Yes.

HON. R. PHILP: That would complicate matters.

The HOME SECRETARY: It is in the Federal Act.

HON. R. PHILP: He found that in Carpentaria there were only four polling-places out of twenty-six where more that fifty votes were polled at the last election, so that in that case the ballot-boxes from the remaining twenty-two polling-places would have to be taken to Normanton or to some other central place.

The HOME SECRETARY: There might be two or three assistant returning officers.

HON. R. PHILP: It would involve a good deal of extra trouble and expense.

The HOME SECRETARY: I do not think so.

HON. R. PHILP: At the same time it would not make any alteration in the amount of knowledge they would have as to the way electors voted. The presiding officer had to initial every ballot-paper, and it would be quite possible for a scrutineer to keep a record of all the ballot-papers initialled by any presiding officer. People voting at outside polling-places did not mind anybody knowing how they voted. It was only pandering to the request of a few members who thought that they might get more votes if all the ballot-papers were mixed together before being counted. There was just as much terrorism on the one side as on the other. In fact, the worker was much harder on the worker than the employer was. They had never had this system in force in Queensland before. In connection with the Federal elections the minimum was 100 votes, but the Federal Government had postal voting, and the Committee would not have postal voting.

Mr. BOWMAN: We passed this in the Assembly, but it was knocked out in the Upper House.

Mr. JENKINSON: I hope it will be knocked out again.

HON. R. PHILP: He had no intention of dividing the Committee on the matter, but he thought it was only a waste of time. He believed that the men who voted at the small polling-places would be more angry about the business than the candidates, because they would not know until, perhaps, months after the election how many votes were polled for the different candidates at the polling-places. The electors who voted at those places were just as much interested in knowing how the poll went there as the people in large centres of population. In the first election he contested, at a little place called Silver Valley, near Herberton, there were ten votes recorded—four for him and six for his opponent—and a man came rushing into Herberton and said, "We've won the election—six votes to four." He was just as pleased over the results at his own polling-place as if he had won the election. There was keen excitement over the voting at every little polling-place; and, if electors were not going to know the result, they would not even get drunk on it, as men often bet drinks on the result. It was only a bit of bunkum, and it would lead to fewer people voting through lack of interest. At present the votes were counted at the close of the poll, and, so long as their man headed the poll there, they were satisfied.

Mr. HAMILTON hoped the clause would be retained as it was. He did not think there were three places in the Gregory where there would be more than fifty votes polled, although there was a large number of polling-places. On a station where there were eight or ten employees it would be known how the manager, the jackaroo, and the storekeeper voted, and it was an easy matter to tell how the others voted. He did not think it would entail any delay in getting the results of the election, and it would enable many men to vote who would not vote otherwise for fear of being victimised. There were numbers of men on stations who were afraid that, if they voted, the boss would know how they voted on account of the small number of votes recorded. They did not desire the boss to know, as they might not be in a position to let him know their political opinions. The clause would permit them to vote so that nobody could ascertain how they voted. As to the remark of the leader of the Opposition that there would be no fun for electors if this clause were passed, that "they would not even get drunk on it," he thought that was a very strong recommendation of the clause, which should ensure for it the support of the hon. member for Bulimba. The system here proposed was adopted in the Federal elections, and no dissatisfaction had been expressed with regard to it, so that he thought they might safely copy the Federal law in that respect.

The SECRETARY FOR RAILWAYS: The leader of the Opposition had given no reason why this provision should not be included. Anyone who knew anything about Western electorates knew very well that there were some stations on which there were only eight, twelve, or fifteen votes. At others there were twenty, and on some large stations during shearing time there might be 100. Where there were only a small number of votes it became known how men had voted, and some electors had been victimised in consequence of their political opinions as expressed at the ballot-box. The very day they had voted they had been called up by the storekeeper, and were given their cheques, and had to leave the station. During the last election some twenty votes were cast at Northampton Downs, and when the returns came into Blackall by telephone the owner of that station, who happened to be in Blackall at the time, said, "There will be three men go when I go out." One station in the Barcoo electorate at the last general election sent the ballot-box to Barcaldine to be forwarded to Blackall without counting the votes at the station, and that was the course which ought to be pursued at all polling-places where a small number of votes were recorded. The members of the other Chamber and the members of the Opposition knew very well the reason why a similar provision was inserted in the last Elections Bill, and they all knew why it was knocked out in the other Chamber. Such a provision was necessary to preserve the secrecy of the ballot, and he hoped it would be retained in the Bill.

Mr. BARNES said one could hardly credit that such a speech as that which had just been delivered would come from a member sitting on the front Treasury bench. The hon. member inferred a reflection on another place.

The SECRETARY FOR RAILWAYS: I did not infer anything. I told you straight what I had to say.

Mr. BARNES: Was it in keeping with the dignity of that House for a Minister to make such a statement as that which the hon. member had made with regard to the other Chamber? From all they had heard during that discussion, one would think that members opposite had had a pretty good hand in the abuses of which they spoke so freely. Some hon. members had said a great deal about employers interfering with their men at election times, but the hon. member

for Nundah emphatically stated the previous evening that an employer in his electorate, who was politically opposed to him, did not in any way attempt to influence his employees. He (Mr. Barnes) believed that very few employers would exercise undue influence on their employees at election times, and held that anyone who did so was unworthy of his position. With regard to the grouping of small polling-places, if they looked through the returns members would find that in the majority of places the votes cast would be under fifty. He found, especially in growing districts, that people were anxious to know how many votes were cast in their district and for whom they were recorded, and he did not see any reason for incurring the expense and delay which would be caused by the adoption of the clause under consideration. They were told the previous evening about the uncrowned king. Here again was to be seen the work of the uncrowned king. Apparently there were influences at work which caused the Government to lose control of legislation.

The CHAIRMAN: Order, order!

Mr. BARNES: Whatever he had to do or say in connection with any matter in that House, he would never adopt a subterfuge by which any hon. member was denied the opportunity of explaining himself.

Mr. MITCHELL (*Maryborough*): It would be a very good thing if hon. members, when they rose, always understood what they were talking about. The hon. member for Bulimba tried to make the Committee believe that there was no means of knowing how many votes were recorded in any particular place.

Mr. BARNES: For individuals.

Mr. MITCHELL: He said nothing about individuals. That just showed that the hon. member did not know what he was talking about, for it was only by an interjection that he was shown that both the presiding officer and scrutineer would know exactly the number of votes recorded, and he then shifted on to the question of the individual vote. That was the point they wanted to get away from, and not one who had spoken in favour of deleting that portion of the clause had shown any ground for taking that stand. It was evident to him that in the large majority of cases in the country districts the majority of votes recorded did not reach fifty. He therefore thought it would be a very wise thing to leave the clause as it stood, and all votes under fifty in number should be sent to the central polling-place.

Mr. LENNON (*Herbert*) would like to say that he regarded the clause as the most reasonable and necessary clause in the whole Bill. In the olden days, many years ago, particularly in North Queensland, when polling-places were established on lightships and far distant telegraph stations where there were perhaps only three votes recorded, under the beneficent sway of the then continuous Government the guessing competition that they had had that day would have been a moral certainty.

Mr. BARNES: That is very unfair.

Mr. LENNON: He did not think it was unfair, more particularly as it was true. Speaking of his own electorate, he might say that, as he secured a handsome majority, the matter did not concern him very much. There was one place where twenty votes were cast for him and one for his opponent. In such a case it would be very much better to conceal the identity of the votes, and he spoke feelingly for his opponent, who no doubt would not like to have the numbers disclosed. He thought that fifty was a very reasonable number. At first he thought of suggesting some smaller number, but on the whole he was of opinion that that was a reasonable number. He had very great pleasure in supporting the clause.

Mr. JENKINSON (*Fassifern*) had listened to the arguments in favour of the clause, and must admit that though he had an open mind on the question, nothing had been said that would convince him that it would be profitable to accept the provision. He thought the onus of proof should be on the other side, and the only argument which had been used which might be considered to have any weight was that used by the hon. member for Barcoo, who said that at some distant period certain men had been penalised because it was suspected that they voted in a certain way. He said the manager of Northampton Downs had stated that he intended to discharge three men because they had voted apparently against the Secretary for Railways. If they looked at the matter from a commonsense point of view, why should the manager not discharge them? He was paying them their wages, and if he was not satisfied with them——

Mr. KENNA: Do you advocate that?

Mr. JENKINSON: If the hon. member for Bowen would allow him to finish, he would see the trend of his remarks. As a matter of fact, although it was said that the manager exercised his discretion, they did not know whether those men were discharged or not. He would not accept the mere statement of the gentleman occupying the position of Secretary for Railways. It would be just as well to have a statement of that kind backed up by facts.

THE SECRETARY FOR RAILWAYS: I reciprocate the feeling.

Mr. JENKINSON: It was quite a matter of indifference to him what the hon. gentleman thought. It was not even proved that the men were discharged.

Mr. GRANT: You advocate that an employer should sack his men if they do not vote as he wishes?

Mr. JENKINSON: He had never adopted that attitude. He had never spoken politics to a single man in his employ, and they were at liberty to vote as they liked. He was not an exception to the rule. He believed that the majority of employers of labour took that view. What happened in the Western districts with men who were dealing with storekeepers? Those men were practically told that because the storekeepers were on a different side in politics they were not to buy anything from them. Why, even the Government organ, the *Worker*—the Bible of the Labour party—published a notice to its supporters not to deal with men who did not advertise in that paper, while the men who were advertising with that paper were chiefly men who held the same political opinions. The very thing that was carried on by the Labour party was what the Secretary for Railways thought it wise to condemn, because it was carried on by men who had different political convictions to his own. There was absolutely no warrant for taking that as an argument why this clause should be accepted.

