

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 27 FEBRUARY 1951

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Legislative Assembly

FIRST SESSION OF THE THIRTY-SECOND PARLIAMENT

(Second Period)

[VOLUME 31]

TUESDAY, 27 FEBRUARY, 1951.

Under the provisions of the motion for Special Adjournment agreed to by the House on 5 December, 1950, the House met at 11 a.m.

Mr. SPEAKER (Hon. J. H. Mann, Brisbane) took the chair.

ASSENT TO BILLS.

Assent to the following Bills reported by Mr. Speaker—

- Appropriation Bill No. 2.
- Tully Falls Hydro-Electric Project Bill.
- State Housing Acts Amendment Bill.
- Local Government Finance Bill.
- Supreme Court Acts Amendment Bill.
- Statutory Salaries and Allowances Bill.
- Coal and Oil Shale Mine Workers (Pensions) Acts Amendment Bill (No. 2).
- Commission of Inquiry Bill.
- Public Service Acts Amendment Bill.
- Valuation of Land Acts Amendment Bill.
- Commonwealth Oil Refineries Tramway and Works Bill.
- Ipswich Trades and Labour Hall Land Perpetual Lease Act Amendment Bill.

GOVERNOR'S SALARY ACT AMENDMENT BILL.

RESERVATION FOR ROYAL ASSENT.

Mr. SPEAKER reported receipt of a message from His Excellency the Deputy Governor intimating that this Bill had been reserved for the signification of His Majesty's pleasure.

ELECTIONS TRIBUNAL.

JUDGE FOR 1951.

Mr. SPEAKER announced the receipt of a letter from His Honour the Acting Chief Justice, His Honour Mr. Justice Mansfield, intimating that His Honour would be the Judge to preside at the sittings of the Elections Tribunal for the year 1951.

1951—3N.

RESIGNATION OF MEMBER.

Mr. SPEAKER: I have to report that I have received the following letter:—

“Southport, January 6, 1951.

“The Honourable The Speaker,
“Legislative Assembly,
“Parliament House,

“My Dear Honourable Speaker,

“I hereby formally tender my resignation as the Member for the Electorate of Kedron as from 8th inst.

“Yours faithfully,

“BRUCE PIE, M.L.A.”

SEAT DECLARED VACANT.

Mr. E. M. HANLON (Ithaca—Premier): I move—

“That the seat of Bruce Pie, Esq., hath become and is now vacant by reason of the resignation of the said Bruce Pie, Esq., since his election and return to serve in this House as member for the electoral district of Kedron.”

Motion agreed to.

BULIMBA ELECTION PETITION.

REPORT OF ELECTIONS TRIBUNAL.

Mr. SPEAKER: I have to report that I have received the following letter from the Elections Judge:—

“In the Supreme Court of Queensland.

“Court of the Elections Tribunal for the trial of an Election Petition for the Electoral District of Bulimba between John Edgar Hamilton (Petitioner) and Robert James Gardner and James Costello (Respondents).

“To the Honourable the Speaker of the Legislative Assembly of Queensland.

“Sir,

“The petition of John Edgar Hamilton presented on the twenty-fourth day of July, One thousand nine hundred and fifty, complaining of the undue election and return of Robert James Gardner as a member to serve in the Legislative Assembly of Queensland and that the said

election and return were void was tried before me the Elections Tribunal Judge on the fourth, fifth, sixth, eighth, eleventh, twelfth, thirteenth, and fifteenth days of December, 1950.

"I found as follows:—

1. That in a batch of fifty-three absent votes under section 70 of the Elections Acts, 1915 to 1948, cast before polling day at the Chief Electoral Office at Brisbane eleven ballot papers purporting to record eleven votes cast in favour of the Respondent Robert James Gardner had been improperly and fraudulently substituted for eleven ballot papers recording eleven votes which had in fact been recorded in favour of the Petitioner John Edgar Hamilton;

2. That of thirty-five votes which had been disallowed or not counted by the Returning Officer the Respondent James Costello, thirty-two votes had been disallowed on the ground of error by officials or persons acting as officials under the said Acts and three votes had not been counted by the said Returning Officer on the ground that the secrecy of the ballot might have been violated;

3. That apart from the votes referred to in paragraphs 1 and 2 above the difference between the number of valid votes cast for the petitioner and the number of valid votes cast for the Respondent Robert James Gardner was twenty-five;

4. That the Respondent Robert James Gardner had not shown that the votes disallowed by reason of official error could not have affected the result of the election;

5. That the petitioner had shown that the majority of the Respondent Robert James Gardner was connected with the breaches of the law in the eleven cases referred to in paragraph 1 hereof.

"On the second day of January, One thousand nine hundred and fifty-one, I declared upon the questions of fact and law arising before me that the Respondent Robert James Gardner was not duly elected and that the election held on the twenty-ninth day of April, One thousand nine hundred and fifty, for the Electoral District of Bulimba was void. I ordered that the sum of Two hundred pounds (£200) paid into Court by the Petitioner be restored to the Petitioner by payment out of Court to his solicitors.

"No corrupt practices within the meaning of section 4 of the said Acts have been committed but a gross fraud in relation to the eleven ballot papers referred to in paragraph 1 was committed. There is no evidence before me to involve any candidate or any other person connected with the election in such fraud.

"Under the powers conferred upon me by section 138 of the said Acts, I have referred the relevant exhibits and other papers to the Honourable the Attorney-General for consideration.

"All of which I hereby certify.

"Dated at Brisbane, this eighteenth day of January, 1951.

"A. J. MANSFIELD,

"Judge of the Elections Tribunal for a portion of the year 1950."

I lay on the table the evidence taken by the Tribunal.

Hon. E. M. HANLON (Ithaca—Premier) I move—

"That the certificate of the Elections Judge declaring void the election of Robert James Gardner for the electoral district of Bulimba be entered on the journals of the House, and that Mr Speaker do issue his writ for the election of a member to serve in this House for the said electoral district."

Motion agreed to.

HOUR OF SITTING.

Hon. E. M. HANLON (Ithaca—Premier) by leave, without notice: I move—

"That unless otherwise ordered the House will meet for the despatch of business at 11 o'clock a.m. on the days at present appointed by Sessional Orders for the meeting of the House."

Motion agreed to.

PAPERS.

The following paper was laid on the table and ordered to be printed—

Report by the Queensland-British Food Corporation, covering the period 1 April 1950, to 30 September, 1950.

The following papers were laid on the table—

Orders in Council under the Electric Supply Corporation (Overseas) Limited Agreement Act of 1947 (7 December 1950), the State Development and Public Works Organisation Acts, 1938 to 1949 (21 December, 1950), the Public Service Acts, 1922 to 1950 (4) (1 February, 1951).

Proclamations under the Public Works Land Resumption Acts, 1906 to 1940 the State Development and Public Works Organisation Acts, 1938 to 1949 and the Queensland-British Food Production Acts, 1948 to 1950 (18 January 1951), the Public Service Acts Amendment Act of 1950 (1 February, 1951).

Regulation under the Public Service Acts 1922 to 1950 (1 February, 1951).

Regulations under the Port Dues Revision Act of 1882, the Port Dues Revision Act Amendment Act of 1950, and the Navigation Acts, 1876 to 1950 (11 January, 1951), the Explosives Act of 1906 (25 January, 1951), the Motor Vehicles Insurance Acts, 1936 to 1941 (15 February, 1951).

Regulations under the Fish Supply Management Acts, 1935 to 1946 (30 November, 1950), the Factories and Shops Acts, 1900 to 1945 (7 December, 1950).

Orders in Council under the Labour and Industry Act of 1946 (18 January, 8 and 15 February).

Regulations under the Land Acts, 1910 to 1949 (7 December, 1950), the State Forests and National Parks Acts, 1906 to 1948 (1 February, 1951).

Orders in Council under the Rural Fires Act of 1946 (25 January, 1951), the Stock Routes and Rural Lands Protection Acts, 1944 to 1949 (1 February, 1951).

Proclamation under the Aliens Acts, 1867 to 1948" (21 December, 1950).

Orders in Council under the Aliens Acts, 1867 to 1948 (23), the Landlord and Tenant Acts, 1948 to 1950 (3), the Profiteering Prevention Act of 1948 (6).

Regulations under the State Children Acts, 1911 to 1943 (23 November, 1950), the Hospital Acts, 1936 to 1946 (7 December, 1950), the Aboriginals Preservation and Protection Acts, 1939 to 1946 (7 December, 1950), the Nurses and Masseurs Registration Acts, 1928 to 1948 (1 February, 1951), the Traffic Act of 1949 (15 February, 1951).

Regulation under the Motor Spirit Vendors' Acts, 1933 to 1934 (11 January, 1951).

FORM OF NOTICE OF MOTION.

MR. SPEAKER'S STATEMENT.

Mr. NICKLIN (Landsborough—Leader of the Opposition), having given notice of a motion of want of confidence—

Mr. SPEAKER: Order! I should like to draw the attention of the Leader of the Opposition to the fact that he has used in the reasons for his motion such words as "corrupt" and "gerrymandering" in reference to the actions of the Government. I think he might have used words more in keeping with the dignity of the Assembly.

BALLOT PAPERS IN BULIMBA ELECTION.

Hon. E. M. HANLON (Ithaca—Premier) (11.28 a.m.), by leave, without notice: I move—

"That, pursuant to the request of the Inspector of Police in charge of the police investigation consequent upon certain findings of the Bulimba Elections Tribunal, this House doth order—

(1) The Clerk of this House to produce to that Inspector of Police or ballot papers now in the custody of that Clerk which were used by voters under Section 70 of 'The Elections Acts, 1915 to 1948,' at the general election held in the year 1950, and at the by-elections for the electoral districts of Bremer and Kurilpa held in the year 1949, and the returns made by the several returning officers showing the voters who used those ballot papers; and

(2) The Clerk of this House, subject to taking all such steps as he deems necessary to preserve the secrecy of the ballot, to allow the aforementioned Inspector of Police, and such other members of the Police Force as that Inspector requires to assist him, to, in the presence and sight of the said Clerk, or, in his absence, of a clerk-assistant of this House, examine all the ballot papers and returns relating thereto produced as aforesaid, and, in particular, to count those ballot papers and to check the numbers thereof relating to any and every electorate with the return as aforesaid in respect of that electorate."

This motion is moved in pursuance of a request by Inspector Bischof of the Criminal Investigation Branch, who has been in charge of the investigations made in connection with the recent Bulimba election.

I think that all hon. members and certainly hon. members on this side of the House are anxious to have this matter cleaned up.

Government Members: Hear, hear!

Mr. HANLON: Inspector Bischof writes to the Commissioner of Police as follows—

"I have the honour to report, that, for the purpose of endeavouring to ascertain whence certain allegedly 'faked' Section 70 ballot papers used in the ballot for the 1950 Bulimba State Election came, it has been necessary to count all unused Section 70 ballot papers returned to the Under Secretary, Justice Department, Brisbane, by each of the seventy-five (75) Returning Officers throughout the State in compliance with Regulation 22 under provisions of 'The Elections Acts 1915-1948,' and to check same with the figures set out on each Returning Officer's Form 22.

"Each Electoral Registrar in the State of Queensland has been instructed, after checking with an independent Police Officer or Justice of the Peace, to despatch per registered mail to me all unused Sectional ballot papers. Many such parcels have come to hand and are being counted and compared with each Electoral Registrar's Form 23A.

"However, it seems to me that, for the purpose of making this angle of investigation complete, a physical check of all ballot papers used under Section 70 at the 1950 General Election and at the Bremer and Kurilpa 1949 By-elections should be made.

"All ballot papers used for the three Elections above mentioned are in the hands of the Clerk of the Assembly, Parliament House, Brisbane (vide Section 84 of the Acts), and lodged with each package of Section 70 ballot papers will be each Returning Officer's Form 28A setting out a list of persons in each Electorate who voted under the provisions of Section 70.

"Any such count could not in any way breach the secrecy of the respective ballots and I guarantee that such will not be done.

“Any such check will necessarily be made in the presence of the Clerk of the Assembly.

“I respectfully suggest that the Commissioner forward this report to the Solicitor-General for favour of early consideration.”

That matter was placed before Cabinet and Cabinet agreed that every facility should be placed at the disposal of the Criminal Investigation Branch for the investigation of these charges, that no effort should be spared by the police and no hindrance put in the way of their making the fullest investigation possible.

The inspector has written in the memorandum “Bremer” By-election whereas it should be “Ipswich” and I ask that the motion be amended accordingly.

Mr. NICKLIN (Landsborough—Leader of the Opposition) (11.33 a.m.): At the outset I deplore the lack of courtesy shown by the Premier to me as Leader of the Opposition in moving his motion in the way he has. It is the usual Parliamentary practice that when a motion is to be discussed immediately a copy of such motion is given to the Opposition and when questions are asked without notice the Opposition extend the courtesy to the Minister concerned of mentioning the matter beforehand. Therefore, Mr. Speaker, I crave your indulgence to be kind enough to make available to me the motion moved by the Premier today so that I may read it before I speak to it.

That is only common courtesy to the Opposition—to know exactly what its members are speaking to.

Mr. Jesson: You heard the motion.

Mr. Hanlon: You conducted your own investigation and found people guilty.

Mr. NICKLIN: I am not talking about an investigation; I am talking about the motion the hon. gentleman moved. (Interjections.)

Mr. SPEAKER: Order! I see no reason why the Leader of the Opposition should not have the opportunity of examining the motion that has now been moved. The motion only asks for authority for the Clerk of Parliament to make available to the inspector of police the ballot papers in connection with the election mentioned by the Premier.

Mr. NICKLIN: Thank you very much, Mr. Speaker, for your courtesy. I am going to peruse the motion before I speak to it. (Motion handed to Mr. Nicklin.)

May I at the outset say that all hon. members on this side of the House are equally concerned if not more concerned than the Government to have investigated the election corruption and fraud that has been proved in the Bulimba case and which evidently the Premier, by moving this motion, suspects occurred in other electorates in the last general election and previous by-elections.

Mr. Hanlon: Speak for yourself.