[7.30 p.m.] He had an open mind, and it would not affect him. Last election he had an absolute majority at every polling-place. He had also had the experience mentioned by the hon. member for Herbert, as in two elections there were three instances in which he secured every vote recorded and his opponent none at all. That, of course, did away with the secrecy of the ballot. His experience was, particularly in

country electorates, that electors were not afraid of expressing their opinions both before and after the election, and he did not see why there should be any secrecy in the matter. This clause meant expense and delay. As the leader of the Opposition said, there was great interest taken in the candidates, and the people liked to see how the returns compared from various parts. No one up to the present had indicated what would be gained by adopting the clause, and there had been considerable argument against it. He presumed that it was thought it would mean an increase of members in the Labour party, but how could the leader of the Labour party occupy a stronger position than he did at the present time, when he actually dictated the policy of the Government, and had absolutely no responsibility?

Mr. LESINA: The hon. member who had just resumed his seat was probably not opposing this clause because they believed it would mean an addition to the number of members of the Labour party, but that was merely a statement and not a fact. The Labour party were perfectly justified as any other party in promoting the passage of legislation to get an advantage; there was nothing immoral about it. Lord Beaconsfield said in one of his novels that there was no honour in politics.

The SECRETARY FOR PUBLIC LANDS: Where did Lord Beaconsfield say that?

Mr. LESINA: In "Vivian Grey."

The SECRETARY FOR PUBLIC LANDS: That is not the dictum of Lord Beaconsfield.

Mr. LESINA: He did not think that the clause would make any difference in a single electorate in Western Queensland. They had got representatives, because the majority of the electors wanted Labour members. There might be an exception in the case of the Minister for Railways, who represented a minority of the electors of the Barcoo.

Mr. JENKINSON: Treason.

Mr. LESINA: No, it was not treason. The figures at the last election showed that the hon. gentleman represented a little more than one-third of the votes polled. That was about the only Western constituency which was in that position, and it only happened last time when the hon. gentleman left the wing of the Labour party, and became an independent with Kidston.

The CHAIRMAN: Order, order!

Mr. LESINA: He wanted to show, as far as his constituency was concerned, how little it mattered to him whether the clause went through or not, but he was inclined to support it. At the last elections there was a polling-booth at five different stations in his electorate. At Logan Downs he got 1 vote and his opponent, Mr. Risien, 5; at Wolfang he got 5 and Mr. Risien 4; at Peak Downs he got 6 and Mr. Risien 8; at Twin Hills he got 0 and Mr. Risien 5; and at Kilcummin he got 4 and Mr. Risien 7. His opponent got 29 votes altogether, while he (Mr. Lesina) got 16, making a total of 45 votes.

The SECRETARY FOR PUBLIC LANDS: You got the squatting vote. (Laughter.)

Mr. LESINA: It had never been given for him. On every occasion since 1899, except one when he was returned unopposed, the same results had occurred, and there was nearly a 2 to 1 majority at the stations against him last time. He hoped the one man at Logan Downs who had voted for him had not been sacked; he had not heard of any at the other places. (Laughter.) What would it matter whether the votes were brought in from those places or not? So far as the Western constituencies were concerned, they were all in the same category except in the Mitchell and Barcoo. In Barcoo, the biggest place was Northampton Downs. The Minister for Railways had said that a number of men were sacked for voting for him, and he would not be surprised if that was true, knowing what he did of the narrow-mindedness of some of the station bosses. When they victimised one or two men for their political principles it made 100 converts to the Labour party. If what the Minister for Railways had stated was true, probably when the Bill reached another place vital changes would be made in it. It would not be a bad thing to have these men who were reported to have been sacked from Northampton brought before the bar of the House. (Hear, hear! and laughter.) There were two bars. If it proved conclusively that there was one case of the kind in Queensland, it would justify the traditional policy of the Labour party, which had been to insist on the votes being brought in from the outside polling-places, when there were not less than fifty, to a head centre. That was a plain, practical principle which he had believed in ever since he had been in the House. In the first speech he delivered, he expressed himself of that opinion, and he still believed in it. So far as his electorate was concerned, it had not suffered from men being sacked. He did not think men had been sacked; at least, he hoped not. It did not affect him at all, because, apart from the station votes, there were sufficient miners and townspeople in Clermont who believed in his political principles to return him. It was a good idea to bring all the votes from the small polling-places, and count them at a central booth, in order to convince the men that there was no danger. Whether rightly or wrongly, a number of these men did think there was a danger that, if they voted for a certain political party, they would lose their jobs. It did not trouble the single men so much, but men with wives and families had to think of these things. There were some narrow-minded employers in the State who victimised their employees for expressing their political principles in their own way. The fair-minded employers and fair-minded station managers did not need legislation of this kind, but it was the cowardly employer—the narrow-minded man—they must protect the electors against. Although the leader of the Opposition took a strong stand on this matter, he would be the last member of the Chamber to get up to defend any employer who victimised his employees. Those who knew the leader of the Opposition knew him to be a fair-minded man, and one who would not defend anything of that kind.

Mr. MULCAHY: He reduced wages in Gympie.

Hon. R. PHILP: I never reduced wages on Gympie or anywhere else.

Mr. MULCAHY: You did it by proxy. I saw your handwriting.

Mr. RYLAND: That is quite correct.

The CHAIRMAN: Order, order!

Mr. LESINA: They had to guard against the possibilities of abuse, hence the necessity for legislation of that kind. If all employers were fair-minded, there would not be any necessity for legislation of that kind at all; indeed, there would not be any necessity for Parliament, as they would then have reached the ideal characteristic of the millennium. But there were narrow-minded men who exercised that power over their employees.

Mr. JENKINSON: What about the men who victimise a storekeeper?

Mr. LESINA: There were faults on both sides. He was strongly in favour of the clause, and there would be no harm to include it in the Act. What harm could be done to anyone if the votes at Twin Hills or Wolfang were brought in and counted in Clermont? The country would not go bung, stocks would not fall, and capital would not leave the country because of that. What was true of Clermont was true of other places, and he only regretted the necessity for such legislation.

Mr. DENHAM: When the Elections Act of 1905 was introduced a similar provision was found in the Act as now appeared before them. On that occasion, however, it provided for votes less than twenty-five, but it had been increased to fifty. The amendment and clause were carried on the voices; no division was taken. The arguments that were used were the same as those used that night—that the grouping would be a protection to the respective voters. As had been pointed out by the leader of the Opposition, the scrutineers could discover by a scrutiny of the voting-papers who initialled the voting-papers, and in that way they could get at the votes placed at each polling-place. For instance, say that there were a group of five polling-booths. At Duck Creek, John Brown would be the presiding officer, and he would have to initial the voting-papers "J.B." At Kangaroo Hills the presiding officer would be William Smith, and he would initial the votes "W.S." Then at Deep Gully, Samuel Jones would be the presiding officer, and he would initial the votes "S.J." At Mount Sylvia, the presiding officer would be Richard Dove, and he would initial them "R.D.." and at another place the presiding officer would be George Williams, and he would initial them "G.W." In spite of the votes being mixed, the scrutineer, if he wished, could unravel them, and discover how the votes were recorded at the different places.

Mr. GRANT: How long would it take to count the votes?

Mr. DENHAM: In the case of a close scrutiny the scrutineer would not care whether it took an hour or a day to count them. To his mind the clause was one that would not work any particular evil, and in that case he did not propose to oppose it.

Mr. WHITE: A great deal had been said about the tyranny of the employers in the West, but it was strange that the representatives of the Western constituencies were all Labour men. In his district if there was any tyranny at all it was on the part of the Labour party.

Mr. BARBER and LABOUR MEMBERS: No, no!

Mr. WHITE: If a Labour man did not vote straight there he got a very bad time. The Labour party were more tyrannous than the bosses. Ninety-nine per cent. of the employers would not think of saying one word about their employees, and if they were good workmen they would be kept on no matter how they voted. He was a fairly large employer of labour, and he was not opposed to the clause. If it was going to do them any good, let them have it, because it would not make one iota of difference as to how people would vote. Legislation of that kind was foolish, but they could not fool the people all the time, and they would soon see who were their friends and who were their enemies.

The HOME SECRETARY did not think there would be any considerable expense involved, as was feared by the leader of the Opposition. Instead of calling a man a presiding officer, he would be called an assistant returning officer, and the cost of taking the ballot-boxes to the central polling-places would not be heavy. But, even if it did entail expense, it was the duty of the Government to make the change if they felt that it would secure to voters the sanctity of the ballot. They wanted to prevent the identification of votes. Rightly or wrongly, the men in the West had the idea that the presiding officers at small polling-places—who were often the station managers—knew how they voted, and that prevented them to a certain extent from enjoying the free exercise of the franchise. It was far more difficult to identify votes if the ballot-papers from five or six polling-places were mixed together.

Mr. ADAMSON (*Maryborough*): There had been a cry for this reform for a very long time, and he had always felt that there was some reason for it. The hon. member for Musgrave said that the workers exercised coercion, and Labour members said that there was intimidation on the part of employers. There was intimidation, perhaps, on both sides, and this was a means of preventing it. The ballot was introduced, in the first instance, to protect those in low social positions from the power of those in high social positions, and the history of political life showed that there had always been intimidation of the weak by the strong. If there was intimidation, whether on the part of Labour or whether on the part of the employers, it was a good thing to prevent it; and it was because he believed in that, and because he believed in maintaining the secrecy of the ballot, that he intended to vote for the clause.