Mr. NICKLIN: We are more concerned with cleaning this matter up than hon. members opposite. (Opposition cheers and Government dissent.) Up to the present time neither the Premier nor any hon. member opposite has shown any great desire to hasten investigations into election corruption and practices in this State.

Mr. SPEAKER: Order! I should like to say before the hon. gentleman develops his argument more fully that debate on the motion will be confined to arguments whether the House will give the Clerk of Parliament permission to allow these ballot papers to be inspected by the inspector of police.

Mr. NICKLIN: Thank you, Mr. Speaker. I do not intend to develop any argument on other than those lines. I am entitled to reply to the charge made by the Premier, in effect, that we on this side of the House apparently are not concerned in this matter. We have shown that we are deeply concerned and are doing everything possible to have inquiries made into this matter.

We are being asked to take a very unusual course. We are being asked to give permission to the Police Department to examine electoral papers held in the custody of the Clerk of this House for safe-keeping. The paramount consideration in regard to the conduct of any election, or any electoral machinery, should be that the secrecy of the ballot should be inviolate, and no steps should be taken by this Parliament to endanger it in any way. The motion moved by the Premier allegedly protects the secrecy of the ballot but I am not quite convinced—in fact I am not convinced at all—that that paramount principle of the secrecy of the ballot is preserved by that motion.

If there is any doubt, if there is any possibility that the secrecy of the ballot might be destroyed, this House should not pass a motion that would allow that to be brought about. (Interjections.)

Mr. SPEAKER: Order! I appeal to hon. members to allow the debate to proceed without interruption. It is a serious debate and I hope hon. members will not make hilarity out of it.

Mr. NICKLIN: That is the aspect from which I approach this motion—to see whether there is any loophole or any possible weakness that may permit the secrecy of the ballot to be violated? On reading it, notwithstanding the assurance given in the police officer’s letter quoted by the Premier that he would guarantee that the secrecy of the ballot would be preserved, I am not satisfied with it. (Government interjections.) May I say that we are just as concerned as hon. members opposite to get this matter cleaned up, or more concerned, but we do not agree that the motion the hon. gentleman has moved is the right one. It is a very circumscribed inquiry at any rate and there is definite risk that possibly the secrecy of the ballot may be violated as a result of that inquiry.

I am going to bring under the notice of the House the section of the Criminal Code that deals with the secrecy of the ballot and the

breaking of seals of packets used at elections. No doubt in the course of this inquiry and perhaps under this motion seals of packets will be broken to inquire into certain votes.

Mr. Wood: They were broken at the hearing before the Elections Tribunal.

Mr. NICKLIN: Of course they were, but the Elections Tribunal is a properly constituted body set up under the Elections Act, which does not provide for any police inquiry, but does provide for the procedure to be followed. Do hon. members want to depart from that procedure? They have the right to use the services of the Elections Judge whom we have appointed but that apparently does not suit them; they want some other form of inquiry at which there is a possibility of looseness.

Mr. Hanlon: What are you afraid they will find out?

Mr. NICKLIN: I am not afraid of anything. I want everything possible brought out, and so should hon. members opposite. (Government interjections.) In regard to any disclosure that may be made, I say very definitely that we do not give two hoots who are responsible for any malpractice; if they are found out, they should be dealt with.

Opposition Members: Hear, hear!

Mr. NICKLIN: They should be dealt with according to the provisions of the Elections Act. Whoever it may be, whether Labour or Country Party or Liberal supporter, if he is guilty of corrupt practice then deal with him. We want that. (Government interjections.)

Let me quote from Section 115 of the Criminal Code dealing with the breaking of seals of packets used at elections, which will be done in this inquiry. It reads—

“Any person who knowingly and wilfully, and without the lawful command of some competent court or tribunal, opens or breaks the seal of a sealed parcel which has been sealed up under the provisions of the laws relating to elections, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.”

Mr. Wood: Would you call Parliament a competent inquiry?

Mr. NICKLIN: Not in this instance. Parliament is here to make the laws and if there is a weakness in the Elections Act and if it should be desired by hon. members opposite that Parliament should deal with these things, their proper course of action would be to pass a Bill to amend the Elections Act so that Parliament may deal with them, but the Elections Act states that these things shall be done by a tribunal presided over by a chairman appointed by this Parliament to deal with these very things whereas this motion is designed to take it away from the properly constituted authority and give it into the hands of police officers. That is wrong.

Mr. Wood: You seem afraid of a full police inquiry.

Mr. NICKLIN: We want more than a full police inquiry, we want the fullest possible inquiry that can be made into these elections and to deal with everything in connection with the elections. To test the sincerity of hon. members opposite, I will move an amendment to the motion, as follows:—

“After the word ‘that’ omit the words—

‘pursuant to the request of the Inspector of Police in charge of the police investigation consequent upon certain findings of the Bulimba Elections Tribunal, this House doth order—

1. The Clerk of this House to produce to that inspector of police all ballot papers now in the custody of that Clerk which were used by voters under section 70 of The Elections Acts, 1915 to 1948, at the general election held in the year 1950, and at the by-elections for the electoral districts of Ipswich and Kurilpa held in the year 1949, and the returns made by the several returning officers showing the voters who used those ballot papers; and

2. The Clerk of this House, subject to taking all such steps as he deems necessary to preserve the secrecy of the ballot, to allow the aforementioned inspector of police, and such other members of the Police Force as that inspector requires to assist him, to, in the presence and sight of the said Clerk or, in his absence, of a Clerk-Assistant of this House, examine all the ballot papers and returns relating thereto produced as aforesaid, and, in particular, to count those ballot papers and to check the numbers thereof relating to any and every electorate with the return as aforesaid in respect of that electorate.

and insert in lieu thereof the words—

‘a Royal Commission of Inquiry be appointed, of which the Elections Judge shall be the Chairman, to investigate malpractices and corrupt practices at the last State elections, and the by-elections for Kurilpa and Ipswich held in 1949, and the condition of the electoral rolls, and to make recommendations regarding the changes which should be made in electoral legislation and administration in order to remove or reduce such malpractices or corrupt practices at future elections.’”

This is done to test the sincerity of hon. members opposite. Do they want a full inquiry along the lines of the machinery set up in the Elections Act, presided over by the Elections Judge appointed by this Parliament, or do they want this inquiry by the police, which is a course of inquiry not provided for or envisaged in the electoral machinery of this State? After all, the investigations set out by the Premier are limited; the investigations under the amendment I have moved would be as wide as it is possible for them to be. Every possible thing that has been alleged, or that was discovered in regard to the conduct of the last State elections and the two by-elections mentioned

by the Premier this morning can be, and would be thoroughly and competently investigated by the commission of inquiry that we desire. This commission of inquiry would have the necessary power to call in anybody that it needed to help it. It could call in the Police Department. In that way we should get a full and competent inquiry on the lines of the provisions laid down in the Elections Act of this State. Do hon. members opposite want an inquiry of that kind, or do they want a limited inquiry? There is silence on the Government benches. They do not want a full inquiry. (Government laughter.) They want a limited inquiry that will find nothing or possibly may bring forward half-truths that they can misconstrue for their own benefit. We do not want anything of that kind. We want the fullest and freest inquiry that can possibly be made. Our amendment would bring that about, and if the Government have any sincerity at all in their desire to clean up the rotten, corrupt practices that have taken place in State elections in this State, now is their opportunity. We have given them the opportunity, let them take it.

Mr. HILEY (Coorparoo) (11.50 a.m.): I rise to second the amendment moved by the Leader of the Opposition, because in my judgment the procedure that the Government have elected to follow in endeavouring—very properly endeavouring—to have a wider and fuller inquiry into this matter is based on a wrong conception of the proper legal approach to the question.

I ask the House to consider several sections of the Elections Act and the Criminal Code, but before doing so, I want to remind hon. members that Parliament is bound by its own laws, until it alters those laws. That we learnt to our sorrow in what has gone down in history as the Barnes case. Parliament attempted to deal with it by the passing of a simple resolution but neglected to alter the law by an amending Act. We thought we had accomplished something but we learnt a lesson and found out that we had not.

The position in law as I see it is this: it is quite competent for this House, if we find any obstruction in the Criminal Code or the Elections Act stopping us having a full inquiry, to amend the law or to comply with the law. The motion submitted by the Premier is not a Bill to amend the law. It does not envisage an amendment to the Criminal Code or the Elections Act, and until Parliament by the proper procedure of amending legislation changes the law we are bound by the law as it stands.

Having stated those basic premises let us examine the law. I do not think the Act concerns the custody of ballot papers matters until we come to Section 84, because that section provides that after the writ has been returned by the returning officer and a declaration of the poll has been made the whole of the essential ballot papers shall be sealed in a package and placed in the custody of the Clerk of Parliament, where they

will remain for two years when, after notice by the Premier to the Leader of the Opposition, and I think, the Electoral Registrar, they can be destroyed under supervision.

Mr. Walsh: You say so.

Mr. HILEY: If the hon. member would take the trouble to read Section 84 of the Act—

Mr. Walsh: You are not capable of interpreting the law.

Mr. HILEY: The House will judge that comment on its face value. Section 84 lays down what I think, and what every hon. member knows, is the position. The Clerk of Parliament is charged with the custody of the ballot papers, which must be placed in a sealed parcel. The law deals in express terms with anybody who tampers with the seals and provides a punishment for such tampering, except on the order of an appropriate court or tribunal. The appropriate court or tribunal is set up by the statute.

Mr. Hanlon: What is wrong with Parliament's being the appropriate court or tribunal?

Mr. HILEY: The trouble is that Parliament has said what is the appropriate court. If Parliament wants to alter an Act of Parliament it must do so by an amending Bill, not by a simple resolution. That was the mistake the Crown made in the Barnes case, in which it got a rap over the knuckles. The Government are again making the same mistake. An Act of Parliament cannot be amended by a simple motion and that is what the Government are trying to do this morning.

The Leader of the Opposition read Section 115 of the Criminal Code—an existing part of an Act of Parliament—and that section specifies the punishment to which anybody is liable who breaks the seals, except on the lawful command of some competent court or tribunal. Section 114 has more to say on the same point.

I need no persuasion at all that a fuller and a wider inquiry into this matter is urgently needed, but the method that is proposed will put a police officer in the position of breaking an Act of Parliament even though he is complying with the terms of a resolution of this House. That would be a very wrong thing for this Parliament to do. I suggest that we should amend the Elections Act and the Criminal Code. We should not put a police officer in the position where he has to infringe express provisions of both the Elections Act and the Criminal Code to carry out the terms of this resolution.

There is, however, an even more urgent reason why the procedure of a Royal Commission should be followed in this case. I do not propose to traverse the arguments concerning the public conduct of an Elections Tribunal or a Royal Commission as compared with the quiet, unpublished conduct of a police inquiry, although I suggest that the time has long since expired when these inquiries should be held in secret without any report to the public. It is about time that the public was told what was going on.

An examination of Section 107 of the Criminal Code will show that if the Premier's original motion is accepted the criminal will be allowed to escape. Section 107 says—

“A prosecution for any of the offences hereinbefore defined in this Chapter must be begun within one year after the offence is committed, or, if it is committed with respect to a parliamentary election with respect to which a petition is tried by the Elections Tribunal, within three months after the report of the Elections Tribunal is made”

There you have expressly laid down a statutory limitation on the time within which action can be begun, unless the time is extended by employing the Elections Tribunal as a method. In that case the offender can be punished within two years from the commission of the offence. However, if we do not do that—if we carry the motion that the Premier has moved—the time will expire on 29 April of this year. That is all the time that will be left in which to work.

Mr. Hanlon: If you are so concerned about this matter, why delay the police?

Mr. HILEY: I have already pointed out that the Premier is deliberately flying in the face of the provisions of the Criminal Code and the Elections Act by trying to have this passed as a simple resolution. If he is serious in his desire, let him introduce a Bill tomorrow to amend the Elections Act and the Criminal Code to achieve the same purpose as this motion, and I will support it. This method is an open defiance of the law, no proper use could be made of it, and it is an open invitation for the time to run out, and will help the wrong-doer to escape unpunished.

This thing has been screaming aloud for a fuller and a wider inquiry ever since 2 January, and by neglecting to call the House together the Government have—

Mr. SPEAKER: Order!

Mr. HILEY: This is very relevant to the matter under discussion. By neglecting to call the House together and to order a public inquiry, the Government have already lost two valuable months that could have been spent in carrying out what this urgent motion without notice seeks.

The motion now before us cannot actually alter the provisions of an Act of Parliament. It is a grossly wrong thing to say to the Clerk of Parliament or to any police officer, “Carry out a course of conduct that exposes you to penalties under the existing law.” We are not repealing any section of the Criminal Code nor are we amending it, we merely seek to pass a simple resolution when we have already learned to our sorrow that you cannot amend an Act by a simple resolution of this House.

If the amendment moved by the Leader of the Opposition is carried it will enable an equally wide inquiry to be conducted without the legal shortcomings that I outlined in the sections I read to the House. I do hope that the Premier, after thinking over the position and realising the deficiencies of his own motion, will accept the proposal that

there should be the widest inquiry, headed by the effective Elections Tribunal Judge, which is the qualifying requirement under the existing law. I hope on reflection the Government will accept the amendment.

Mr. SPEAKER: I have read the amendment very carefully and I have formed the opinion that it has no relevance to the motion. The object of the motion is to provide certain information to the police officer in charge of the investigations, whereas the amendment sought to be made by the Leader of the Opposition gets right away altogether from the motion moved by the Premier and is an endeavour to establish a new commission of inquiry altogether.

Mr. Nicklin: It is an inquiry.

Mr. HILEY: A royal commission of inquiry.

Mr. SPEAKER: The hon. member has had his say. I have considered the amendment very carefully indeed. I have given it a great deal of thought because it is a very serious matter for both the public and everyone else concerned. Boiled down, the motion simply says that the House shall give the Clerk of Parliament authority to make certain matters available to the inspector of police whereas the amendment is different altogether from the motion in that it seeks to set up a royal commission of inquiry with the Elections Tribunal Judge as chairman to inquire into a matter that the police are already inquiring into, and it seeks to have recommendations made in regard to changes in the machinery of the Elections Acts. I therefore decide that the amendment has no relevance to the motion moved by the Premier and is out of order.

Mr. NICKLIN (Landsborough—Leader of the Opposition) (12.3 p.m.): Mr. Speaker, you have taken a very serious step and one that cannot be allowed to pass unchallenged. I therefore give notice that I intend to move that your ruling be disagreed to.

Mr. EVANS (Mirani) (12.4 p.m.): I am opposed to the motion. I contend that when votes are cast they shall be subject to the existing law and that law lays down what shall be done in the event of an appeal to the elections tribunal. The Premier has moved a motion today to give public servants access to matters affecting the secrecy of the ballot, which concerns the people as a whole. Let me give the opinion of the Premier himself concerning public servants, to be found in “Hansard” for 1950 at page 1584, where he is reported as having said—

“I propose to reply briefly to the mover and seconder of the amendment. In the first place, the amendment is rather an absurd one, in that it proposes to refer the matter to some committee consisting of people over whom, with the exception of the Industrial Court Judge, the Government would have some control.”

Have not the Government some control over the public servants who it is proposed shall

go into this matter? These are the Premier's own words, not mine. He made this statement. The Premier went on to say—

"I cannot think of anything more cowardly than trying to hide behind some business man, who obviously would be selected because of his temperamental suitability, or some public servant who would be dependent upon the Government, leaving the Industrial Court judge in the invidious position of being in the minority or agreeing with the two specially selected members of the committee."

No Industrial Court Judge is mentioned in connection with this matter. It is going to be dealt with and the whole of these papers made available to a member of the Public Service, the members of which the Premier said definitely could be guided or led by the Government because they are employed by them. Those are the Premier's statements.

The Premier said further that it was a cowardly method of approach to try to put the responsibility on a committee whose members could be selected in such a way that they could or could not make a recommendation that would suit the Government. These are not my suggestions or statements; they are the Premier's statements. The Premier's arguments and statements made on that occasion apply absolutely to the present position.

Mr. Hanlon: You do not know what you are talking about.

Mr. EVANS: I know what I am talking about. The Government are referring these ballot papers to a public servant and are breaking away from the provisions of the Elections Acts. They have had an inquiry, which has proved fraud, and the papers they desire the police to handle are papers that were not handled by the Elections Tribunal. They propose to open the whole of the ballot papers and give the police access to them, notwithstanding that the Premier said, as I have quoted, that it is not safe for public servants to make decisions when the Government controls them.

Hon. J. LARCOMBE (Rockhampton—Attorney-General) (12.7 p.m.): The speech of the hon. member for Mirani is a shocking one.

Government Members: Hear, hear!

Mr. LARCOMBE: It is a shocking reflection on the public servants of Queensland—

Mr. Evans: It is what the Premier said.

Mr. LARCOMBE: . . . and the Commissioner of Police and his officers. To suggest for a moment that those officers would be the tool of any Government is unfair and improper to a degree. The Commissioner of Police and his officers—

Mr. EVANS: Mr. Speaker, I rise to a point of order. No such statement was

made by me. I never mentioned the Commissioner of Police. The only reference I made was from a speech made by the Premier. I quoted from "Hansard."

Opposition Members: Hear, Hear!

Mr. LARCOMBE: The suggestion was obvious. It was a reflection on the Commissioner of Police and his officers.

While we are considering this aspect of the question, it must be borne in mind that it was a Government employee who gave the evidence that led to the discovery of the fraud.

Government Members: Hear, hear!

Mr. LARCOMBE: That Government employee was under the control of the Commissioner of Police. Yet hon. members opposite have the audacity, effrontery, and impropriety to get up and suggest that because men are employed by the Government they would prostitute their character and intelligence at the behest of the Government and do something improper. (Interjections.)

Mr. SPEAKER: Order!

Mr. LARCOMBE: We are getting down to a very low level in public debate when we do that.

However, in passing I would like to mention the side-tracking nature of the amendment moved by the Leader of the Opposition. He spoke of a royal commission. The Opposition was granted a royal commission in connection with the Golden Casket Art Union. And what a sorry mess they made of their case!

Mr. NICKLIN: Mr. Speaker, I rise to a point of order. Is the Attorney-General in order in introducing the Royal Commission on the Golden Casket in this debate? I draw your attention to it because you have already ruled that the debate must be confined to the terms of the motion.

Mr. SPEAKER: Order! I ask the hon. gentleman to keep to the motion before the House.

Mr. LARCOMBE: Certainly, Mr. Speaker. I will. The hon. gentleman jumped to his feet immediately to try to suppress discussion on an important phase of this motion.

Government Members: Hear, hear!

Mr. LARCOMBE: It is astounding to find the Leader of the Opposition and his party trying to delay this investigation. (Opposition laughter.) That is the effect of the amendment. It is an attempt to hinder the investigation and shackle the hands of the police.

The Government have appointed certain officers to conduct an investigation and surely, if that investigation is to be thorough, comprehensive and effective, the papers and documents requested by the police officers should be placed at their disposal; yet the effect

of the amendment moved by the Leader of the Opposition is to say to the Police Commissioner and his officers, "You are not to get the relevant papers and documents with which to finalise that inquiry." Could anything be more absurd or ridiculous or contradictory from the viewpoint of the Opposition? The Leader of the Opposition endeavoured to anticipate his motion of No Confidence. He tried to sidetrack the essential purpose of this motion. Hon. members opposite have shown that they are more concerned by party-political advantage than election honesty. (Opposition interjections.) Of course, they are. Fancy hon. members opposite talking about election honesty and purity! Let them study the 1929-32 period of their own Government if they want examples of election dishonesty and electoral fraud.

Mr. SPEAKER: Order! I point out that I ruled the amendment out of order and we are now dealing with the matter of whether the House will give authority to the police officers.

Mr. LARCOMBE: The Leader of the Opposition, like a well-known character in Shakespeare, protests too much. He protests about his virtue, his purity, and ethics, and claims that he and his party have a monopoly of those attributes. The political history of Queensland denies his arguments and protestations. We claim that we are genuinely anxious in order to clear up this fraud. I, as Attorney-General, gave immediate aid to the Commissioner and the police after the revelations were made and after Cabinet gave the authority. In order to gain party-political advantage, hon. members opposite are mean enough to carry on a policy of innuendo and insinuation reflecting on the integrity and honesty not only of members of the Cabinet and the party, but of public servants of the highest standing. It is shocking in the extreme and disgusting. The Leader of the Opposition should withdraw his opposition to the motion.

Mr. MORRIS (Mt. Coot-tha) (12.13 p.m.): In regard to the remark of the Attorney-General "in passing," I say that his "passing" takes too long. The points raised by the Government are too ludicrous for words. Any suggestion that we of the Opposition side are trying to delay any investigation is clearly absurd. It was purely through the instrumentality of the Opposition that this fraud was detected. We do not know the extent of the fraud yet, but we do know that it has been detected and detected by us. We are very anxious to see that the fraud is investigated to the full.

I proposed to speak on the amendment moved a while ago but unfortunately your ruling prevented me from doing so. I now move the following amendment—

"Add to the question the words—
'provided that—

(1) Such scrutiny of votes shall be confined to those regarding which specific authority is given by the Elections Judge (or a Judge who is the

Chairman of a Royal Commission inquiring into electoral malpractices or corrupt practices) in each case, and—

(2) That a member of the police force or other person given such authority to scrutinise any vote shall first be required to subscribe to an oath not to divulge any information regarding such vote except to a duly authorised tribunal and subject to the direction of such Elections Judge or Chairman as aforesaid.'"

My reasons for moving that amendment, Mr. Speaker, are very similar to those advanced by the Leader and Deputy Leader of the Opposition in regard to the first amendment. The Deputy Leader pointed out that according to Section 84 of the Elections Act all ballot papers must be returned to the custody of the Clerk of Parliament. It is not within the authority of the Clerk of Parliament, the Attorney-General, the Premier, or the Cabinet of this State to break their own laws, as was so abundantly stated by the Deputy Leader of the Opposition only a few moments ago. It is just as clear, when the Criminal Code is read, that if action is taken without the authority of the Elections Tribunal Judge, this Parliament will be breaking its own law as contained in Section 115 of the Criminal Code.

A Government Member: We shall all be in gaol together.

Mr. MORRIS: If the hon. member was there, I think he would be in the right place.

Mr. Hanlon: He would be in better company in gaol than with you.

Mr. SPEAKER: Order! I would ask the hon. member for Mt. Coot-tha to withdraw his remarks.

Mr. MORRIS: Well, Mr. Speaker, all I do is to say that I leave it to the conscience of the Premier.

Mr. Hanlon: You do not know what a conscience is.

Mr. SPEAKER: Order! I have asked the hon. member to withdraw the remark.

Mr. MORRIS: Yes I do. (Interjections.)

Mr. SPEAKER: Order!

Mr. MORRIS: I should like to point out to you, Mr. Speaker, that the Premier also made a suggestion about me, but my conscience is so clear that it does not matter to me.

To return to the argument I was using: Section 115 of the Criminal Code provides—

"Any person who knowingly and wilfully and without the lawful command of some competent court or tribunal, opens or breaks the seal of a sealed parcel which has been sealed up under the provisions of the laws relating to elections, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years."

I reiterate the point that neither Parliament, the Government nor Cabinet is the competent court or tribunal to judge of questions in regard to elections. This Government put this very law here. This Government have appointed an Elections Tribunal to investigate all matters relating to improper practices in regard to elections. It is its clear duty to make these investigations.

Mr. Hanlon: The Government do not appoint the Elections Tribunal.

Mr. MORRIS: The Government do.

Mr. Hanlon: No, Parliament does.

Mr. MORRIS: Earlier I said, "Parliament." (Government interjections.)

Mr. SPEAKER: Order!

Mr. MORRIS: I am not at all worried about their drawing red herrings across the trail; I will still make the point, irrespective of all the red herrings in the sea.

I come back to the point that the Elections Tribunal is the only authority that has any right whatsoever to make this particular investigation or to permit or authorise the breaking of the seals as they exist on the ballot papers at the present time.

I want to elaborate on Section 107 because I believe in that section is to be found the whole kernel and the reason why there has already been so much delay in getting this matter cleared up. The Premier when speaking a little while ago said, "Why delay the action that is desired? Why delay the police in the investigation that we require them to make?" The Government themselves have delayed the police.

Mr. HANLON: I rise to a point of order. That statement is a cold, calculated, deliberate falsehood and I ask that the hon. member for Mt. Coot-tha be made to withdraw it. The only delay has been because of the damn-fool questions asked by the "Courier-Mail" and the Leader of the Opposition and the Leader of the Liberal Party, who have done everything possible to delay this matter. The Government have not interfered with the police. The preceding Government did.

Mr. NICKLIN: I rise to a point of order.

Mr. SPEAKER: The Premier rose to a point of order and I shall deal with that first. I ask the hon. member for Mt. Coot-tha to accept the explanation given by the Premier.

Mr. MORRIS: I am merely stating my opinion and I am entitled to state my opinion regarding the action of the Government.

Mr. SPEAKER: I am asking the hon. member to accept the explanation given.

Mr. MORRIS: I will accept the explanation.

Mr. SPEAKER: I shall now deal with the point of order raised by the Leader of the Opposition.

Mr. NICKLIN: I refer you to what the Premier said. He said that I was responsible for delay in the investigation into these matters by damn-fool questions.

Mr. HANLON: That is true.

Mr. NICKLIN: I am not accustomed to asking damn-fool questions and, what is more, the term is entirely unparliamentary to use towards a responsible member of this Parliament, particularly the Leader of the Opposition.

Mr. SPEAKER: Order! I ask the Premier to withdraw the expression.

Mr. Hanlon: I will withdraw the "damn" part and let the "fool" stand.

Mr. MORRIS: You yourself, Mr. Speaker, said that this was a case in which the public and everyone are very interested. Undoubtedly they are. Had the previous amendment moved by the Leader of the Opposition been accepted—

Mr. SPEAKER: Order! It was ruled out of order.

Mr. MORRIS: I appreciate that. Had it been carried, the desirable end would have been met. If the amendment I have moved is accepted, it will help the public to see what is going on in relation to this inquiry. It will broaden the inquiry to a point at least although not as much as I should like to see it broadened. I want to see the inquiry as broad as it is possible to make it.

I want to enlarge on the grave importance of Section 107 of the Criminal Code. That Section reads:—

"A prosecution for any of the offences hereinbefore defined in this Chapter must be begun within one year after the offence is committed, or, if it is committed with respect to a parliamentary election with respect to which a petition is tried by the Elections Tribunal, within three months after the report of the Elections Tribunal is made, whichever period last expires, so that it is begun within two years after the offence is committed."

The point I make is this: All this business about delay is only resulting in allowing the actual criminal, whoever he might be, to get off scot-free, unless the inquiry is completed by 29 April of this year or, alternatively, unless there is a further Elections Tribunal following the one we have had. If the criminal is discovered after 29 April, he is immune from the law. Do not try to tell me that the Premier's advisers have not pointed that out!

Mr. SPEAKER: Order! The hon. member is getting a long way from the matter before the House.

Mr. MORRIS: I am not.

Mr. SPEAKER: Order! I rule that the hon. member is. I ask him to keep to the question before the House.

Mr. MORRIS: I believe that the provisions of the second part of the amendment

are very desirable, and there is no foundation for the Premier's stupid suggestion that the Opposition are desirous of delaying an investigation. The amendment contains no suggestion whatever of any delay; indeed, if it is carried, an investigation can be begun immediately in exactly the same way as under the original motion.

Mr. Hanlon: You referred to Section 84 of the Elections Acts?

Mr. MORRIS: Yes, and I am now referring to the second part of my amendment.

Mr. Hanlon: What you say is contained in Section 84 is not there.