HON. R. PHILP: It was said that men were afraid of being penalised by their employers, but he found that in Carpentaria, in the towns of Burketown and Normanton, the defeated candidate got a majority, whilst in the outside polling-places the Labour candidate got a majority. In Warrego, Charleville was the only town worth speaking of. There the defeated candidate got 336 votes and Mr. Barber got 320, proving that the outside polling-places practically won the seat for the Labour candidate, and that men were not afraid to vote.

Mr. BOWMAN: This is the first time the Labour candidate ever got the majority in the outside polling-places in the Warrego.

HON. R. PHILP: There was only one polling-place at Townsville, so that is was not possible to find out how people voted. The clause would not do any harm to his side. It was only pandering to a certain section, and after they got it he thought they would be sick of it. They were told that they should economise. They were going to save £4,000 to prevent people getting on the rolls, and now they were going to further expense to destroy the interest taken in the elections in the country.

Mr. BARNES moved the omission of the word "fifty" in line 16, with the view of inserting the word "twenty-five."

The HOME SECRETARY: The number was fixed at fifty after full consideration, and he could not see that any good object would be served by reducing it.

Mr. BARNES: When the Bill was introduced in 1905 the number was fixed at twenty-five, and it was increased to fifty at the suggestion of the present Secretary for Railways.

There were quite a number of people who were anxious to know how many votes had been recorded for the different candidates at any particular polling-place. In his electorate there were not many places where less than fifty votes were polled, but he had yet to learn that there had ever been any intimidation where the number of votes had been small.

The HOME SECRETARY: Probably it would not be put in force in your electorate. It says "may," not "shall."

Mr. BARNES: He was quite aware of that. At a new polling-place in his electorate there were only three votes polled. He did not suppose that there had been any [8 p.m.] intimidation there, because two of the votes were for him and one for his opponent. It was supposed to be a Government settlement. They seemed to be largely fighting something which did not exist. At the same time they were depriving people of the opportunity of knowing what had happened in their own particular district. His experience was that people in small places took a keen interest in elections and liked to know exactly what had transpired. He hoped the amendment would be carried.

Amendment (*Mr. Barnes's*) put and negatived.

Clause 12 put and passed.

On clause 13—"Amendment of section 81"—

HON. R. PHILP pointed out that it would be possible for scrutineers to ascertain from the initials on the ballot-papers what votes were recorded at small polling-places, and so identify those given for particular candidates. A presiding officer, say Thomas Brown, would mark the ballot-papers issued at his polling-booth "T.B.," and if his initials were known it would be very easy for the scrutineers to recognise the ballot-papers coming from his district, and in this way finding out how electors had voted. If the Minister really wanted to preserve the secrecy of the ballot, could he not devise some provision which would destroy any chance of scrutineers ascertaining in that way how certain electors had voted?

Mr. WHITE asked what was the meaning of the word "gross" in line 28? He thought it was unnecessary, and should be omitted, as it would be sufficient to say that the returning officer should "ascertain the number of votes for each candidate."

The HOME SECRETARY said this clause, with a slight alteration to meet the absent voters' clause and the assistant returning officers' clause, was a copy of section 81 of the present Electoral Act.

Mr. WHITE: What about the word "gross"?

The HOME SECRETARY: "Gross" there meant total.

Mr. WHITE thought the phrase "gross number" was nonsensical, and that the word "gross" should be omitted.

The HOME SECRETARY did not think the word "gross" was out of place. There would be a certain number of votes from different places, and the correct phrase to describe the total number for each candidate was "gross number."

HON. R. PHILP: How were they going to prevent scrutineers from finding out from the initials of the returning officer how electors at these small polling-places had voted? As the clause stood there was nothing in it to prevent that kind of thing.

Mr. RYLAND: They are sworn to secrecy.

HON. R. PHILP: The scrutineer was there in behalf of the candidate, and had a perfect right to examine the votes. He thought something should be done to prevent them identifying any votes, otherwise the secrecy of the ballot would be gone.

Mr. PAGET (*Mackay*): It was part of the duty of scrutineers to examine the back of a vote to see that it was in order and was properly initialled, and they were not sworn to secrecy as to the number of votes cast for each candidate. What was easier than for the scrutineers of various candidates at the smaller centres, when they had marked their rolls, as they did by putting a tick opposite the names of each person who voted, to send those rolls to the head scrutineers at the central office, and for those head scrutineers to examine each of those voting-papers? In the case of small polling-booths where there were four or five or eight or ten voters, the system would not be conducive to any more secrecy than existed at present.

Mr. COWAP said he was present for a few moments in his electorate when the postal votes were opened, and the returning officer opened them initials up and laid them on the table. Then he mixed those votes up again, and he (Mr. Cowap) defied any scrutineer to know how a voter voted. He did not think any returning officer when counting would delay long enough to identify the votes.

Mr. WHITE had a strong objection to the word "gross." He believed one of the strongest reasons why it was adhered to was that it was objected to by a member of the Opposition. That had been the tendency all through the Bill. In Collins's Graphic English Dictionary the following were the definitions of "gross":—

> Thick; coarse; rude; rough, as work; vulgar, indelicate; low; impure, as in language; large grained, as wood or fabric; plain; palpable, as an act of injustice; dense, close, as air, etc.; enormous; shameful, as wicked deeds; bulky; fat; corpulent; stupid; dull, as perception or sense; whole; entire; total; the main body; the bulk; the mass; the number of twelve dozen; gross-headed, having a thick skull; stupid.

(Laughter.) In the name of goodness, what business had the word in the clause! It was absolute surplusage, and it had no meaning.

Mr. SUMNER took it the point raised by the leader of the Opposition was that, notwithstanding the passing of the last clause, it was quite possible for the scrutineers to still detect for whom a man voted.

Hon. R. PHILP: The number of votes for each candidate.

Mr. SUMNER: No doubt that was still possible, but it was improbable. He thought they were not paying a very high tribute to the character of returning officers and presiding officers. In his electorate, when he heard who had been appointed to those offices, he had no scrutineers, although there were a large number of postal votes recorded against him. The returning and presiding officers were men who could be relied upon to do the right thing. He was sorry the Government did not pay them better, and hoped when the Estimates came on the payment would be increased. It was something new to him to hear that men had been victimised in the West.

Mr. BOWMAN: It is true all the same.

Mr. SUMNER: He did not say it was not true. He was very glad the last clause was passed, because it would suit all parties. No doubt elections were conducted loosely at times, and he knew of a case in which every voter who voted for a certain candidate was

given a glass of wine. Nobody could tell how it was discovered for whom the men voted until it was explained to him that there was a man on the roof looking down on the voters and watching whose name they scratched out, and then signalling to the man in charge of the wine. (Laughter.) He was very glad the present Government had appointed school teachers as presiding officers, and that the elections were held in the State schools.

HON. R. PHILP had never said a word against the honour or integrity of returning officers.

Mr. SUMNER: I did not mean that.

HON. R. PHILP: But although he knew of certain irregular proceedings which had taken place in the North at times, the people of Nundah were ten times worse. He never heard in the North of anyone getting on the roofs of houses to see how men voted. People had told him after the election how they had voted. He had never said they could find out how a man voted, but where he voted by means of the initials of the returning officers. The clause was simply brought in to prevent people knowing where men voted. Not a single member had ever said he could tell how men voted. Unless the man himself told the candidate it was impossible to know, and sometimes the candidate could not believe him. It suited the Government to introduce the clause, but he did not believe it would make the slightest difference to any member of the House. The Labour party had the Western constituencies. They could not get two members where there was only one now. People would say, What was the good of going to an election? It would destroy the little interest they had in it.

Clause put and passed.

On clause 14—"Amendment of section 120"—

The HOME SECRETARY explained that in regard to penalty for neglect of duty, the clause brought the assistant returning officer under the same liability as the returning officer.

HON. R. PHILP did not know whether it was an opportune time or not to say something about the appointment and remuneration of returning officers. He knew those who were in the Government service complained about the small amount they were getting for so much more work. He thought it was not a fair thing for a Government servant to be a returning officer at election times. When it came to a casting vote—it did not often come—it was unfair to expect a man in the Government service to give his casting vote. It put a man in a very difficult position. The returning officers, he thought, should be appointed from outside the public service altogether.

Clause put and passed.

Mr. CREAGH (*Croydon*): The title of the Bill was very wide in its scope, being "A Bill to Amend the Elections Acts, 1885 to 1905." He would like to see a provision inserted in the Bill to bring it into line as nearly as possible with the Commonwealth Electoral Act.

Hon. R. PHILP: Make it a new clause 15.

Mr. CREAGH: He moved the insertion after clause 14 of the following new clause:—

(1.) In paragraph (*a*) of section six of the consolidated Acts, after the word "continuously" the words "or whose names have been recorded on any State electoral roll of any State of the Commonwealth other than Queensland, and who have resided in Queensland for six months continuously" are inserted.

(2.) The following words are added to the eighth question in the form of claim in section thirty of the consolidated Acts—namely, "or has your name been recorded on any State electoral roll of any State of the Commonwealth other than Queensland, and, if so, for what electoral district and State, and have you continuously resided in Queensland for six months"?

When speaking previously on the Bill, he had pointed out that he thought the people who had resided in other States of the Commonwealth, and had their names recorded on the roll there, should be entitled when they came to this State to have their name placed on the roll after a residence of six months in the State. He did not believe any hon. member would oppose this amendment. Our law would then be in accordance with that of the Commonwealth. He thought anyone coming from the other States should not remain here longer than six months before getting their voting qualification. He had pleasure in submitting his amendment to the consideration of the Committee.