Mr. MORRIS: I do not need the Premier to correct me in anything I quote. First of all, I quoted from Section 84 of the Elections Acts, which I will read for the benefit of the Premier. It says—

“84. (1) The returning officer shall within thirty days after the expiration of the day named in the writ for the return thereof or, if the Governor or Speaker has extended the time for the return of the writ, the last day of such extended time—

(a) Enclose in one packet the several sealed parcels made up and sealed by him, in pursuance of sub-section one of section eighty-two of this Act; and

(b) Seal up such packet and affix thereto in the prescribed manner the prescribed label endorsed with a description of the several contents thereof and the name of the electoral district and the date of polling, and sign such endorsement with his name; and

(c) Transmit such packet to the Clerk of the Assembly.”

Sub-section (5) deals with the matter of how the ballot papers shall finally be destroyed.

In spite of anything that the Premier might say, Section 84 of the Elections Acts does lay down that the ballot papers must come to the Clerk of Parliament, which is exactly what I said some time ago. I then went on to say that Section 115 of the Criminal Code lays it down that any person who knowingly and wilfully, and without the lawful command of some competent court or tribunal, opens or breaks the seal of a sealed parcel that has been sealed up under the provisions of the laws relating to elections, is guilty of a misdemeanour and is liable to imprisonment with hard labour for two years.

Then I went on to quote Section 107 of the Criminal Code, which says—

“107. A prosecution for any of the offences hereinbefore defined in this Chapter must be begun within one year after the offence is committed, or, if it is committed with respect to a Parliamentary election with respect to which a petition is tried by the Elections Tribunal, within three months after the report of the Elections Tribunal is made, whichever

period last expires, so that it is begun within two years after the offence is committed.”

That is Section 107 of the Criminal Code, and after midnight on 29 April it will be impossible for the Government to proceed against any person who has broken the law in respect of anything that comes within Chapter 14 of the Criminal Code.

Mr. Hanlon: What has that got to do with your amendment?

Mr. MORRIS: The Premier tried to prove that I had misquoted whereas I have proved the correctness of my quotations. Now he seeks to side-track me again.

Let me get back to the point I was trying to make when the Premier interrupted me. If you are going to break the law, it is vital to see that the person who will be required to break the law takes an oath not to divulge the information he obtains, except in certain quarters. I demand in the name of justice, truth and fair play that anyone who is forced to break the law shall be required to take an oath not to divulge the information he gets, except to proper authorities. That is what the amendment seeks to do. It requires that an oath shall be taken by the person upon whom the Government impose the unpleasant job of breaking the law of the land. I therefore commend the amendment to the House.

Mr. MULLER (Fassifern) (12.32 p.m.): I second the amendment moved by the hon. member for Mount Coot-tha. First of all I draw the attention of the House to the fact that the Premier moved his motion 65 minutes ago. This is perhaps one of the most important questions that we have had under consideration for a considerable time but despite the fact that the motion was moved I think at 25 minutes past 11 and it is now half past 12, we have not yet had a copy of the motion moved by the Premier. On the other hand the Opposition have extended the courtesy to the Premier of giving him copies of the two amendments moved by them.

Mr. Hanlon: How could you frame an amendment if you did not know what the motion was?

Mr. MULLER: The Leader of the Opposition framed his amendment on the statements that the Premier made.

Mr. Hanlon: They were typed before he came into this House this morning.

Mr. MULLER: The action of the Premier today is almost without precedent in this House. Whenever we propose to move an amendment to a clause in a Bill we extend the courtesy to the Minister concerned of supplying him with a copy of it beforehand. Today we are considering one of the most contentious questions ever considered in the interests of the people of Queensland. The Premier moved his motion, purporting—and I repeat the word purporting—to clear the matter up to the satisfaction of the

people of Queensland. He contends that the motion is of considerable importance and that of itself should be sufficient to justify the making of a number of copies for hon. members. Surely to goodness sufficient time has elapsed since the motion was moved to have a number of copies printed so that members may have copies of it.

All that we ask is that this matter be cleaned up to the satisfaction of the people of this State. It has been said that progress has been made in the investigation and while I hate to cast any reflections on the integrity of the police and indeed would not attempt to do so, the people of Queensland want to know what progress has actually been made. Representatives of the Press have submitted questions to the Commissioner of Police concerning the investigation but the only reply is that the investigations are still proceeding. It does not matter a great deal, I suppose, what the Opposition do or think today but the people of Queensland cannot help feeling that the progress they expect to be made is not being made and they want to know why.

Today the Premier has introduced another cover-up policy in proposing to do certain things. All that the Opposition are concerned about is to see that the matter is cleaned up to the satisfaction of the people of Queensland. We have invited the Government to appoint a royal commission to inquire into the matter. That amendment was ruled out by Mr. Speaker, but will be dealt with by the Leader of the Opposition tomorrow when he moves his Motion of No Confidence. As the Opposition have failed to obtain the acceptance of that amendment, which to my mind would be the only satisfactory way of cleaning this matter up, the hon. member for Mount Coot-tha has now moved a further amendment, which is much more moderate than the one ruled out of order, which asked for the appointment of a royal commission in the hope that we might get a fuller inquiry than the one contemplated.

Mr. HANLON: What has it to do with this amendment?

Mr. MULLER: It has quite a lot to do with it. The amendment does not ask for an open inquiry, but for a greater scrutiny than is proposed by the Premier in his motion. The Premier, in his own interests and in the interests of the Government, should not cover up any move for an investigation in this matter. If everybody about the place had done his duty there would be no occasion for any concern. The people of Queensland—and I am one of them—are not satisfied with the rate of progress that has been made in the investigations following on the publication of the findings of the Elections Tribunal, and in the interests of the Government would it not be much better to come out into the open and say, "We will give you any class of inquiry, even a royal commission," and thus let it be dealt with in a proper way, not in the hush-hush way as it has been dealt with in the last few months?

Mr. HANLON: I rise to a point of order. The speech of the hon. member for Fassifern has been entirely on the basis of a royal commission, notwithstanding that an amendment for that purpose was ruled out of order by Mr. Speaker. The amendment at present before the House lays down the procedure in the scrutiny of the votes.

Mr. DEPUTY SPEAKER (Mr. Farrell): Order! The point of order of the Premier is sound. If the hon. member wants to continue his speech he will have to get back to the amendment now before the House.

Mr. MULLER: The Premier is looking for something to argue about. I never said that I was supporting the first amendment that was moved from this side of the House. It was ruled out of order by Mr. Speaker. The amendment at present before the House, in case the Premier has lost sight of it, reads—

"(1) Such scrutiny of votes shall be confined to those regarding which specific authority is given by the Elections Judge (or a Judge who is the Chairman of a Royal Commission inquiring into electoral malpractices or corrupt practices) in each case, and

"(2) That a member of the police force or other person given such authority to scrutinise any vote shall first be required to subscribe to an oath not to divulge any information regarding such vote except to a duly authorised tribunal and subject to the direction of such Elections Judge or Chairman as aforesaid."

There is no need for me to repeat the arguments for the amendment, which was covered fully by the hon. member for Mount Coot-tha. I was making reference to the slight difference between the two amendments. The Premier objected to my remarks about a request for a royal commission by the Leader of the Opposition.

Mr. DEPUTY SPEAKER: Order! This amendment does not refer in any way to the appointment of a royal commission.

Mr. MULLER: The amendment before the House asks that the Bulimba election be investigated as fully and as openly as possible. Unless that is done, the people of Queensland will not be satisfied.

Mr. DEPUTY SPEAKER: Order! I ask the hon. member to get back to the text of the amendment. If he does not do so, I will ask him to resume his seat.

Mr. MULLER: I have no reason to dispute your ruling, Mr. Deputy Speaker. The phrasing of the amendment speaks for itself. All we ask is that the matter be properly investigated by responsible officers and by people responsible to someone in order that confidence will be created in the people of Queensland because of the fact that the inquiry will be conducted openly and correctly.

I cannot see any reason why the Premier should not accept the amendment. It does not go perhaps as far as the first, but it

meets him part of the way. What we find wrong with the Premier's motion is that it does not go far enough, and therefore we want to improve it if we can. If this amendment was accepted it would create a feeling in the minds of the people that an honest attempt was being made to clean up this dirty business.

Mr. DEPUTY SPEAKER: Order! The hon. member will have to go back to the amendment.

Mr. MULLER: I am dealing with it.

Mr. DEPUTY SPEAKER: The hon. member is not.

Mr. MULLER: I am, and I have no wish to depart from it.

Mr. DEPUTY SPEAKER: The hon. member is not keeping to the amendment and he will have to get back to it if he wants to continue the discussion.

Mr. MULLER: You asked me to confine my remarks to the words of the motion, Mr. Deputy Speaker.

Mr. DEPUTY SPEAKER: The amendment.

Mr. MULLER: The amendment. Is there anything wrong with the amendment?

Mr. Hanlon: That has nothing to do with a royal commission.

Mr. MULLER: You are talking about royal commissions in order to influence the Speaker.

Mr. DEPUTY SPEAKER: I ask the hon. member to withdraw that reflection on the Chair.

Mr. MULLER: I am not reflecting on the Chair.

Mr. DEPUTY SPEAKER: I ask the hon. member to withdraw the reflection on the Chair—the suggestion that the Premier has some influence over me.

Mr. MULLER: I certainly do not wish to cause a scene. I am not reflecting on the Speaker. I referred to what the Premier has said.

Mr. DEPUTY SPEAKER: Order! I ask the hon. member to withdraw the reflection that I feel was apparent in his remarks.

Mr. MULLER: I cannot see for the life of me that I cast any reflection on the Chair, but I am prepared to withdraw it, seeing that you have taken it up in that way. The Premier has been continually raising that point and trying to imply that my speech was not on correct lines. We propose to proceed along these lines in order that the people may be satisfied that the matter is being thoroughly investigated. That is all we want. If what we suggest is done, it will help the Premier's case. According to what the Premier has said, and according to the "Hear, hears!" that came

from members of his party, everyone is very anxious to have this thing cleaned up. If anyone, whether a public servant or anyone else, is guilty of irregular practices, the law should be carried out. As the Leader of the Opposition has said, we do not care who the person is, whether he is a member of our party, one of our strongest supporters, we want that person brought to book. If that person is not brought to book, the people will not have any confidence in the purity of the ballot in future elections. As a result of this disclosure, thousands of people believe that Bulimba is not the only electorate where this has happened; therefore, the thing has to be cleaned up. Some say it is the general practice in and round the city. I do not know whether that is true, but you cannot help feeling that this is not the only place where this kind of thing has happened. If any number of persons conspire together in order that this kind of thing might be brought about at elections it should be cleaned up.

Mr. SPEAKER: Order! The hon. member is a long way from the matter before the House. The House is dealing with the question whether the police shall have power to inspect certain ballot papers and the amendment seeks to confine them to doing certain things. I ask the hon. member to address himself to the matter before the House.

Mr. MULLER: You are keeping me on a very narrow path, Mr. Speaker. I agree that I have been slightly away from the question but the whole of my argument is directed to this point: if this inquiry is to be made it should be done in the proper way and we on this side think that this is the proper way. As a matter of fact, I believe that the Premier knows as well as I this amendment would be preferable to the motion he has moved this morning.

Hon. E. M. HANLON (Ithaca—Premier) (12.48 p.m.): I have listened to some piffle being put over by hon. members in Opposition in this House in my time but never have I listened to such an exhibition as that given by the hon. member for Mt. Coot-tha and his supporter, the seconder of the motion.

In the first place, the Opposition know that under Section 84 of the Elections Act it is impossible for us to do what we propose to do but they then come along with a motion that we do what we cannot do in a certain way. They quote the Criminal Code and the Elections Act to demonstrate that Parliament must do what we are proposing to do this morning, but then the hon. member for Mt. Coot-tha gets up, poses as a lawyer, and urges us to do what we cannot do in the way set out.

Mr. Morris: Nothing of the sort.

Mr. HANLON: Mr. Speaker, the hon. member for Mt. Coot-tha poses as a man of letters but that will not get away from the fact that after what he has said this morning the electors of Mt. Coot-tha will ask him to study the law before he gets up

here again. I am leaving it to the electors. The electors might find out a lot we do not altogether know.

Mr. Morris: That is what you are frightened of.

Mr. HANLON: I will deal with what hon. members opposite are frightened of.

Furthermore, the hon. member for Mount Coot-tha comes in here as an adviser to the people and an adviser to Parliament on the law and recommends that the policeman who is going to examine these papers in the course of his duty investigating a crime should be asked to take an oath of secrecy. In his infantile innocence he does not even know that every policeman who enters the Police Force has to take an oath of secrecy. There is an old saying that wisdom comes from the mouths of babes and if there is any truth in that the hon. member for Mt. Coot-tha is a centenarian. Did you ever hear such piffle put up by a member of Parliament? In his desperate search for something to say he went out of his way to try to create the impression that a Labour Government have something to be afraid of in an investigation and his amendment was supported by the hon. member for Fassifern, whose speech was a reiteration of the statement, "Clean this dirty business up." The only contribution he could make to the debate was a reiteration of the statement that there was some dirty business and he was not associated with it. Why the repetition?

Let us look at the direction of the amendment. The votes that were the subject of the inquiry by the Elections Tribunal are already in the hands of the police. This amendment is aimed at preventing the police from getting at the votes they want to check.

Mr. Morris: That is not true.

Mr. HANLON: The amendment prevents the police from interfering with the votes in the hands of the Clerk of Parliament. What is the guilty feeling of the Opposition? Considering the amendment carefully, I am beginning to think that there is reason for going further than we propose to go.

Mr. Morris: Appoint a royal commission if you've got the guts.

Mr. HANLON: When I hear hon. members of the Opposition getting up in this House and objecting to our giving the police the opportunity of investigating Section 70 votes, I wonder why. They say that they want this matter cleaned up. I should say, although I do not know him personally, that on his record Detective Bischof is one of the best detectives in the Commonwealth and one of the best in the world. He has been untiring and relentless in his job and if it is humanly possible to find out who has been the guilty offender, God help him with Detective Bischof on his heels. I do not care if the offender is a member of the Opposition or my own party or a supporter of either, God help him if Detective Bischof gets on his heels. He wrote to the Commissioner of Police asking that gentleman to get access to these ballot papers for the purpose of checking them. I read the letter.