* The HOME SECRETARY did not propose to accept the amendment, as he thought it was reasonable to ask a man to reside here twelve months before giving him the privilege of voting.

Mr. CREAGH was exceedingly sorry to hear the Home Secretary oppose the amendment, as he thought he would have accepted it. They had heard a great deal during the debate about offering facilities for voting, the secrecy of the ballot, and about intimidation. The Home Secretary had appeared to be desirous of giving every person in Queensland an opportunity of getting on the roll. He contended that, if a man had a right to a vote for the Commonwealth on a residential qualification of six months, he had a right, after having his name on the roll of any other State of the Commonwealth, to get his name placed on the Queensland roll after a residence of six months here. He trusted the Committee would not reject the amendment.

Mr. MANN thought an important amendment like this should have been in print, and placed in the hands of hon. members for consideration.

Mr. CREAGH: It is plain enough.

Mr. MANN: It might be plain enough, but members should be afforded an opportunity of considering it. He was in favour of the amendment, but he considered that the hon. member should withdraw it and give proper notice.

Mr. LESINA: As a strong supporter of the Government, he must express his deep regret that the Home Secretary did not see his way to accept the amendment. It was a fair proposition, and one which the Labour party had been agitating for for some years. If the hon. member for Croydon kept on at this rate it would not be long before he joined the party which he properly belonged to—the Labour party. He hoped he would press the amendment to a division, and he (Mr. Lesina) would support him. The people of Australia were a nomadic people, being compelled by the exigencies of their occupation in the primary industries to shift about from place to place. We were encouraging the employment of white labour in the canefields. Many men from the other States came here with their wives and opened a home, and then went North to cut cane. If they were here eleven months before an election, they could not vote, and were debarred for three years, until another election took place, from having any voice in the government of the country. Then they might be out of their electorate, but because we had abolished the

postal vote, and had not made provision for everybody exercising their vote, these men might be here seven years before they could exercise their vote, and be paying taxes all the time. Under the circumstances, he regretted that the Home Secretary would not liberalise the measure in the way suggested: that was, that if an Australian came here [8.30 p.m.] from New South Wales or Victoria, and remained here six months, he should be enabled to get on the roll as quickly as possible. Were they not all brother Australians now under the sway of the Federal Commonwealth? Had not all the interstate barriers now been pulled down? They were only divided from the other States now by an imaginary line, so that, when an Australian shifted over that imaginary line into Queensland, they should take him by the hand, politically speaking, and put him on the electoral roll here as quickly as possible, instead of making him wait for twelve months. They should encourage population to come to Queensland by giving these people the finest and broadest franchise as soon as possible to enable them to cast their votes for the parliamentary candidates. If they did that, they would get more people to come here very quickly. He regretted that the Hon. the Home Secretary would not accept the amendment.

Mr. JONES (*Burnett*) regretted that the Home Secretary would not accept the amendment. In the electorate he represented there were a great many young men from Victoria and New South Wales, and they generally arrived about ten or eleven months before a general election. In that case they would have to wait nearly four years before they could vote at an election. These people who came from the Southern States were intelligent men, and they should give them every facility to get on the roll. He would even be in favour of making it three months. He noticed that the amendment did not provide for allowing those who were not on any roll in the other States to get on the roll here at the same time.

Mr. CREAGH: I will try to get that in after.

Mr. JONES: Those who had reached the age of twenty-one years, and who were entitled to vote, should be given the same facilities as those who were already on the rolls in the Southern States. When they come to Queensland they should be given an opportunity to record their votes as soon as possible.

HON. R. PHILP: At the present time there were a number of settlers coming from the other States. The Secretary for Public Lands was offering inducements to people to come here to settle on the land, and they were getting a number of useful farmers from New South Wales and Victoria. They were also getting a number of men on the sugar plantations, and after they had been here for six months they should be entitled to a vote. If a man came from Europe he should have to wait for twelve months before he was given a vote; but the men from the Southern States were in a different position, as they knew something about Australian conditions. He would certainly support the amendment.

The PREMIER: While he had no objection to the six months' qualification instead of twelve months, and while he might introduce another Bill next year to get in other provisions, that was not the purpose of the present Bill. This Bill was introduced for a special purpose, and they were not going to have it made a general amendment of the Elections Acts. As hon. members knew, this Bill had been introduced for a particular purpose.

Mr. CREAGH: It does not say that in the title.

The PREMIER: The amendment was simply to get a general amendment of the Elections Acts to facilitate its rejection by another place. The Bill was introduced for a particular purpose, and it was not because he had any objection to the six months' qualification instead of twelve months that he opposed the amendment. Hon. members knew quite well that he thought the six months' qualification was quite ample.

Mr. BOWMAN: It was in the last Elections Bill.

The PREMIER: Yes.

Mr. RYLAND: And it was chucked out by the Upper House.

Mr. LESINA: Let them throw it out again and take the responsibility of it.

The PREMIER: The hon. gentleman was giving some of their friends in another place a handle to throw it out. He did not want to see the Bill thrown out. At any rate, if it was thrown out, he wanted it made clear what they threw it out for.

Mr. LESINA: Throw them out.

The PREMIER: He would like to see if it was because of the postal vote that it was thrown out, and for that reason he objected to the amendment being incorporated in the Bill. It was unwise to attempt it at the present time. They were dealing with one subject in the Bill, and it was for that purpose that it was introduced. He hoped hon. members who saw the difficulty would help them in not making the difficulty greater.

Mr. BOUCHARD: The Premier was scarcely accurate when he suggested that the Bill was brought in for one purpose alone—namely, the abolition of the postal vote. They had originated the group system, and they were appointing assisting returning officers under it.

Mr. PAGET: And absent voters are provided for.

Mr. BOUCHARD: It also provided for absent voters.

Hon. R. PHILP: And it abolishes advertising.

Mr. BOUCHARD: The Government adopted the attitude of introducing Bills, and wishing to pass them as they were presented to the House. The Government would not accept any amendments at all. It was the privilege of members to scrutinise Bills and amend them as they thought fit. It was not right for the Premier to say, "Here is a Bill, take it or leave it."

Mr. LENNON: He did not say so.

Mr. BOUCHARD: As the hon. member for Clermont said, they were all Australians. They had heard plenty of talk about one flag, one destiny, and one people.

Mr. WOODS: Monday's meeting did not say so.

Mr. BOUCHARD: They knew that under the regulations of the Commonwealth public servants of the Commonwealth were transferred from one State to another, and some came to Queensland to take up their abode, bringing their families with them. The probability was that they would spend the rest of their lifetime here. Seeing that they had the privilege of the franchise in their own State, it was only fair that after six months' residence in Queensland they should be accorded the privilege of voting here for

returning a representative to make the laws under which they had to live. It was a very fair amendment, and he did not think the Premier had advanced any argument why it should not be accepted.

Mr. LESINA entered a protest against the statement of the Premier that, if the amendment were inserted, it would furnish another branch of the Legislature with an excuse for rejecting the Bill. That was a very uncharitable statement to make, because in the Bill introduced in 1905 by the Government the proposal was included, and it was knocked out by hon. gentlemen in the other branch of the Legislature. The chances were that, if it were again inserted, they would again knock it out, thereby removing from the Assembly the responsibility of rejecting it, and placing the responsibility upon that other branch of the Legislature. If they were willing to set their faces against progressive legislation time after time, such a storm of disapproval would arise in the country as would break on their heads, and they would be the sufferers thereby. But because the other House might do something they did not like in the Assembly, that was no reason why they should be frightened from doing what they maintained to be right. He was sure the member for Croydon was not animated by a desire to see the Bill rejected, though he did not agree with some of its provisions. No Elections Bill could be introduced which would satisfy every hon. member. The hon. member had referred to this principle on the second reading. He (Mr. Lesina) would also like to see the system altered, as it was most unreasonable to prevent people who came here eleven months before an election from voting for another three years—nearly four years altogether. The Home Secretary was ill-advised in not accepting the amendment. No harm could result from its adoption. What guarantee had the Premier that the Council would reject the Bill if the amendment was accepted? There was no evidence in support of that contention.

The PREMIER: Why are their friends opposite so anxious to get it in?

Mr. LESINA did not know that they were anxious. The only member who had spoken was the leader of the Opposition, and he did not know whether he objected to it the last time. Whether the amendment was accepted by the Council or not, he hoped the Bill would not be rejected, as it satisfied him in certain particulars. He also hoped that the Premier would not threaten hon. members with the Legislative Council. What right had the hon. gentleman to assume that the Council would do this or would do that? It seemed a kind of appeal to certain members of the Council to reject the measure. The Premier and the Home Secretary both stated that the Bill had been introduced for a specific purpose Was that not another lesson to hon. members not to permit any Minister to come down with a cut-and-dried proposition to amend Acts "in certain particulars" without knowing what those particulars were? They were practically helpless when they ought to be supreme. He hoped the Premier would withdraw his opposition to the amendment. If it was good enough to insert in the last Bill it ought to be good enough to insert in this Bill.

The PREMIER: It is quite good enough.

Mr. LESINA: There was no more danger of this Bill being rejected than there was of the last Bill being rejected. A general election had taken place since the last Bill was passed, and a big majority of members had been returned pledged to an amendment of the Elections Act on the lines laid down in the Bill.

OPPOSITION MEMBERS: No, no!

Mr. LESINA: Hon. members of the other branch of the Legislature were aware that the opinion of the country was to some extent behind this measure. The Premier must not be permitted to frighten hon. members with the bogey of the Legislative Council. They were not children. Probably the Council would alter the Bill. They might even knock out that clause if the Assembly put it in; but, if they did, the people in the country would hold them responsible. The amendment did not involve the fate of the Government, and he hoped the objection to it would be withdrawn. They could make all the amendments they liked so long as they were within the order of leave.

The PREMIER asked for the Chairman's ruling as to whether the amendment was in order?

Mr. LESINA: It is too late to raise that question now.

The CHAIRMAN: I think it is quite in order for any hon. member to raise the question as to whether the amendment is in order. My disposition is not to prevent a member moving amendments on new clauses, unless the question of order is raised. Standing Order No. 260 says—

> Any amendment may be made to a clause or other part of a Bill, provided that the amendment is relevant to the subject-matter of the Bill, or pursuant to an instruction.

There is no necessity to quote the rest of the Standing Order. Since the debate yesterday in connection with the amendment proposing to omit the words "in certain particulars" in the order of leave to introduce a Bill to amend the Local Authorities Act, I have taken the trouble to look up the question of the relevancy of amendments, and I am of opinion that the amendment which is now offered is not relevant to the subject-matter of this particular Bill, and I shall give reasons to the Committee why I think so. Of course, if hon. members confine themselves to the title of the Bill, or to the order of leave, the amendment would be in order; but there is another question which has to be considered by the Chairman—that is the question of relevancy to the subject-matter of the Bill. The subject-matter of this Bill consists of three or four main principles. There is, first, the discontinuance of certain advertisements; then there is the second principle of the repeal of the postal vote; there is the third principle providing for absent voters; and the fourth principle consists in the appointment of central polling-places. I do not think that the fact that the title of the Bill is "A Bill to Amend the Elections Acts, 1885 to 1905," gives a free hand to hon. members to move any amendment pertaining to the Elections Acts. The amendment must be relevant to the principles embodied in the Bill as passed at the second reading. In support of my position I should like to refer hon. members to a debate which took place in the Federal Senate in 1904. That debate will be found in No. 17 of the Federal *Hansard*, issued on Saturday, 16th July, 1904.

Hon. R. PHILP: Why, they have no Standing Orders there.

The CHAIRMAN: The leader of the Opposition will see that it really does not alter the question whether they had Standing Orders or not, although as a matter of fact they had Standing Orders at that particular time. A question was raised in connection with

a decision given as to the relevancy of an amendment moved on the Trades Mark Bill in the Senate. There was an appeal from the decision of the Chairman to the President, and I should like to read to hon. members what the President said on that occasion, because it bears out the position I am taking up now in ruling that the amendment of the hon. member for Croydon is not relevant to the subject-matter of this Bill. The President said—

> The question I have to decide is whether or not the ruling given by the Acting Chairman of Committees is, in my opinion, correct. That ruling was that a certain amendment, which it was suggested should be made, was not relevant to the subject-matter of the Bill.

I do not wish to take up the time of the Committee by reading the whole of what the President said, and shall therefore confine myself to the more salient points of his decision. A little further on the President said—

> Amongst other powers given to the Committee is that of making amendments. Standing Order 194 says—
>
> "Provided the same be relevant to the subject-matter of the Bill, and be otherwise in conformity with the Rules and Orders of the Senate."

That Standing Order is exactly identical with our own Standing Order, which I have just quoted—

> Any amendment may be made to a clause or other part of a Bill provided that the amendment is relevant to the subject-matter of the Bill.

Then the President went on to say—

> Our Standing Orders and practice on this point are the same as the Standing Orders and practice of the British House of Commons, and of the Legislative Assembly of New South Wales, and I will read from a parliamentary paper of New South Wales of 1894, which illustrates with great clearness the rule I have just enunciated. The following is a letter from Sir Joseph Abbott, the Speaker of the Legislative Assembly of New South Wales, to the Clerk of the House of Commons:—
>
> "The Speaker's Room, Legislative Assembly,
> Sydney, 29th June, 1894.
>
> "Dear Sir,—
>
> "On the 16th May last a ruling was given by me in our Legislative Assembly, which has been taken by some honourable members as initiating a new practice, and the correctness of which has been privately questioned by one or two members of the House, whose standing makes their opinion worthy of grave consideration; I should, therefore, though hesitating to again encroach upon your time, be glad if you would give your opinion upon the ruling given.
>
> "The point of order submitted from the Committee of the Whole was whether it was regular to consider an amendment or new clause which, though fairly covered by the title, was not relevant to the provisions of the Bill itself, as brought in and read a second time. The Chairman of Committees had ruled the new clause out of order, and I, for the reasons which you will see fully stated in the Parliamentary Debates sent herewith, sustained his decision."
>
> Sir Joseph Abbott then refers to papers and reports which he had forwarded with his letter. Sir Reginald Palgrave, Clerk of the House of Commons, replied—
>
> "Dear Mr. Speaker,—
>
> "The only reply that I can make to your letter of the 29th June is to felicitate you on the clear, concise, and able decision you gave on Mr. Haynes's proposed amendment to the Parliamentary Electorates Acts Amendment Bill.
>
> "You stated conclusively that the relevancy of an amendment to a Bill must be tested not by the title of the Bill but by its subject-matter; indeed, it was to establish this principle that the House of Commons passed our Standing Order No. 34."
>
> So that it is quite clear that the test, and the only test, which we have to apply, is: Is this amendment, or suggested amendment, relevant to the subject-matter of the Bill?

I shall not read any further, and shall only again point out that the amendment moved by the hon. member for Croydon is not relevant to the subject-matter of the Bill before the Committee, and that, in my opinion, the amendment is not in order.

Mr. CREAGH: Did he understand that the Chairman ruled the amendment out of order?

The CHAIRMAN: Yes; I must inform the hon. member that that is my ruling.

Mr. CREAGH: And that it cannot be further discussed?

The CHAIRMAN: The hon. member cannot discuss the clause now that I have ruled it out of order.

The HOME SECRETARY moved that the Chairman do now leave the chair, and report the Bill to the House without amendment.

Hon. R. PHILP: Before that question was put—he had no wish to question the Chairman's ruling—but——

The Premier: You cannot discuss the Chairman's ruling.

Hon. R. PHILP: He could move an amendment, but he did not desire to do that. He wished to point out that one of our Standing Orders——

The Premier: You cannot discuss the matter.

Hon. R. PHILP: The Premier was not the Chairman of Committees; he was only a member of the Committee.

The PREMIER rose to a point of order, and asked if the hon. member could discuss the Chairman's ruling without moving a motion.

The CHAIRMAN: It will only be in order to discuss my ruling when a motion is made to disagree with my ruling. That has not been done. I gave my decision, and the Home Secretary then rose and moved another motion.

Hon. R. PHILP: The Chairman did not put the question moved by the Home Secretary. He (Mr. Philp) now moved that the Chairman's ruling be disagreed with. He did not wish to do that, but the Premier had forced him to do it. Standing Order No. 260 said distinctly that "Any amendment"——

The PREMIER rose to a point of order. Was not there a question before the Committee

Honourable Members: No, it was not put. Yes, yes!

The PREMIER: Although the Chairman did not get the opportunity of putting the question, was the question not before the Committee? Had any hon. member a right to speak between the Home Secretary proposing the question and the Chairman putting it to the Committee?

The CHAIRMAN: I am inclined to think that the hon. member has lost his opportunity of moving that my ruling be dis-
9 p.m.] agreed to. The hon. member should have risen immediately after I gave my decision, but he did not do that. The Home Secretary then rose, after a slight pause, and moved that I leave the chair. I really do not want to burke discussion on my ruling. I would rather allow discussion to take place upon it, but at the same time I want to keep within the parliamentary practice.

Hon. R. PHILP submitted that the question was not put, and that he was quite in order in getting up to discuss the matter. That was the second time the Premier had endeavoured to burke discussion.

The PREMIER must again rise to a point of order. The Chairman had ruled that it was out of order to speak between the moving of the motion

and the putting of it, unless on the motion before the Committee. The hon. member must know himself that he was out of order.

Hon. R. PHILP: I do not.

Mr. CREAGH would like to explain——

The CHAIRMAN: Order. I may point out that it is not an uncommon practice, when a member moves a motion, and before the Chairman puts it to the Committee, for another member to intervene.

Hon. R. PHILP: It is done frequently.

The CHAIRMAN: The usual practice is to give a member an opportunity of moving an amendment if he desires to move it. I therefore do not feel inclined at present to prevent the hon. member for Townsville from moving that my ruling be disagreed to.

HON. R. PHILP thanked the Chairman for his decision. Notwithstanding the bullying of the Premier——

The PREMIER: Order!

HON. R. PHILP: He did not want to move a motion of disagreement, but he did so merely to obtain a discussion. Standing Order 260 said—

> Any amendment may be made to a clause or other part of a Bill, provided that the amendment is relevant to the subject-matter of the Bill, or pursuant to an instruction, and is otherwise in conformity with the Standing Rules and Orders of the House; but, if an amendment is agreed to which is not within the title of the Bill, the Committee shall amend the title accordingly, and report the amendment specially to the House.

There was not the slightest doubt that the title was sufficiently wide to allow of the amendment of the hon. member for Croydon to be moved. The other matter he was not prepared to argue at the present time. The Bill dealt with absent voters, and with who was going to vote, and the amendment would allow people who had been six months in the State to vote. He thought it might be fairly said that it was within the four corners of the Bill. He did not know that the member for Croydon was going to move the amendment.

Mr. CREAGH: No one knew it.

HON. R. PHILP did not think the amendment would interfere with the passage of the Bill in the Upper House.

The PREMIER: This has nothing to do with disagreeing to the Chairman's ruling.