He wants to check the number of Section 70 votes cast in every electorate and check the number of ballot papers returned with the number of papers issued to returning officers to decide where the alleged duplicate ballot papers came from. If he can find that out he has a fair lead on who was responsible for the fraud. He has already had from electoral registrars all over the State all the blank ballot papers they possess and he has checked them with the number issued to the returning officers. He wants to check the ones issued to the returning officers in order to get a check on the unused returns. The returns are in the ballot box. That is the purpose of this motion.

Mr. Hiley: I understand that the returning officers, not the electoral registrar, have to send returns to the Under-Secretary for the Department of Justice, who checks with the unused papers and returns them to the Government Printer's stockpile?

Mr. HANLON: No, they are kept by the electoral registrar.

Anyhow, that is entirely beside the point. Inspector Bischof has had access only to the unused Section 70 ballot papers that were not issued in the election, and he now asks that he be given an opportunity of checking the papers returned from the returning officers so that he can see if the tally of used and returned unused ballot papers is correct. In that way, he may possibly get a lead on where these alleged duplicate ballot papers came from. If he can do that, he will have a very good line on who has been involved in this fraud. As soon as he asks for that opportunity, however, Opposition members endeavour to put every possible obstruction in his way. First of all, the Leader of the Opposition moved, in effect, that he be not allowed access to the ballot papers. He then moved that a royal commission be appointed to investigate all sorts of things. Then the Leader of the Liberal Party, bursting with legal knowledge, trots out the law to show that unless action is taken against the criminal before 2 April under one law or before 29 April under another law, no action will lie. He then proposed the appointment of a royal commission, which might take anything from three to six months to bring this matter to a conclusion. Such a proposal would mean, in effect, that whoever was guilty of fraud in the last election would get off. How could we appoint a royal commission that we could be sure would be able to finish up—(Opposition interjections.) I know how the hon. member would do it. If he was Premier and his party were in power they would appoint a commission that would do what it was told and bring in a report to suit them. That is what they did when they were in power previously. They appointed to the commission an ex-judge who was a member of the Tory Party. If we were to appoint a royal commission on which was a judge of the Supreme Court, it must be remembered that the courts have only recently reopened after the Christmas recess. In addition, anybody who wanted to obstruct such a royal commission could keep on volunteering evidence

and delay it for some months. (Interruption.) I am quite sure that the Leader of the Opposition is not proposing to delay the investigation until it is too late to punish the criminal in order to protect somebody on this side of the House.

As I was pointing out, the object of the motion is to allow a check to be made of a number of ballot papers to show the number used and those returned unused. This check will be made under the supervision of the Clerk of the Parliament. There will be a check of the ballot papers returned by each returning officer at the general elections and at two by-elections in the year before the general election, going back beyond the general elections. Obviously, if it can be discovered that a returning officer was short in the ballot papers returned that may be a line on where the duplicated papers came from and if there has been any duplication somebody must have had access to the ballot papers. The ballot papers cannot be altered without leaving plenty evidence of the attempted alteration. The ballot papers have very small, almost unreadable, words in the fabric of the paper, something like "State Electoral Office," almost invisible to the naked eye. Therefore, if an attempt is made to erase anything from the paper or alter it in any way, there is the abundant evidence of attempted alteration. The police are anxious to ascertain where the ballot papers came from.

Some statements have been made today about public servants that are absolutely ludicrous, that public servants have to do all kinds of things, that they have to do this and that, and that the administration of the work of the Government is in the hands of public servants. That is so, but I am going to say that the standard of honesty in the Public Service compares more than favourably with that in any other organisation of which I have knowledge. I deplore this tendency of the past four years, I should say, of an endeavour by the Opposition to injure the Government of Queensland by asserting that the public servants of Queensland are dishonest. The Deputy Leader of the Opposition at the last State elections paid the public servants the doubtful compliment of saying that the majority of them were honest. Did he mean 51 per cent. of them, or 50½ per cent. of them, and did he also mean that 49 per cent. of them were rogues? I venture to say that the standard of honesty amongst public servants is as high as the standard of honesty in this Chamber. I say quite frankly that the standard of honesty amongst the public servants is higher than that in any commercial house in this country. The amount of money handled by public servants in this State is tremendously greater than the amount handled by any other undertaking, whereas the defalcations are almost negligible. Although we do make quite a song about slight defalcations, they are really only trivial, and there have been no great defalcations over a long period of years in the Public Service of Queensland. There is no private industry that can show such a record—no bank, no insurance office, and no trading company that can show such a record of honesty in administration as the Public

Service of Queensland can show. I say also that no private concern has the same degree of inspection, audit, check and investigation of accounts as we have in the Public Service, and so I do deplore this tendency to slander public servants when our opponents are on the job slandering the Labour Government. They know that what they say is not true. I accept their slander campaign—I am used to it—but what irritates me is that responsible members of Parliament, who have been here for some years, should get up and not know that the Clerk of Parliament stands for Parliament itself. The ignorance of the Opposition is appalling. Its members are wrapped up in their continuous attempt to defame Labour and ignore at all times our political system. They have no more idea of the principles of the foundation of Parliament than the man in the street, because they are too busily engaged in their campaign of slander to understand the procedure of Parliament.

The Leader of the Opposition accused me of lack of courtesy in not supplying him with a copy of the motion I moved. He wanted to know all about the motion. The amendments moved by him and the hon. member for Mount Coot-tha were framed before Parliament met and were indicative that he knew what was going on. The Press had it yesterday. The "Courier-Mail" questioned me about it yesterday afternoon. It is evident that the amendments were typed before Parliament met this morning, as they could not have been typed after I moved my motion.

Mr. Hiley: It was prepared on the blind. (Government laughter.)

Mr. HANLON: I am afraid the hon. member for Coorparoo prepares a lot on the blind. He is a very old and hard horse in that direction. It pays to be blind. The Opposition knew what was coming on as the Press asked me about it yesterday, consequently its members had everything ready. I charge the Opposition with trying to prevent me from cleaning up this matter.

Mr. Walsh: Because their organisers are guilty, that is why.

Mr. HANLON: The Leader of the Opposition moved an amendment that in its effect would prevent the Criminal Investigation Branch from investigating the whole matter and attempting to trace the duplication of the ballot papers.

Mr. Walsh: Because their own organisation is guilty.

Mr. HANLON: Their amendment was designed to delay authority to the police to check those ballot papers. The amendment was that all words after the word "That" be deleted. They have harassed the police, they have tried to stampee the police; the Leader of the Opposition, the hon. member for Coorparoo and the "Courier-Mail" have continually harassed and attempted to stampee the police into finalising their investigation before they had come to a conclusion. The whole of the foundation of our very

system of life depends on our confidence in the police and our courts. The policy of the Opposition in holding them up to ridicule in an attempt to stampede them into hurriedly concluding their investigations before any actual results were achieved has been part of that policy. The Opposition do not desire this matter to be cleaned up. They want to go before the electors at the by-elections crying out that the Labour Government are concealing something.

Mr. Morris interjected.

Mr. HANLON: If the hon. member had any sense at all, he would keep his mouth closed now. The Opposition have deliberately planned to stampede the police and Government into finalising the present investigations before any definite case has been framed. They are trying to go to the by-elections to say that the Government are shielding and hiding something and shielding some crime. It is four years since the Opposition fought an election against the Government on the political platforms of the parties. The last two elections they did nothing but slander the Labour Government. They completely abandoned any attempt to defeat this Government on the basis of politics and their basis of attack was slander and innuendo.

The words of the hon. member are indicative of this campaign of slander when he said, "Quite a lot will be said here tomorrow and we are looking forward to it with relish." They relish the possibility of defaming the Government, although in doing so they are defaming the democratic system under which Parliament is elected. Any slander of the personnel of the Labour Party is justified—any injury is justified in their eyes, if it will get them a few votes. They have been attempting to have this thing finalised without somebody's being placed in the dock, if a criminal action has been committed. I do deplore this decline in morals of public life and criticism that is continually doing injury to the very democracy to which hon. members opposite give lip-service—and only lip-service. This continual crying down of the Electoral Office, of the Public Service and individual members of the Government Party, this slandering of their characters, and this suggesting they are involved in corruption—these things have been part of their stock-in-trade. Members of this party in Parliament and out in the electorates, in the A.L.P. branches and the trade unions, are ordinary human beings—not paragons of virtue—with all the faults and failings of human beings; but they tower in morality and honesty above any meetings of boards of directors under whose direction members of the Liberal Party work. They tower over the people in Melbourne who are directing the so-called Liberal Party in Queensland. They are far more honest in their advocacy and administration. It ill becomes the successors of the Moore Government to talk about honourable administration. I hope that the Opposition will realise their duty to help in cleaning this matter up.

In conclusion I say that while this Government are in power, neither the Liberal

Party nor the Country Party nor the editor of the "Courier-Mail," nor any hired agent from Melbourne will be allowed to interfere with the police of this country or the administration.

Mr. DECKER (Sandgate) (2.28 p.m.): We are out to help the Government to find the perpetrator of the fraud and to help the police in their investigations. I support the motion. According to the Premier we have the best detective in the world on this case, and I am certain the Opposition will not put anything in his way to hinder him from finding the cleverest criminal in this State. Personally I will back the cleverest criminal. I have seen this happen before. I have seen a smoke-screen of investigation set up by the Government hoodwinking the people. In this I see a negative result, even if we do pass the motion moved by the Premier. I have been 21 years in public life and I have fought eight elections and I know something about the electoral system. All we can expect from the investigation is nil. Even if I were wrong it would be a reflection on the Chief Electoral Officer. The Premier knows that these section votes are given out without numbers. You have no proof where they go or how they go, except the returns from the returning officers.

Mr. Hanlon: Section 70 is the same today with the exception of an addendum as when the Moore Government put it through this House.

Mr. DECKER: They are putting up a smoke-screen but we want to find the criminal or criminals who perpetrated this fraud. It is a person who does not belong to this party. (Government laughter.) It is a person belonging to the Government party. The votes in dispute favoured the Labour candidate. We in this House have to do our duty and must endeavour to be impartial. If the Government are impartial and are out to stop this sort of thing in connection with elections they will not put up a smoke-screen as they have.

Let us trace the history of a ballot paper. It is printed at the Government Printing Office and sent to the Principal Electoral Officer—

Mr. SPEAKER: Order! The hon. member is getting away from the question before the House.

Mr. DECKER: The matter was raised by the Premier.

Mr. SPEAKER: We are dealing with a proposal that a police inspector have powers to inspect certain ballot papers.

Mr. DECKER: And that for a certain purpose, and I take it that purpose is to discover what happened to certain votes under Section 70 of the Act. We should know what we are talking about.

The returns come to the Principal Electoral Officer from the returning officers and he has a check. If these votes are falsified the responsibility falls on one officer. It does not get the criminal who perpetrated

the fraud in this instance. The Government contend that they are doing this, they are taking this action with the desire of helping the police find the culprit and nothing else, but the Premier knows as well as I what the result of this investigation must be before it starts.

Mr. Hanlon: You will be surprised at what the Premier knows.

Mr. DECKER: We are not surprised. We should like to know something that the Premier knows.

Mr. SPEAKER: Order!

Mr. DECKER: As far as I am concerned, I have no wish to prolong the debate because I do not think it is deserving of being prolonged. It is merely a smoke-screen put by the Government with no prospect of being of any help to the investigation.

Mr. NICKLIN (Landsborough—Leader of the Opposition) (2.33 p.m.): I listened with a considerable amount of interest to the Premier and must say that the hon. gentleman had an extremely weak case. Owing to lack of logical argument the whole of his speech was confined to an endeavour to cloud the real issue by abusing members of the Opposition; and abuse is no argument. If every person on his side of the House is above suspicion in regard to any implications in respect of this scandal, why all the protestations by the Premier and his party? He endeavoured to evade his responsibility as Premier of this State by slandering members of the Opposition.

The hon. gentleman thought he had made a great discovery. He said here that the Opposition had prepared their amendments before the House met. They had, and thus showed a considerable amount of political foresight by forestalling the move that the Premier thought he was going to put over in this House.

Mr. Hanlon: You said you knew nothing about the motion.

Mr. NICKLIN: The hon. gentleman thought he was going to put something over the House by introducing a motion without notice. Of course, we did not know what the motion would be and what its purpose would be but we suspected that the hon. gentleman would take some action.

Mr. Crowley: A dirty old mind.

Mr. SPEAKER: Order.

Mr. NICKLIN: Mr. Speaker, did you hear the remark of the hon. member for Cairns, a remark imputing dishonourable motives to me? The hon. member said I had a dirty mind. I do not appreciate remarks like that and I draw your attention, Mr. Speaker, to it.

Mr. SPEAKER: Order!

Mr. NICKLIN: No doubt, nobody knew what the tactics of the Government would be but any competent Opposition should be prepared to meet their tactics. Our adequate preparation rather staggered the Government and they were bewildered by the fact that we were ready for the attack they launched.

The Premier made quite a lot of noise about the alleged fact that hon. members of the Opposition wanted to prevent the cleaning up of this mess. As I assured the House this morning, no-one is more concerned with the cleaning up of the mess than we on this side and any action we have taken has been taken in an endeavour to get something done by the Government, whose responsibility it is to do something to have the mess cleaned up. For two long months the Government have done absolutely nothing to bring this matter to a head. There were many lines of action they could have taken but they took no action whatsoever. For the Premier to say this morning that we wanted to prevent the cleaning up of the mess is sheer hooey and is an endeavour to draw the attention of the public away from the real facts of the case, which are that the Government have fallen down on their job of doing everything possible to clean up the mess.

The Premier accused me this morning of moving my amendment in an endeavour to prevent the fullest check. The amendment I moved would have provided not only for the fullest check but for the widest possible inquiry that could take place into every aspect of the whole case. And what, after all, is better than a full inquiry? What is the use of a restricted inquiry? We want the fullest and the widest inquiry it is possible to have. The Premier himself admitted that the motion was only for such-and-such a check of papers, to see that numbers were correct in regard to returns, &c. We submit that the method being used by the Premier in his motion is not the correct approach to the problem.

Mr. Power: You say that you are better able to investigate than the police?