HON. R. PHILP: If the Premier would sit still and say nothing, they would get on much better. He was not Chairman of Committees.

The CHAIRMAN: Order!

Mr. LESINA: He is too angry to be cool.

HON. R. PHILP: The title of the Bill was wide enough to allow any amendment to come in, but he maintained that all through they had been dealing with voters. They had taken away the right to vote by post; they had given absent voters a vote, and certainly they were entitled to say whether a man who had been six, twelve, or eighteen months in the State should be entitled to a vote. The present Act said a man must have been resident for twelve months, and they were amending that Act. He regretted very much having to do so, but he must move that the Chairman's ruling be disagreed to.

Mr. LESINA thought the Chairman's ruling was incorrect, and would support the motion to disagree with it. The Standing Order quoted was very clear. He was not at all satisfied—although he listened attentively to what the Chairman had to say in support of his attitude—that the amendment was not within the order of leave. It was well within the subject-matter of the Bill. That was his opinion, and holding that opinion he must back up his opinion with his vote. He was afraid that if that kind of thing was to go on they would gradually lose their rights and privileges altogether. What they should do, as a matter of fact, was to defend and extend their rights to criticise Government legislation. Otherwise they were strengthening the position of the Cabinet—an irresponsible junta. The Cabinet came down with legislation which it had prepared, and regarded it as its private property. Members were sent there to shape legislation, and if the Government said they could not go outside their clauses and Bills, and make any alteration they liked, it simply meant after all that legislation was prepared by the Parliamentary Draftsman, agreed to by the Cabinet, and rushed through by a majority vote. That was not democratic legislation.

The PREMIER: It is not a question of democratic legislation; it is a question of order.

Mr. RYLAND: We should amend our Standing Orders.

Mr. LESINA: Their Standing Orders were all right. They had served the House well for many years. He was thoroughly well satisfied that their rights and privileges were well protected by the Standing Orders, and he maintained that the Standing Order quoted by the leader of the Opposition covered the whole position, and that the Chairman had erred in the attitude he had taken up. The Bill abolished the postal ballot, provided for absent voters, and abolished advertising, and it seemed to him that the qualification of voters was well within the four corners of the measure. They had already made important alterations in the law, and why they should not be permitted to do it in that case he could not understand. He did not think the Chairman's reasons were at all convincing. They should not be deterred from accepting the amendment because the Council might deal with it in an unfriendly spirit. Let them do so.

The PREMIER: You are getting away from the point.

Mr. LESINA: He maintained that the rights and privileges of members should be preserved and protected, because, if they were allowed to be lessened, they would find very soon that the scope of their work was limited and narrowed down. They should be as free as possible. Bills were the property of members, and not of the Government. The Home Secretary had certainly not been so bad as previous Home Secretaries, but some Ministers took up a measure and regarded it as their religion. They must not touch the Bill; it would be treason, felony, and sacrilege. The hon. member for Croydon wanted to insert six months instead of twelve, but was told he could not do that because it was foreign to the subject-matter of the Bill. From the point of view of the Standing Orders, the analysis of the contents of the measure on the front of the Bill was of no weight at all, as it was simply for the guidance of hon. members. It was not an innovation, as a matter of fact. In the past they had not had this analysis of the Bills, and it was very useful to hon. members to get the information, but it was merely the marginal notes printed at the top of the page. The mere fact that the analysis did not mention the six or twelve months' qualification did not help the Chairman's ruling in any way. As the Bill was introduced in Committee, they were empowered to amend the elections law, and had amended it in certain particulars, and why should they not be allowed to amend it in the direction of making the term six months instead of twelve months? It was done before, but it was not treated in a friendly fashion in

another place, but two or three years had passed by, and in that time what was right had apparently become wrong. If it was right to make it six months in 1905 it was right now, the decision of the Chairman to the contrary notwithstanding.

The CHAIRMAN : If the hon. member persists in that line of argument I shall have to rule him out of order. I should be very sorry to do that, and I hope he will discuss the point of order.

Mr. KENNA thought these points of order should be discussed from a non-party point of view. He was in a quandary. This afternoon, and on previous occasions, Bills had been brought in amending principal Acts, with the words "in certain particulars" added, and it had been his impression that those words added to the title of a Bill limited the scope of the measure. (Hear, hear!) That being so, they had now a Bill which did not contain those words, and inferentially it appeared to him that the scope of the Bill was limited only by the principal Act—the Elections Act—and allowed all amendments dealing in any particular with the principal Act.

The PREMIER : The purpose of the Standing Orders was not only to facilitate the ordinary getting through of business, but to protect the rights and privileges of members themselves, and to disregard the orderly way of getting on with business was to take the action most likely to injure the rights of members, and to interfere with their getting through business. The Chairman had ruled that the amendment was out of order, on the ground that it was not relevant to the subject-matter of the Bill. There was not a member in the House but knew that that was so. Whether the amendment was desirable in itself was one thing, but whether it was relevant to the subject-matter of the Bill was another matter. There was a multitude of subjects in the principal Elections Act that it would not be in order to discuss under this amending Bill. The provision in the Standing Orders on which the Chairman based his ruling was that an amendment should be relevant to the subject-matter of the Bill. Whether the amendment was a desirable one or not, it was not relevant to the subject-matter of the Bill, which, as the Chairman had pointed out, was confined to four points on which to amend the Elections Act. Many amendments could be moved with regard to these matters themselves, but they could not, under cover of the title of the Bill, bring in amendments having no connection with the subject-matter of the Bill.

Mr. LESINA : Is not the principal Act subject-matter of the Bill?

The PREMIER : No; the qualification of electors was not dealt with in this Bill at all.

Mr. LESINA : In the principal Act.

The PREMIER : Yes; it was in the principal Act, but not in this Bill.

Mr. LESINA : This Bill is to amend the principal Act.

The PREMIER : While it might be a desirable thing to amend the qualification of electors, it was not the right time to try to do it as an amendment in a Bill which did not deal with that subject. They would get into confusion if some such Standing Order was not here, or if, being here, it was not observed. He did not think anyone who tried to understand the provisions of the Standing Order would question the Chairman's ruling at all.

HON. R. PHILP said they had discussed this matter yesterday when a Bill was being brought in with the words "in certain particulars." Here was a Bill without those words, and therefore it was competent for the Committee to amend the Bill. The Bill was brought in as an open Bill to amend the Elections Acts, 1885 to 1905. They were dealing with the question of voting, and had been discussing it. Now they were dealing with the question as to whether a man was to get a vote in six or twelve months, and neither the Premier nor anyone else could say that they were not entitled to deal with it under the title of the Bill. If the Bill had said "in certain particulars," they would have been precluded from doing so; but the Bill was left open, and they could discuss any amendment they pleased.

Mr. BOUCHARD : Clause 1 of the Bill said that "This Act shall be read as one with the Elections Acts, 1885 to 1905." That really showed that the Elections Acts were the subject-matter of this Elections Bill. Therefore, any matter which was contained in those Acts was liable to be reviewed by this Committee. It was quite clear from the action which the Government had taken in introducing certain Bills recently that they desired to limit the discussion in the Committee by adding the words "in certain particulars."

Mr. LESINA : The Cabinet being the judges of what are certain particulars.

Mr. BOUCHARD : Those words were not added when the order of leave was obtained. With all due respect to the Chairman, he submitted that the amendment of the hon. member for Croydon was relevant to the subject-matter of the Bill.

The SECRETARY FOR PUBLIC LANDS did not agree with the junior member for South Brisbane. What were they doing in Committee now? A certain measure was brought in; its principles were discussed on the second reading, and they had gone into Committee to consider that Bill in detail in its respective clauses. If there was any intention of widening the scope of the Bill, then, unquestionably, an amendment should have been moved on the second reading to that effect—that it be an instruction, when they went into Committee, to provide for amendments in regard to certain provisions. An hon. member had drawn his attention to a ruling which he himself had given in 1902 on a very similar point. On that occasion he quoted from the edition of "May" which was then available on that particular point, and he could say that "May" was precise and definite. He now found, in the last edition, that "May" said—

> Amendments are out of order when they are (1) irrelevant to the Bill.

Mr. LESINA : That is always a disqualification.

The SECRETARY FOR PUBLIC LANDS : That was the first disqualification in the list. There were others, but this was the first one. What was the test of relevancy? He had before him an authoritative letter from the successor to Sir Thomas May as Clerk of the House of Commons—Sir Reginald Palgrave—in which he said, in a letter dated 29th June, 1894, to the Speaker of the Legislative Assembly of New South Wales—

> Relevancy of an amendment to a Bill must be tested not by the title of the Bill—

—which was what was contended by hon. members opposite—

> but by its subject-matter.

Mr. BOUCHARD : Read clause 1.

Mr. KENNA : What is the use of putting the words "in certain particulars" in certain Bills?

The SECRETARY FOR PUBLIC LANDS : To make assurance doubly sure. (Laughter.)

And also to remove the doubts of some hon. members who were, perhaps, not as well informed on procedure as they ought to be.

Mr. KENNA: Why was not assurance made doubly sure in this case?

The SECRETARY FOR PUBLIC LANDS: If he had been his colleague he should have put in those words, but he contended that their absence did not give them permission to go all round the compass putting in amendments. He repeated again the words of Sir Reginald Palgrave that relevancy was the subject-matter of the Bill as it passed the House on the second reading.

Mr. JENKINSON: What about clause 1?

* Mr. DENHAM: The subject-matter of the Bill dealt with voters and their rights. This amending Bill sought to confer on voters rights which under the old Act they did not enjoy. When they introduced an amending Bill providing that voters should have new privileges conferred on them, surely it was equally relevant to shorten the period of residence in the State before getting that privilege conferred. He quite appreciated the statement made by the Premier that the Standing Orders were to guard the rights and privileges of members, and because that was so he would support the motion moved by the leader of the Opposition.

The ATTORNEY-GENERAL prefaced his remarks with the statement that he supported the Chairman's ruling. The point raised by the hon. member for Bowen—which seemed to find favour in the House—was to the effect that the title of the Bill had left out the words "in certain particulars." It was quite true that if those words had been placed there in addition to the present title, then the amendment would have been outside the title of the Bill. As the Chairman pointed out in his ruling, the amendment was, so to speak, *ultra vires* the Bill by not coming within its title, and was also not relevant to the subject-matter of the Bill. The Bill was restricted to certain particulars; it dealt with specific things. One of them—on which the argument of the leader of the Opposition was based, and, he also understood, that of the hon. member for Oxley—was that additional privileges were sought to be conferred on voters. If hon. members looked at that clause they would see that the heading of the clause was "Amendments of provisions as to absentee voters." Nothing within the four corners of the Bill sought to create voters, or sought in any way to alter the qualification by which persons became qualified voters.

Hon. R. PHILP: You have done away with advertising.

The ATTORNEY-GENERAL: If the leader of the Opposition would look at the clause he would see that what he was only saying was absolutely accurate. This amending Bill took the voters with the qualifications which they had in the principal Act. It did not seek in any way to touch those qualifications. Therefore any amendment which sought to alter the qualification, either by extending the period or by lessening it, was absolutely irrelevant. It was perfectly true, as the hon. member for Bowen contended, that this amendment would come within the title. The Chairman had admitted that. But when they came to consider whether it was relevant to the substance or subject-matter of the Bill, he honestly failed to see how it could be contended that it satisfied such a condition. Hon. members would see, if they took the trouble to look at the Bill, that it said, "Amendment of provisions as to absentee voters," and they would then see that the amendment was irrelevant as to the subject-matter of the Bill. The subject-matter dealt with enabling voters to exercise what they had already got—a vote—or to exercise their qualifications under the principal Act, and they could not alter those qualifications in any way. Therefore, the common sense of members of the Committee would see the accuracy of the Chairman's ruling.

Hon. R. PHILP: They were further dealing in the Bill with applications for votes. The advertising of the names had been stopped altogether. They had stopped that advertising, and what was it for? It was for advertising the names of those who had got on the roll. Instead of having to wait six or twelve months they wanted to get electors on after they had been here six months, hence the necessity for the amendment of the hon. member for Croydon.

Mr. RYLAND thought the Chairman's ruling was quite correct. He was quite satisfied that the amendment was not in order [9.30 p.m.] according to their own Standing Orders and the practice of the House of Commons. If it was intended to bring in a Bill which might be extended in certain directions, it was customary to use the words "and for other purposes." If those words were embodied in the title, or in the order of leave, they could make as many amendments as they liked. As the order of leave on the present occasion did not contain those words, the ruling of the Chairman was correct, and he was prepared to uphold it.

Mr. KENNA: It seemed to him from the explanation given by the Secretary for Lands that they had got into a very slipshod way of doing business. They spent the whole of the previous afternoon arguing that the phrase "in certain particulars" limited the scope of a Bill.

The PREMIER: The argument yesterday was not that that was the only limitation. This is another limitation.

Mr. KENNA: His mind was so constituted that he could not not see it. Points of order should be discussed in a non-party spirit.

The PREMIER: The ruling is supported by the highest authorities in the empire.

Mr. KENNA: He should have something to say about that later on. At present he was pointing out that the Secretary for Lands, an ex-Chairman of Committees, told them that the words "in certain particulars" had no business in a Bill, and that they did not mean much.

The SECRETARY FOR PUBLIC LANDS: I did not say that.

Mr. KENNA: The hon. gentleman also seemed to put a slight on the intelligence of those who were discussing the matter. A great deal had been said about the subject-matter of a Bill. According to "May," it was quite permissible to move an amendment outside the scope of a Bill. On page 452 "May" said—

> To explain the principles that govern the proposal of instructions to Committees of the Whole House, it must be borne in mind that, under the parliamentary usage in force in former times, an amendment might be wholly irrelevant to the motion or Bill to which it was proposed, and that consequently to a Bill in its progress through the House clauses might be added relating to any matters however various or unconnected, whether with each other or with the Bill as originally drawn. A reaction from such laxity of procedure led to the establishment of rules and practice which imposed on the House of Commons an inconvenient rigidity in dealing with a Bill. No amendment could be moved which was not strictly within the scope of the prefatory paragraph, known as the title, which is prefixed to every Bill, and describes its object and scope. To obviate the difficulty thus created the House, in 1854, by Standing Order No. 34, gave a general instruction to all Committees of the Whole House to whom Bills were committed, which empowered them to

make such amendments therein as they should think fit, provided that the amendments were relevant to the subject-matter of the Bill; and, if such amendments were not within the title of the Bill, the title was to be amended, and reported specially to the House.

The PREMIER: Provided they are relevant.

Mr. KENNA: That meant that any amendment might be made in Committee whether it was within the scope of the Bill or not.

The PREMIER: Provided it is relevant.

Mr. KENNA: That meant provided it was within the title of the Bill.

The PREMIER: Provided it is relevant.

Mr. KENNA: If it was not relevant—if such amendments were not within the title of the Bill—the title must be amended. He would now read Standing Order 34 of the House of Commons, to which "May" referred.

The ATTORNEY-GENERAL: What you have quoted is covered by our Standing Order 260.

Mr. KENNA: Our Standing Orders do not cover this.

The PREMIER: Yes they do.

Mr. KENNA: In such cases they had to be guided by the practice of the House of Commons.

The PREMIER: An amendment cannot be moved if it is not relevant. If it is relevant, but is not within the title of the Bill, then the title of the Bill can be altered.

Mr. KENNA: The title covered the subject-matter of the Bill, and, if the Bill was amended outside its title, then the title had to be altered to suit the Bill. The title did not limit the Bill, but the Bill limited the title.

The PREMIER: You are confusing two points.

Mr. KENNA: Standing Order 34 of the House of Commons said—

The PREMIER: But our Standing Order 260 covers the whole question.

Mr. KENNA: Standing Order 34 of the House of Commons says—

> That it be an instruction to all Committees of the Whole House to which Bills may be committed, that they have power to make such amendment therein as they shall think fit, provided they be relevant to the subject-matter of the Bill; but that, if any such amendment shall not be within the title of the Bill, they do amend the title accordingly, and do report the same specially to the House.

It seemed to him that the title of a Bill covered the subject-matter of the Bill, and that if they departed from the subject-matter so as to interfere with the title of the Bill they must amend the title accordingly.

The PREMIER: You may depart from the subject-matter of the Bill without altering the title. The Chairman ruled that this amendment is within the title, but that it is not relevant to the subject-matter of the Bill.

Mr. KENNA: It was a very fine point as to whether the subject-matter of a Bill and the title of that Bill were two different things. He took it that the title explained the subject-matter of the Bill. If that was not so, what was the use of it? As far as he could see, the Committee could do as they pleased with a Bill; they could amend a Bill in any respect they pleased, provided, of course, that they did not include a matter entirely foreign to the title or the subject-matter of the Bill. The subject-matter of this Bill was an amendment of the Elections Acts—the whole subject of the elections law. If not, what did subject-matter mean?

The PREMIER: It means the subject-matter, not of the Act you are amending, but of the amending Bill itself.

[*Mr. Kenna.*

Mr. KENNA: According to his reading of the matter, the subject-matter of this Bill was the electoral law, and, according to "May" and the practice of the House of Commons, they had power to make any amendment in the electoral law that they desired to make, and if such an amendment was not covered by the title of the Bill when it came before the Committee, then the simple remedy was to amend the title accordingly. The Premier had discovered subtle distinction between the subject-matter of a Bill and the title of a Bill.

The PREMIER: No, I did not discover it. The Chairman gave his ruling on that point.

Mr. KENNA: Well, he contended that any amendment dealing with the electoral law was admissible, and if it was not sufficiently covered by the title of the Bill it was the duty of the Committee to amend the title accordingly.

Mr. JENKINSON: The amendment moved by the hon. member for Croydon was an important matter in itself, but the discussion which had arisen subsequently really touched the privileges of the Committee. The later discussion turned on the question of the relevancy of the amendment to the subject-matter of the Bill. If hon. members would look at the Bill they would see that in subclause 2 of clause 2 they had amended section 34 of the Consolidated Elections Acts, which dealt purely and simply with the claims of electors.

The HOME SECRETARY: With the advertising.

Mr. JENKINSON: It did nothing of the sort; it dealt with the claims of electors. He maintained that the amendment of the hon. member for Croydon was relevant to the provisions of the Bill, inasmuch as it only reduced the time within which a claim might be made from twelve months to six months. That being so, it was absolutely relevant to the subject-matter of the Bill, and he should therefore vote for the motion of the leader of the Opposition.

The ATTORNEY-GENERAL: With regard to the point raised by the hon. member for Bowen, he would ask hon. members to follow our own Standing Order No. 260. That Standing Order dealt with everything to which the hon. member referred. There was nothing at all new in what had been said, nor was there any discovery. Everything was contained within the four corners of Standing Order 260, which said—

> Any amendment may be made in a clause or other part of a Bill, provided that the amendment is relevant to the subject-matter of the Bill.