Mr. NICKLIN: I am able to judge the correct and incorrect approaches to this problem and I say that the motion is the incorrect approach and that the amendment under discussion would rectify that incorrect approach and make legal our action in passing the motion to deal with this matter. I submit that the correct thing to do is not to limit the scope of the inquiry but to make it as wide as possible and to do the thing properly.

Mr. Hanlon: And as long as possible.

Mr. NICKLIN: Not as long as possible. I remind the Premier that the police are still inquiring into who paid that £350 to let some Communists out. That is an example of police inquiry. I do not blame the police for that, because I believe they were called off the inquiry.

We are greatly concerned, Mr. Speaker, with the lack of safeguards in the Premier's motion, particularly in regard to the secrecy

of the ballot. I think the Premier will admit that the motion contains no safeguard whatever to protect the secrecy of the ballot.

Mr. Hanlon: I will not. The motion directs the Clerk of Parliament to take all necessary precautions to preserve the secrecy of the ballot.

Mr. NICKLIN: The motion instructs the Clerk of Parliament to break the law of the land, and I venture to say that it would have no effect whatever in law. A resolution of this Parliament has no effect in law if it is contrary to the statute law of the State, and the Premier's motion is definitely contrary to the statute law of the State. The hon. member for Coorparoo quoted one example this morning in which this House fell down badly in endeavouring to override the statute law of the State by a simple resolution. We all know what happened in that respect in the Barnes case. This motion directs the Clerk of the House to break a provision in the Criminal Code dealing with the breaking of seals of packets used at elections.

Mr. Hanlon: Read the section of the Criminal Code.

Mr. NICKLIN: I intend to read it, don't worry about that! I quoted it this morning and I intend to quote it again.

Section 115 of the Criminal Code says—

“Any person who knowingly and wilfully, and without the lawful command of some competent court or tribunal, opens or breaks the seal of a sealed parcel which has been sealed up under the provisions of the laws relating to elections, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for two years.”

The Premier is smiling very happily over there. No doubt he thinks that Parliament is a competent authority—

Mr. Hanlon: It is the highest court in the land.

Mr. NICKLIN: Parliament is a competent authority to amend legislation, but not to do something that is contrary to the legislation of the State. The Elections Act lays down very definitely who is the competent authority, and it lays down also that Parliament can direct that competent authority to do such-and-such a thing. However, there is nothing in the Elections Act that says that Parliament can direct the breaking of the law. The carrying of this motion would render the Clerk of Parliament liable to imprisonment with hard labour for two years, because he would be breaking Section 115 of the Criminal Code.

I say again that Parliament is not competent to conduct an inquiry into maladministration on its own account unless it amends the Elections Acts to give it that power. It can direct certain action through the proper channels, which are provided for in the Elections Acts. I will quote the section of the Elections Act that gives Parliament power to direct a certain line of action. Section 101 deals with the Elections Tribunal, and subsection (2) (b) says—

“All questions which may be referred to it by the Assembly respecting the validity of any election or return of any member

to serve in the Assembly, whether the question relating to such election or return arises out of an error in the return of the returning officer, or out of his failure to make a return, or out of an allegation of bribery or corruption against any person concerned in the election, or out of any other allegation calculated to affect the validity of such election or return;”

Today the Premier, through this motion, is endeavouring to obtain information that may lead to the discovery of an error by a returning officer, but that is specifically provided for in the existing legislation. There is the specific provision that this Assembly can direct the Elections Tribunal to conduct the inquiry, but there is no power for this Assembly to direct the police to conduct the inquiry. The tribunal may conduct the inquiry upon a direct instruction from this Parliament, but Parliament cannot legally do that by the passing of a simple resolution. Therefore the action that is proposed in the motion is wrong in law and can be disputed. Parliament has no power to suspend or alter the statute law of the State by the passing of a simple resolution, but Parliament can alter the statute law by introducing a Bill for the purpose into this Chamber. If the Premier had wanted to institute a police inquiry he should have amended the Elections Act to enable that to be done. The amendment will enable the Premier to have the inquiry that he wants, but it will be conducted in a proper way, that is, according to the law of the land, and not contrary to the law of the land, as the motion seeks to do. In view of the fact that we are endeavouring to have the inquiry conducted in a proper way, in the way in which it should be conducted, can it be said that there is any lack of desire on our part to have this matter cleaned up? We want to have it cleaned up properly and cleaned up for all time. I was surprised at the attitude of the Premier towards the amendment. He had no defence at all. He refused to accept the amendment and based his refusal on vilification of the Opposition, and endeavoured to cloak the real issue behind these important matters today.

In conclusion, I repeat that the Opposition are keen to have this matter cleaned up, but we want it cleaned up in a proper and legal way. We do not want to have any mistakes made by this Parliament in the passing of an illegal resolution that will hamper the investigation into the scandals that are causing great concern for every person in this State.

Hon. V. C. GAIR (South Brisbane—Treasurer) (2.48 p.m.): I deeply sympathise with the Leader of the Opposition and his cohorts in the dilemma in which they find themselves today. It is evident that they are straining every nerve and muscle to reconcile their attitude on this motion with their statements over a period of many weeks. Through the Press, which has featured the unfortunate incident associated with the last Bulimba election, they have led the people to believe that they were desirous of cleaning up this horrible mess, this political scandal. But what do we find? Ever since the Tribunal judge, Mr. Justice Mansfield, delivered his judgment following the inquiry on the appeal

by the Liberal candidate in the Bulimba elections, Mr. Hamilton, the Government have consistently offered the utmost co-operation and extended every avenue of possible inquiry to help the police unearth the culprit. The Government, right from the start, decided to place the matter in the hands of the police without any delay whatsoever—that cannot be denied—

Government Members: Hear, hear!

Mr. GAIR: . . . because this offence, according to the Elections Tribunal judge, was a breach of the Criminal Code and one that appropriately concerned the police, and they asked the police to put their best men on it and get on with the job. That is what the Government have done. As a result of their investigations, the police made a request that they might be permitted to examine certain ballot papers held, in accordance with the law, by the Clerk of Parliament. Based on that request by the police for the permission of Parliament to facilitate the pursuit of their investigations, the Premier has come before Parliament and submitted to Parliament a motion that would empower the police authorities to continue their investigations along lines that they believe are essential if they are to complete them. What is the attitude of the Opposition? Is it in accord with their statements over a period of weeks?

Government Members: No.

Mr. GAIR: Is it in consonance with the leading articles and cartoons in the Press which have pressed for an expeditious and intensive investigation into this matter? Of course not. We find the Leader of the Opposition, the Leader of the Liberal Party and others saying in their speeches, "We cannot agree to this."

Mr. Hiley: We offered you a better approach.

Mr. GAIR: We will deal with that, too. "We are not in favour of the police pursuing their investigations."

Mr. Hiley: Who said that?

Mr. GAIR: Hon. members opposite say that, by opposing the motion and putting impediments and obstruction in the way of the police conducting their inquiries in a way they think necessary for an intensive and complete investigation of the whole matter, and as suggested by the Acting Chief Justice, His Honour Mr. Justice Mansfield, in his judgment. His Honour's suggestion was given effect to by the Government without delay. Today the Opposition say, "We cannot agree to this." As the Premier pertinently asked, "What have they to fear?" That is the question the public will ask when the report of this debate goes out. What are the Opposition, who since 2 January have been crying "Bulimba inquiry" opposing today? A motion by the Premier which provides that the police, on the request of their chief investigation officer, Inspector Bischof, be allowed to examine ballot papers associated with the last general election and the two by-elections preceding it.

I will deal with the amendments. The Opposition are in a dilemma. Their members are having great difficulty in reconciling their attitude today with their statements in the past. We have the hon. member for Sandgate in that feeble way of his saying, "Members here are anxious to clean up this mess." If he is consistent, and if he is sincere, why is he opposing the motion to permit the police to examine the ballot papers? What does he fear? Has he been perpetrating anything irregular at the Eventide Home? Has he been doing something irregular that he is afraid might be discovered?

Mr. DECKER: Mr. Speaker, I rise to a point of order. I object to the imputation made by the Deputy Premier and I ask that he withdraw it. I never opposed the motion. I do not know anyone who has done that.

Mr. SPEAKER: The hon. the Deputy Premier!

Mr. GAIR: I ask, what has the hon. member to fear? What has any hon. member of the Opposition to fear in granting the police permission to examine the ballot papers? If we had anything to fear should we be ready to co-operate with the police and help them to investigate this thing right up to the hilt?

Mr. Morris: It has taken you two months to be ready.

Mr. GAIR: The wise man from Mt. Coot-tha speaks! He believes, with the "Courier-Mail," that the full inquiry should have been completed within a week. The "Courier-Mail" had a leading article after a week asking, "What is the result of those police inquiries?" They wanted, not a complete intensive investigation, as the judge suggested, but an incomplete, inefficient investigation—something unsatisfactory so that the perpetrator might escape. That is in consonance with their attitude today; they do not want this thing to be cleaned up; they want it to hang in the heavens, unsatisfactorily decided. As my colleague, the Attorney-General, said this morning, "They are more concerned about political advantage than they are concerned about the purity of the conduct of elections." They are only concerned about what political gain they can get out of this matter. Instead of being conscientious representatives of the people, possessed of a desire to clean this matter up and to see that such acts cannot be perpetrated in the future—if they have taken place—they are obstructing a complete inquiry. What is the amendment that was moved by the Leader of the Opposition? It is to oppose the granting of this permission. He wanted a royal commission—

Mr. SPEAKER: I ruled the amendment out of order.

Mr. GAIR: That is to be regretted because it happens to destroy a very good speech—I was just about to deal with the inconsistency of the Opposition in that connection. As it is, I satisfy myself by repeating

that it is another example of the purpose of the Opposition, which is to delay the finalisation of this thing while they at the same time complain about the delay that they allege is taking place in connection with the police inquiry. Yet they want a royal commission, which would take months to finalise. It would take weeks in preparation and in the formalities and preliminaries, and months to take evidence and make a determination—in the meantime, the three months hon. members of the Opposition complain about have expired and the perpetrator escapes.

The Premier this morning very ably exploded the inconsistencies of the case put forward by the Opposition. He pointed out that the Leader of the Liberal Party quoted Section 84 of the Elections Act, which according to the hon. member we have not the power to grant the police permission to inspect these votes and then we had the hon. member for Mt. Coot-tha moving an amendment that would give the police authority but under certain conditions. Can you imagine any greater inconsistency than that? One speaker told us that we could not do it except by an amendment of the Elections Act and the other member said that we could do it but we must see that there is secrecy about it and that the police officer should not disclose it to everybody but only to somebody. Can you imagine the public reaction to such inconsistency and feeble opposition to the motion moved by the Premier, which says in effect, "Give the police every facility and opportunity to investigate this case." We, as a Government, are prepared to support any requests of the police that would help them to expedite a complete and intensive investigation in accordance with the recommendation of the Tribunal.

Of course, we find today that the attitude of the Opposition in this connection is not dissimilar to their general attitude to investigations of this nature. To conduct an investigation but to deny the police full and complete facilities to investigate is what might be termed a Fascist form of control or government. Fascism in the countries where it operated clearly showed that those in control were not in favour of complete investigations of this kind. Always it was a sort of hush-hush method or Star Chamber system that was conducted in the investigation of any matter in which the Government were concerned. Today we find the Opposition here are adopting an attitude not dissimilar to the Fascist attitude by denying the police full and proper facilities for investigating matters submitted to them by the Government.

The Leader of the Opposition said that the motion by the Premier is wrong in law. You, Mr. Speaker, heard him repeat that assertion. If it is wrong in law, what value is the amendment moved by the hon. member for Mt. Coot-tha, which says in effect "We will accept the motion but we want it amended; we will agree to the police having access to these papers but we want an assurance that there is some secrecy about it." If it is wrong in law, it cannot be wrong in degree. It is either completely right or completely wrong and we believe it is right to give the

police every possible facility and opportunity to investigate this matter, which has emanated from a tribunal conducted in accordance with the Elections Acts of this State. We believe it is right that the police should have every assistance to trace down the culprit or perpetrator of this irregular deed, but we have the Opposition, who pretend they also are very concerned about bringing this matter to a successful finality, opposing the suggestion of the Government that the police should have every help in this connection. I think we can leave the matter to public opinion. Mr. Justice Mansfield delivered his judgment on 2 January, 1951, and on 3 January, 1951, Cabinet decided to give effect to the judge's recommendation that the police investigate. There is no delay there. We as a Government had nothing to hide and since then we have given the police every possible help and every scope for the thorough investigation of this matter in the hope that they will succeed in bringing the offender to book. The attitude of the Opposition cannot be compared with that of the Government. Clearly, their attitude is one adopted for political advantage and they do not care a flip of the fingers for the purity of the election system. (Opposition laughter.)

As I have said, they have been helped in this matter by the "Courier-Mail." The attitude of that section of the Press has been most unfair from the start and particularly to the police officers charged with the responsibility of investigating this case. The "Courier-Mail," of course, has leader-writers who write articles about everything and claim to be authorities on everything. Hon. members will see, if they check the newspapers that I am not exaggerating that almost immediately after the investigation was commenced by the police they were asking whether there was any result, not knowing what was involved in the investigation, nor did they have any knowledge as to how many documents were to be perused or how many individuals had to be interrogated. For political reasons they wanted to stir up public opinion against the Government through the police officers for what they alleged to be delay in the investigations. We instructed the police to carry out an investigation and the methods and means of the investigation were left to the police charged with the responsibility of doing the job. When they have completed their job they will make their report, and if they trace the culprit—

Mr. Decker: "If."

Mr. Gair: Look out that it is not the hon. member! If they trace the culprit they will take action in accordance with police methods, irrespective of who the individual might be. Action will be taken against the person concerned and the Opposition and the people of Queensland can be assured of that fact. They can also be assured that there will be no interference by this Government with the Police Force or its means of bringing this matter to a successful end.

It is to be regretted that the Opposition have seen fit, in deep contrast with their speeches and statements through the Press, to oppose the motion moved by the Leader of the Government to give the police charged

with the responsibility of fully investigating this case, all the facilities for carrying out the job.

Mr. CHALK (Lockyer) (3.7 p.m.): Some time back a member of the Cabinet made reference to a speech I made in this House and stated that voice-throwing was not a sign of statesmanship. I think the speech we have just listened to by the Deputy Premier is something that might be classed in the same category.

We have heard it said in this House that the Opposition are endeavouring to prevent the police from continuing their investigations into what is known as the Bulimba case. Nothing is further from the truth. Yet the Deputy Premier, in an attempt to draw what might be termed red herrings across the track, endeavoured to take away from the debate the very thoughts the Opposition are trying to contribute. He went so far as to accuse the Opposition of adopting Fascist tactics and even to accuse us of absolutely hindering the police. The very thing we have endeavoured to do is to help the cleaning up of the mess that existed and still exists at Bulimba. We have seen evidences of police inquiries and I say on behalf of the Opposition that every member has confidence in the Police Department. We have, however, from time to time, seen police inquiries dragging on and dragging on, and although the Deputy Premier has attacked the "Courier-Mail" because of the references made by that journal to this inquiry before today, that paper is giving a fair indication of the thoughts in the minds of the people. The people throughout the State feel that this matter has gone on long enough and they feel that something must be done to clean up this mess. So today we find just a further attempt by the Government to give the people the impression that something at least is being done.

We, as the Opposition in this Parliament, asked the Premier to go further than he is prepared to go and this morning you, Mr. Speaker, ruled out the amendment moved by the Leader of the Opposition. I have no intention of discussing that amendment, because I know that I cannot, but I say that the Premier's motion does not go far enough; it gives no assurance that this matter will be cleaned up. British people and the people of this State have, throughout the ages, valued their democracy, they have valued their rights, and they have valued the secrecy of the ballot, yet we find that the move being made today will rip asunder the very democracy on which this State and this country of ours is founded. We find that the Premier wants the sealed ballot to be opened for inspection, and irrespective of what assurances might be given the Opposition feel that immediately the seal is broken the secrecy of the ballot will be gone. I feel that today we are being asked to approve of something that tears down the very things for which men and women have fought and died.

Even at this late stage the Premier should give due consideration to what has been suggested. We have said as an Opposition

that we have confidence in the Police Department and in the Public Service, but we are asking that the public interest be safeguarded. Consequently, I feel that today we should not pass this motion in the form in which it has been presented by the Premier, but rather that we should have a court or a tribunal or a commission presided over by a judge who would be in a position to examine, not only one or two facts, but all the facts relating to this election. That is the course suggested by the Opposition, and I believe that that is in the minds of the majority of the people of Queensland. We know that the Government can pass any resolution they may want to, because they have a majority in this Chamber, but unfortunately for Queensland they do not represent the majority of the electors. Nevertheless, I am sure that this afternoon a resolution will be passed that will give the Government power to proceed to do something that the people do not want them to do. We feel certain that this is only another attempt to delay matters. We have heard it said from the front Opposition benches that this motion could quite easily break down the provisions under the Criminal Code. I therefore suggest to the people of Queensland that if this motion is carried this afternoon they give the matter very serious consideration, because it is undermining the very roots of democracy.

Mr. AIKENS (Mundingburra) (3.14 p.m.): I do not know that I should apologise to the House for not being here this morning. I could not get down earlier because of yesterday's rail strike and in company, but not in collusion, with the hon. member for Flinders, I flew down today and have just arrived.

I have made some inquiries among hon. members as to the business before the House, and I understand that the Premier has moved a sort of dragnet motion giving the police the right and the power to investigate certain ballot papers in connection with not only this election, but also the 1949 by-election, under the supervision of and in the presence of the Clerk of Parliament. The Opposition have come forward with an amendment to the effect that the police shall have permission to do that only in the presence of the judge of the Elections Tribunal, or a royal commission. I frankly think that both the motion and the amendment are so much flim-flam, so much hooey, so much splitting of straws and beating about the bush. It is time that both the Government and the Opposition quitted kidding themselves about these issues. The people of Queensland are incensed at the result of the decision of Mr. Justice Mansfield with regard to the Bulimba election.

Mr. Gair: You would not take any notice of Mr. Justice Mansfield.

Mr. AIKENS: I just want to say in reply to that interjection that when I was here at the August session of Parliament members of the Labour Party were walking round this House with grins on their faces as big as a Cheshire cat's because they believed that having got Mr. Justice Mansfield in the

position of Elections Tribunal judge they would find that everything was going to be hunky-dory.

Mr. SPEAKER: Order!

Mr. AIKENS: I am merely replying to the interjection.

Mr. SPEAKER: I ask the hon. member to connect his remarks with the question before the House.

Mr. HANLON: I rise to a point of order. Let me tell the hon. member for Mundingburra that the appointment of Mr. Justice Mansfield as judge of the Elections Tribunal has nothing to do with the Government, that the decision is one for the Chief Justice.

Mr. SPEAKER: I hope the hon. member for Mundingburra will accept that explanation.

Mr. AIKENS: I will accept anything from the Premier at the present time, because I am hoping to continue my speech.

The decision of Mr. Justice Mansfield speaks volumes for the depth of the fraudulent practices that obtained in the Bulimba election. Mr. Justice Mansfield brought down a finding that speaks volumes for the depth of fraudulent practices—

Mr. SPEAKER: Order! I do not want to be continually interrupting the hon. member but I hope that he is not inferring improper practices in his suggestion concerning the judge of the Elections Tribunal. He is getting very close to it in the statement he made. I ask him to connect his remarks with the matter before the House.

Mr. AIKENS: I understand that we are to have a full-dress debate on the matter of the Bulimba election. If I can believe what I read in the Press, I understand that a motion is to be moved but as I said on a previous occasion the only thing that is reasonably accurate in the Press today is the funeral notices. I understand that we are to have a full-dress debate on the Bulimba issue.

Mr. Sparkes: The Leader of the Opposition has already given notice of a motion.

Mr. AIKENS: If he has already given notice of the motion, then I shall not now tell the House what I propose to tell hon. members on the full-dress debate. The people of Queensland honestly believe that an all-time low has been reached in electoral practices in regard to the recent Bulimba election.

Mr. SPEAKER: Order! I do not want to be continually interrupting the hon. member for Mundingburra. The House is now considering a motion to give permission to the Clerk of the Parliament to make available certain ballot papers to the police under the supervision of the Clerk of the Parliament.

Mr. AIKENS: I thank you for that information, Mr. Speaker.

If anyone believes that the police of Queensland will eventually arrest the culprit or any person in connection with the Bulimba scandal, he is silly enough and gullible enough to believe that he can win the first prize in the Golden Casket without buying a ticket. We all know that the man responsible for the substitution of these ballot papers will never be arrested and that the finger will never be put on him, yet Blind Freddy can tell you who he is. I know why he will not be arrested. It is because the moment he is arrested and the finger is put on him that he will squeal and tell why he did it and who instructed him to do so.

Mr. Hanlon: Why don't you tell Inspector Bischof and give him any information that will lead to his making an arrest.

Mr. AIKENS: There is no need for me to tell Inspector Bischof; he already knows. He can pinch him in five minutes, and he can bring him to trial on an irrefutable case and have him convicted, but Inspector Bischof is working under instructions. Any 10-year-old child knows what I am saying is true. It is no use either the Premier or the Leader of the Opposition kidding, because they are both trying to make political capital out of something that stinks to the high heavens.

Mr. Crowley: Like you.

Mr. AIKENS: You are the man who walked into a room where a putrid old billy goat was tied up and the goat fainted. That is how much you stink.

Mr. SPEAKER: Order!

Mr. AIKENS: Whether the motion or amendment is carried is a matter of no concern to me. I am prepared to say right here and now that you can let Inspector Bischof and every other member of the Police Force examine every document, confidential or not, that they desire to examine, and the culprit will not be arrested or gaoled. We are asked to believe that Inspector Bischof is a fool and a dill. I do not believe that he is either a fool or a dill. I believe he has not made an arrest because he has been told that he is not to make an arrest.

I am not going to vote for the motion, which I believe is political flim-flam, or vote for the amendment, which I know is political hooey; because I believe that and because I believe in being honest with the electors. I do not intend to vote for either the motion or amendment, as neither are sincere.

Mr. Crowley: You are standing alone.

Mr. AIKENS: If I am standing alone then I prefer to do so because I prefer to get as far away from the hon. member as I can as I believe him to be the most odoriferous thing in this State.

Mr. SPEAKER: Order! I have already warned the hon. member and if he is going to refer to hon. members as he does I shall have to deal with him. If I am called upon to deal with him I will do so severely. I now ask him to withdraw that remark to the hon. member for Cairns.

Mr. AIKENS: I do not know what it is.

Mr. SPEAKER: Order!

Mr. AIKENS: Whatever it was, then in deference to yourself, Mr. Speaker, I will withdraw it.

Question—That the words proposed to be added (Mr. Morris' amendment) be so added—put; and the House divided—

AYES, 27.

Mr. Allpass	Mr. Munro
„ Bjeke-Petersen	„ Nicholson
„ Decker	„ Nicklin
„ Evans	Dr. Noble
„ Gaven	Mr. Pizzey
„ Heading	„ Plunkett
„ Hiley	„ Roberts, L. H. S.
„ Jones, V. E.	„ Sparkes
„ Kerr	„ Taylor, H. B.
„ Low	„ Wordsworth
„ Luckins	
„ Madsen	<i>Tellers:</i>
„ McIntyre	Mr. Chalk
„ Morris	„ Dewar
„ Müller	

NOES, 38.

Mr. Brosnan	Mr. Jesson
„ Brown	„ Jones, A.
„ Burrows	„ Keyatta
„ Byrne	„ Larcombe
„ Clark	„ Marsden
„ Crowley	„ Moore
„ Davis	„ Moores
„ Devries	„ Power
Dr. Dittmer	„ Rasey
Mr. Donald	„ Riordan
„ Duggan	„ Roberts, F. E.
„ Dunstan	„ Smith
„ Farrell	„ Taylor, J. R.
„ Foley	„ Turner
„ Gair	„ Walsh
„ Graham	„ Whyte
„ Gunn	
„ Hanlon	<i>Tellers:</i>
„ Hilton	Mr. McCathie
„ Ingram	„ Wood

PAIR.

Mr. Ewan Mr. Collins

Resolved in the negative.

Mr. MUNRO (Toowong) (3.29 p.m.): I think at this stage it is appropriate that the House should endeavour to return to a consideration of the substance of the motion that was submitted by the Premier about half past 11 this morning. I do not propose to take up very much time, and I speak mainly for the purpose of at least endeavouring to clear up quite a number of misconceptions that have become evident during the debate, and particularly during the debate on the amendment that has just been disposed of.

If we are to see this matter in its proper perspective I think we have to realise that since the House adjourned on 5 December last a very grave state of affairs has been revealed. Many of us in this House may have very definite feelings on political matters, but I do not think there would be in the House any member who would be so vile as to stoop to fraud in connection with an election, and that is the state of affairs that has been revealed by the report of the Elections Tribunal of 2 January last. I speak as a very ordinary member, and a new member, in this House, and as a representative of the ordinary people of Queensland.

In the intervening period we have been waiting to know what the Government are going to do with reference to this very grave state of affairs, because the gravity of the situation lies not only in what has happened in this particular instance but in the fact that this report reveals a position that such a happening can take place under our Queensland laws. That being so, most ordinary members of the House will have a feeling of profound disappointment in what they heard today. For my part, it appears that after all this time the mountain has laboured and brought forth a mouse. In the simple motion submitted this morning we find there is perhaps some attempt to remedy the situation, but the remedy is totally inadequate. I think that crystallises the substance of the viewpoint of the Opposition.

In the first place, the remedy brought before the House by the Premier is entirely inadequate. There are one or two other objections that I, as a new member, see. It is approximately four hours since the motion was introduced in this House and as far as I am concerned, in company with other ordinary members, I am still awaiting a copy of the motion. Is that proper respect to this Legislative Assembly: when a matter of vast concern is brought forward by a simple motion there is only one copy of the motion. The Leader of the Opposition was put in an extremely difficult position. He had to crave your indulgence, Mr. Speaker, to borrow a copy of the motion to read it. We have listened to this debate and we have had to form our opinions as to what is right with reference to a motion a copy of which has not been submitted to us.

Mr. Foley: How do you account for the typing of amendments?

Mr. MUNRO: I am not going to account for them: that does not concern me. I speak as an ordinary member, and along with every other ordinary member I have not yet had an opportunity of reading the motion before the House. That is a very bad state of affairs in the procedure of this Parliament when dealing with a matter of this importance.

The second point is very closely related to the first. After these very grave happenings in the past few months, we might reasonably have expected from the Leader of the Government on the introduction of this motion, or at the commencement of proceedings this morning, some reasonable explanation of the motion, and exactly what it was desired to achieve. We did have that explanation, but we did not have it until after 2.15 p.m.

Mr. Hanlon interjected.

Mr. MUNRO: I repeat: we did not have a reasonably complete explanation of this motion when it was introduced this morning, and we had it only after the principal speakers on this side of the House had already made their necessarily hurried remarks on the basis—

Mr. Gair: Are you apologising for the change of front?

Mr. MUNRO: No. I am supporting what the Leader of the Opposition said and also what the Deputy Leader said.

Mr. Burrows: It is straining your loyalty to do it.

Mr. MUNRO: Not in the least. I am leading up to the suggestion made by the hon. member for Coorparoo, and whether this motion will achieve its object or not I think it is a most inappropriate way of bringing such a matter before the House. The terms of the motion and the explanations by the Premier reveal that the provisions of either the Elections Act or the Criminal Code are defective. If the provisions of a statute are defective, why not give due respect to this Legislative Assembly and introduce a Bill providing for an amendment of the statute in the ordinary way so that we may have the Bill printed and go through the proper procedure and understand what it is about? I regard it as a travesty of parliamentary procedure when we have had discussions on all angles of the question but have not been able to see the exact terms of the motion. I wish to keep as close as I can to its terms but the importance of the matter does not concern only the affairs of one electorate. If there is any weakness in the Act dealing with election of members of this Assembly that weakness applies to every electorate in the State. This is one of the most important aspects—

Mr. SPEAKER: Order! The hon. member is getting away from the matter before the House.