Some hon. members seemed to imagine that all they had to do was to get relevancy to the subject-matter of the principal Act which they were amending. The Standing Order did not provide anything of the kind. It provided that the amendment must be "relevant to the subject-matter of the Bill." Now, the Bill they were dealing with was a Bill to amend the Elections Acts. The relevancy of any amendment must therefore, under the Standing Order, be tested by its applicability to the subject-matter of the Bill, and not to the subject-matter of the principal Act at all. The principal Act, it was quite true, dealt with the qualification of voters, but the amending Bill was silent on the matter. How then could it possibly be contended that the amendment of the hon. member for Croydon came within the Standing Order 260 which said that the amendment must be relevant to the subject-matter of the Bill? Now, the Bill itself dealt with certain specific matters. One matter to which the leader of the Opposition referred was the advertising of claims. He (the Attorney-General) pointed out to the members of the

Committee that advertising the claims of possible voters had no relevancy or application whatever to their franchise or their qualifications.

Hon. R. PHILP: Why not?

The ATTORNEY-GENERAL: For this reason: If hon. members would follow they would see the reasoning with absolute clearness of vision. The basis of the claims and qualifications was in the principal Act. Those qualifications were not touched in the amending Bill. They were not added to, altered, or interfered with. All the clause in the amending Bill said was that certain advertising of claims was to be done away with. The franchise was not dealt with at all. Therefore, on those two grounds, it was perfectly plain that the amendment could not possibly be relevant to the Bill. It was not relevant to the subject-matter of it, nor relevant to any question of franchise. The Standing Order quoted went on to say—

Or pursuant to an instruction.

As the Secretary for Lands pointed out, one way of making the amendment relevant would be to have an instruction to the Committee on the second reading. That was not done, and, therefore, that portion of the Standing Order was not fulfilled—

Or is otherwise in conformity with the Standing Rules and Orders of the House.

And this was what the hon. member for Bowen laid great stress upon—

But if an amendment is agreed to which is not within the title of the Bill, the Committee shall amend the title accordingly, and report the amendment specially to the House.

Now, it might be that the amendment was absolutely within the title of the Bill—the Chairman himself had admitted it—but unless it was relevant to the subject-matter of the Bill it was not competent for the Committee to deal with it. He submitted that it must be proved clearly, therefore, that the subject-matter to be dealt with by the Committee was the subject-matter, not of the principal Act, but of the amending Bill. The subject-matter of the amending Bill in no way touched the question of either relevancy, or shortening or lengthening the qualifications of voters. Although the amendment came within the title, that had nothing to do with the matter, because, even if the amendment was relevant in this sense, it would still have to be relevant to the subject-matter of the Bill. He therefore submitted that the Chairman's ruling should be sustained.

Mr. MAXWELL (*Burke*): That was not a new state of affairs. In 1902 they had a ruling similar to that which the Chairman had given, in reference to an amendment of the Mining Act. On that occasion he happened to move an amendment after clause 1, and the member for Bowen was the man who got up and asked the Chairman whether the amendment was in order. (Laughter.) On the 10th November, 1902, the Secretary for Mines—the senior member for Townsville—gave notice to this effect—

That leave be given to introduce a Bill to further amend the Mining Act of 1898.

The Chairman of Committees ruled that his (Mr. Maxwell's) amendment was out of order, although it had been circulated for a week or two. The leader of the Opposition, who was then Secretary for Mines, actually said in the House—

As far as the amendment was concerned, he thought it was a good one. On previous occasions instructions had been given to the Committee by the House, but that had not been done in this case. If the hon. member had got an instruction from the House he did not know that he would object to the amendment.

It had always been the custom to stick strictly to the Bill as it came down. He had thought that the Mining Bill left room for any kind of amendment, but the Chairman ruled otherwise. On the present occasion, he hoped the good sense of the Committee would uphold the Chairman's ruling, and allow them to get on with business. They had been all day over a few clauses, and it was about time they did something. No further discussion that took place could possibly affect the votes which hon. members had made up their minds to give.

The SECRETARY FOR PUBLIC LANDS: Although he had already spoken, he wished to say a few more words. The hon. member for Bowen laid great stress on his contention that Standing Order 34 of the House of Commons bore out his view. It was a singular thing that in the letter of Sir Reginald Palgrave, which he addressed to the Speaker of the Legislative Assembly in New South Wales in 1904, he explicitly said that Standing Order 34 was passed by the House of Commons in order to lay down the principle that the relevancy of an amendment to a Bill was decided by the subject-matter of the Bill, and not by the title. He submitted, with all due deference, that the argument of the hon. member for Bowen was completely knocked on the head. Further, Sir Joseph Abbott, when Speaker of the Legislative Assembly of New South Wales, said—

Laying aside all consideration of the title of the Bill, the scope of the Bill, or the order of leave, I have only to consider whether the proposed amendment is relevant to the subject-matter of the Bill as disclosed by the Bill itself.

He would like to say one more thing. They ought to remember that in Committee they were in an inferior condition to the House. They were occupying a lower status. They were created by the House, and they were there in no sense to originate legislation. They must do that in the House. But they must go into detail to consider minutely the particular principles that were referred to them by the House.

Mr. MAXWELL: The House can amend a Bill as it likes.

The SECRETARY FOR PUBLIC LANDS: The House could do what it liked. It considered the general principles of a measure, and sent those particular principles [10 p.m.] to be discussed in detail by the Committee. He therefore, with great respect, would like to point out how important it was that they should preserve the sense of the relative importance of the House and the Committee.

Mr. KENNA: The House has the option afterwards of approving or disapproving of this on the third reading.

The SECRETARY FOR PUBLIC LANDS: If that argument were carried out, what was the use of Standing Orders at all? It meant that they might do any mortal thing they liked in Committee, and come to the House for absolution. Under those circumstances it must be quite obvious that in our modern Parliaments we could not get any business done at all.

Mr. KENNA: The House can do what it likes; it is governed by the Standing Orders.

The SECRETARY FOR PUBLIC LANDS: Very well, and the principle of the Standing Orders was that the Committee was governed by the House; and, that being so, he submitted that all the authorities were on the side of the Chairman's ruling.

* Mr. CREAGH: He did not profess to have any particular knowledge of the Standing Orders, but he would like to know whether the clause originally dealing with absent voters did not deal with the qualification of voters? If the qualification of

voters was being dealt with, he took it that anything in connection with the qualification would be a subject-matter of the Bill. If it was not so, it seemed to him to be useless introducing Bills, and adding the words "in certain particulars" after the title. The Secretary for Lands, when speaking on the motion to introduce the Local Authorities Bill yesterday, pointed out that, when those words were added, it showed conclusively that the subject-matter of the Bill had to be dealt with, and no amendments outside the scope of the Bill could be made. He had no desire to debate the matter further, but he was glad that the matter had cropped up on a motion of his. (Laughter.)

Mr. RYLAND: A good advertisement for Croydon—for the Creagh party.

Mr. CREAGH: He would remind the hon. the junior member for Gympie that he was a good advertisement at any time. (Laughter.) He thought if the Standing Orders were correctly interpreted by the Attorney-General and the Minister for Lands, the sooner they were amended in certain respects in order to get business through the better it would be.

Mr. LESINA: One more point before the discussion closed: If it had resulted in nothing else than to secure from the Secretary for Lands that admission which he had made, it would not have taken place in vain. From the last portion of his speech they would clearly understand that in future, in any legislation which was introduced, the title of the Bill had nothing to do with their action in Committee in asking for amendments. If the debate had resulted in the discovery of no other point than that which had been so clearly and lucidly made by the Minister for Lands, it would have done good.

The SECRETARY FOR PUBLIC LANDS: This is Lesina expounding Bell. (Laughter.)

Mr. LESINA: It only showed what an extraordinary thing might happen.

Mr. KENNA: Joe on Joe. (Laughter.)

Mr. LESINA: The other point was as to who was to be the judge of revelancy. Was the Chairman to be constituted the sole judge of relevancy?

The ATTORNEY-GENERAL: Hear, hear!

Mr. LESINA: If the Committee was content to constitute the Chairman, or, when the House was sitting, the Speaker, the sole judge of relevancy, then it was giving the Chairman too much power.

The ATTORNEY-GENERAL: You have a check by disagreeing.

Mr. LESINA: They might disagree with the Chairman's ruling. This was a very important matter. New members, who had perhaps not heard a debate on the Standing Orders before, might be apt to run away with the conclusion that these debates were a waste of time, but they were very important. They were laying down precedents to govern their future operations in the Chamber. These points of order were discussed altogether apart from party differences of opinion, as they were matters connected with the control of their deliberations. He still held, as he did originally when the hon. member for Croydon moved his amendment, that it was not foreign to the subject-matter of the Bill; that it was reasonable, and that it should have been included. If the hon. member for Croydon had attempted to bring in a new clause to amend the Companies Act or the Mining Act, or some other Act, per the medium of this Bill, it would be utterly irrelevant to the purpose of the Bill.

Mr. MAXWELL: You could get leave from the House.

Mr. LESINA: Oh, no! They could not amend the Companies Act in an Elections Bill. The attempt to do it in Committee would be characterised as irrelevant and totally foreign to the subject-matter of the Bill—outside its scope; but he maintained that the qualification of an elector was not an irrelevant matter. The Chairman contended that it was, and he was afraid that if that contention was upheld by the House it would limit the scope of their labours in the future in dealing with other matters, and because of that he should vote against the Chamber's ruling being upheld if the matter was pressed to a division.

Question—That the Chairman's ruling be disagreed to—put and negatived.

The SECRETARY FOR RAILWAYS: Are you not going to divide?

The House resumed. The CHAIRMAN reported the Bill without amendment. The report was agreed to, and the third reading was made an Order of the Day for to-morrow.

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