Mr. MUNRO: I am endeavouring to keep to the provisions of the motion and am pointing out the importance of this matter and the fact that whatever deficiencies there are they should be put in order by amendments to our legislation, and in saying that I am doing no more than supporting the principle so well expounded by the Deputy Leader of the Opposition this morning, when I think he expressed the view that Parliament is bound by its own laws—and with that I agree—and furthermore, that Parliament should be bound by its own laws and that we should not, as a Parliament, attempt to do anything that might in any way be upsetting the terms of our own law.

I think the hon. member for Mundingburra has left the Chamber. If there was some small value in his brief appearance this afternoon and in his somewhat intemperate speech, it was this: it should give us a picture of what some people will think and say. Although those people might be only an infinitesimal percentage of the people of Queensland—

Mr. F. E. Roberts: Are you adopting his remarks?

Mr. MUNRO: No. I made that clear. When we have a member of this Assembly making those remarks it indicates how important it is for all members, particularly members of the Government, to see that this

matter is fully and adequately dealt with in such a way that Parliament will retain the respect of the people of Queensland.

I have outlined what the Premier, as the Leader of the Government, has done. Let us now consider what he could have done. This is a matter that concerns equally all members of this House, the Government Party and the Opposition too. I give the great majority of the members on the Government side credit for feeling that they want to see this matter cleared up. If it is to be cleared up with satisfaction to everybody, what should the Leader of the Government have done? In the first place, I should say that at a very early stage—

Mr. SPEAKER: Order! The hon. member is developing his argument along the lines of the amendment.

Mr. MUNRO: I am not referring in any way to the amendment; I am endeavouring to point out that if this House is to arrive at a really sound decision on what should be done to clear up this matter that is worrying so many of us, it would have been the right and the reasonable thing for the Premier not only to have given a copy of his motion to the Leader of the Opposition and to all other members of the House at an early stage, but to have conferred with the Leader of the Opposition in an endeavour to arrive at some form of procedure that would give satisfaction not only to the party on the Government side of the House but also to the Opposition. Instead of that, we have before us a motion that may give satisfaction to members on the Government side, but because of its inadequacy does not give full satisfaction to us.

Mr. Foley: Do you agree that an investigating officer should have the fullest power?

Mr. MUNRO: I certainly agree that an investigating officer should have the fullest powers to conduct his investigation in accordance with the law, and I take it that he already has those powers. If additional powers are necessary, I submit that the proper method to give them to him is to amend the statute in the necessary way.

On the question of time, it has been stressed that we must deal with this as a matter of urgency. However, there was nothing to prevent the Premier's calling Parliament together two or three weeks ago. If I may refer to "Hansard" of 5 December last, on page 1749 it is noted that the adjournment was moved in these terms—

"That this House, at its rising, do adjourn until a date to be fixed by Mr. Speaker, in consultation with the Government of this State."

If Parliament had been brought together even only a week earlier than it has been, as a matter of urgency we could have already finished dealing with any legislation that might be necessary in this regard.

Again, apart from the matter of urgency, I feel that although we have the fullest confidence in and the greatest respect for the public servants of this State and the officers

of the Police Department and the Criminal Investigation Branch, it is throwing a tremendous responsibility on one particular officer to ask him to carry the whole burden of this investigation. Therefore, although I do not wish to discuss the amendment that has been ruled out of order, I feel that the objective that many hon. members of this Parliament have in mind could have been achieved more effectively by placing at least some of that responsibility on a higher authority.

I do not propose to take up any more time at this stage. In anything I have to say in this Chamber I always like to be constructive and so I say to the Premier that it is not too late even now for him to confer with the Leader of the Opposition or for the Premier and the Deputy Premier to confer with the Leader of the Opposition and the Deputy Leader of the Opposition on this matter. It is something that concerns the honour and dignity of the whole of our parliamentary institution and these hon. gentlemen could probably arrive at some conclusion and arrangement entirely satisfactory to all parties. That is the proper approach to the matter and I submit the proposal to the Premier and to the House in the hope that something will be done along those lines.

Mr. Power: The matter was considered in your caucus this morning and you framed amendments on it.

Mr. MUNRO: In reply to the interjection I want to say that it is entirely irrelevant; I have already stated the facts. We did not have a copy of the motion, though it was within the power of the Government to make a copy available to us. I am inclined to think that this grave matter is being taken very much too lightly.

In conclusion I make that suggestion to the Premier and I add that the function of this Parliament is not to give any special direction to any responsible officer in a matter of this kind, that the function of Parliament is to legislate and then it becomes the responsibility of the Government to see the legislation is applied. If the legislation is defective in any way it is again the responsibility of the Government to see that the necessary amendments of the law are introduced.

Mr. MULLER (Fassifern) (3.46 p.m.): In view of what has transpired today I think the matter calls for clarification.

Mr. SPEAKER: Order! I think the hon. member has already spoken.

Mr. MULLER: No. In view of what has transpired today it is necessary that the position should be clarified. The position is that the Premier moved a motion today. Then two amendments were moved by the Opposition, not with the idea of defeating the motion but of improving it.

Mr. SPEAKER: Order! I desire to draw the attention of the hon. member for Fassifern to the fact that he seconded the amendment moved by the hon. member for Mt. Coot-tha and that it has always been the practice that once an amendment has been

defeated both the mover and seconder shall be deemed to have spoken to both the motion and the amendment; therefore the hon. member is not entitled to speak again.

Mr. HEADING (Wide Bay) (3.47 p.m.): I listened to the tirade of abuse that we have had today from both the Premier and the Deputy Premier. I have read a good deal about the Bulimba elections and the decision of the judge of the Tribunal. I listened quietly to the debate today and I see no reason why that tirade of abuse should have been hurled across the Chamber at the Opposition by the Premier and Deputy Premier. It appeared to me that they had something to hide. After all, who was to gain from the decision of the judge? If it was proved that fraud had been practised and that the votes so fraudulently used were in favour of the Government candidate, who would gain by the decision of the Tribunal judge? Certainly not hon. members on this side of the House. The people who would gain anything in the first place would be the hon. member for Bulimba who was elected. Fortunately for Mr. Gardner, the Elections Judge found that Mr. Gardner had nothing whatever to do with the fact that certain votes allowed were not valid.

Mr. SPEAKER: Order! The hon. member is not in order in dealing with the findings of the Elections Judge. There is a definite motion before the House and I ask him to deal with it and it only.

Mr. HEADING: I bow to your ruling, Mr. Speaker; perhaps I shall be able to conclude my remarks tomorrow, when I shall get another opportunity.

I listened with concern to the speech made by the Deputy Premier. He reminded me of the old proverb that empty vessels make the most noise. In his tirade of abuse he said nothing very constructive. Unfortunately the Opposition's amendment was not accepted. Had it been, it would have been in the best interests of everybody. As it is, the Opposition are prepared, if we can get nothing better, to support the motion. Nevertheless we believe that there should be a much fuller inquiry. If we cannot get a full inquiry we are bound to accept something that will give us an early decision, which we on this side of the House desire. Both the Premier and Acting Premier have accused the Opposition of not desiring to have this matter cleaned up. Any outsider will be able to detect the insincerity of their statements. We have listened to speeches by the leaders of the Government that did not deal with the amendment but were a tirade of abuse against hon. members on this side of the House.

Again, I say, unfortunately the Opposition have to accept the motion moved by the Premier but I hope some day he will see the folly of his way and do something more to clean up what happened in the Bulimba election.

Hon. E. M. HANLON (Ithaca—Premier) (4.52 p.m.), in reply: It is rather illuminating to hear the Opposition crawling on

their attitude this morning. First they oppose the motion, and now, having realised that we were not falling for their attempts at delaying the investigation, they are trying to make the best of a bad deal.

I want to refer to the speech of the hon. member for Toowong. It must be remembered that the charge the police are investigating is a criminal offence under the Criminal Code. It is not the province of a Supreme Court judge to paddle about back streets and invade back rooms to collect evidence. It is his duty to sit and hear the evidence gathered by the police and the evidence for the defence and then sum up to the jury on the evidence submitted by both the prosecution and defence. The Opposition seem to have a poor idea of the evidence that must be submitted on a criminal charge when they ask that a Supreme Court Judge should paddle about back streets and invade pubs to try to get evidence.

Mr. MUNRO: I rise to a point of order. I made no reference to either the Chief Justice or a Judge of the Supreme Court.

Mr. SPEAKER: Order! I ask the Premier to accept the hon. member's denial.

Mr. HANLON: I do so, but I invite his attention to his "Hansard" proof wherein he will see that he said that the burden was too great for Inspector Bischof and that the matter should be put into the hands of a Supreme Court Judge.

Mr. Munro: I did not say that.

Mr. HANLON: He wants a Supreme Court Judge to help him and I am not going to ask a Supreme Court Judge to paddle round as an offsider to a policeman. This is a criminal offence and the persons authorised to investigate criminal offences are officers of the Police Force. The investigation of crime is one for the Commissioner of Police, who organises the Criminal Investigation Branch, which has the task of gathering evidence to place before a court suitable for the conviction of a person for a breach of the Criminal Code or the Elections Act. Nobody will be allowed to interfere with the police while they are doing it, I can assure you of that.

The hon. member also complained that the Opposition did not know what the motion was. I never heard anything so stupid. The roundsman of the "Courier-Mail" knew what it was yesterday afternoon, when he asked me a question about it. Members of this House were discussing it yesterday. I read the letter the Commissioner of Police received. All I got was the letter of Inspector Bischof, handed to me by the Commissioner. The request is simple. It asks that under the supervision of the Clerk of Parliament he be allowed to inspect Section 70 ballot papers.

An Opposition Member: What is the date of the letter?

Mr. HANLON: 16 January. There were plenty of things to do in the meantime.

The inspectors are making a thorough investigation and probably that is why the hon. member was so perturbed this morning. The request is to be allowed to check returns of ballot papers and to see if there were any ballot papers missing from any other electorate. That is a simple thing. Surely you do not need a long and intense study of the proposal to understand that! Adequate precautions are taken to preserve the secrecy of the ballot, and the inspector is deliberately debarred from ascertaining how anybody voted. All he has to do is to ascertain the number of ballot papers used and the number of unused papers returned and see if they correspond.

Mr. Evans: He could get the Electoral Office to find that out.

Mr. HANLON: No, he could not. The Principal Electoral Officer has no records; the records are all returned to Parliament.

Mr. Evans: That is where the leak was.

Mr. HANLON: If the hon. member knows about the leak I suggest he go to Inspector Bischof. The hon. member for Mundingburra and the hon. member for Mirani get up—they are much of a type; they are very alike—and say, "Any fool knows who committed this crime," but they have not got the common courage to go to the Inspector of Police and say, "My evidence is that so-and-so committed the crime." The hon. member for Mundingburra blathered and skited about the Golden Casket in 1949 when he went up to Townsville and made speeches; but, like the dog, he swallowed his vomit when he got before the royal commission.

Mr. AIKENS: I rise to a point of order. It is quite true I did make the speech mentioned and the Premier had seven police there to take notes of what I said. I challenge him to lay that police report on the table.

Mr. SPEAKER: Order!

Mr. HANLON: I was stating that it is quite easy for members to get up and slander people and make assertions that they can say who did this, and who killed so-and-so, and that the police are all corrupt. If any member has any information available of any kind at all, particularly in regard to the Elections Act, it is his duty as a member of this House, as well as a citizen, to go to the Police Department and give the information. If they have evidence and do not lay it before the police they are accessories after the crime, and deserve imprisonment. They go and say they have evidence and knowledge and they will deny it promptly if the police question them. As I mentioned earlier, there is a time factor to be considered. The Opposition pointed out that in a certain time no prosecution will be possible under the Elections Act, and at a later date no prosecution under the Criminal Code. Why these continual attempts to delay the police in their investigations?

Mr. Evans: We did not delay it since 16 January.

Mr. HANLON: The police are still going on with it. The police want access to these ballot papers. There is plenty of time to do it. They may count them in a couple of days and complete their case. I do not believe that Inspector Bischof has sat in his office since 16 January and done nothing, and I think hon. members opposite know he has not; they know he has been doing something. It will take a day or two to make that check of the ballot papers and finalise it. Hon. members opposite first proposed a royal commission. At first I said that that would take six months; giving consideration to it during the luncheon hour and studying what they want, I should say that it would take 16 years. The commission would have to go over the whole of Queensland and visit every electorate.

Having got over the royal commission business, other members suggested we amend the law. We have wasted a day on the motion and the job would have been half done had the motion gone through as a formal motion, as I thought it would, expecting that the Opposition would be glad to expedite the matter. Had the motion been passed this morning, the job would have been partly done by now. However, the Opposition now propose that we prepare a Bill. That means getting the Parliamentary draftsman to prepare a Bill. It then has to pass through the various stages of debate in this House and if the simple request under discussion has taken all day to debate, I can imagine how long each stage of such a Bill would take to debate. The Bill would then have to go through Committee, and possibly be amended by a series of amendments. It would then have to await the Royal assent. That would be wasting some more weeks. Not satisfied with wasting a day, the Opposition want to delay the matter for weeks.

I repeat that there has been no interference with the police in their work and no interference will be tolerated by us. That was the beginning of the decay that set in in the Governments of Italy, Germany, and other parts of the world. While this Labour Government are in office the police will be free to do as they think fit in investigating crime. Nobody will be allowed to hurry, delay or stop them. As an hon. member pointed out, there would not have been a certain finding by the judge had not a policeman given evidence in the Tribunal that the handwriting was a forgery. The police are absolutely free of any interference by the Government of today. As I have said formerly, the police have not always been free from interference by the Government. We have knowledge of the very hectic days when they obeyed orders from the Government and in some cases orders direct from the Premier as to how police officers were to do their duty.

That is all I can say. Although this matter has been delayed today, this work will probably start tomorrow. If the Opposition had not delayed it, the work would have started this morning. All their attempts to delay it for weeks and months have been frustrated today.

Motion (Mr. Hanlon) agreed to.

The House adjourned at 4.5 p.m.