

**Record of the
Proceedings of the Queensland Parliament**

...
**Legislative Assembly
30th May 1860**
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Extracted from the third party account as published in the
Moreton Bay Courier 31st May 1860

The House met pursuant to adjournment at noon; at a quarter past 12 the Speaker took the chair, and the house on the motion of the Colonial Secretary, proceeded to Government House to present the address agreed upon yesterday in reply to the Governor's speech. On its return, the house adjourned till 3 o'clock. The Speaker took the chair at half-past three, and reported the presentation of the address to his Excellency, to which he had been pleased to make the following answer:—

Mr. SPEAKER, and
GENTLEMEN OF THE LEGISLATIVE ASSEMBLY,—

I thank you, in the name of the Queen, for the dutiful expressions of affectionate attachment to her Majesty's person and Government, contained in your address. These sentiments,—as also the assurances of your readiness to co-operate in all that may tend to the welfare of this colony, are what I expected from the patriotism and loyalty of the Legislative Assembly.

CHAIRMAN OF COMMITTEES.

The COLONIAL SECRETARY moved, "That C. W. Blakeney, Esquire, be Chairman of Committees of the whole House during the present session." In his capacity of leader of the Government, it had devolved upon him to select a proper person for nomination to the Chairmanship of Committees, and he should have been glad if the task had fallen to an older resident than himself; but under the circumstances, he could not of course shrink from undertaking it. In Mr. Blakeney, a member of the legal profession, and a gentleman by birth and position, he believed a fitting person would be found for the office which the House was now called upon to fill.

Mr. PRING seconded the motion.

Mr. BROUGHTON, with considerable regret, must oppose the election of Mr. Blakeney. He would not be doing his duty to his constituency or to the country if he allowed the claims of the hon. member for Ipswich to be passed over. He should move, as an amendment, "That Arthur Macalister, Esq., be Chairman of Committees of the whole house during the present Session." That gentleman possessed, in addition to the claims urged on behalf of Mr. Blakeney, that of long residence in the colony—in his opinion, a most important one.

Mr. FERRETT seconded the amendment.

At the suggestion of Mr. Buckley, the amendment was then moved in the formal manner, the mover, by consent of the house, making the necessary alterations.

Mr. BUCKLEY stated that from a personal acquaintance with both the gentlemen who had been brought forward for the office of chairman of committees, he was of opinion that they were competent to discharge the duties of the office; but he considered that Mr. Blakeney, as a resident of the place, would be most eligible for it. It would be no kindness to Mr. Macalister to

appoint him to an office, the requirements of which would necessitate his continued presence in the capital, and quite preclude his enjoyment of his own fireside. He was sure that if that gentleman were elected, he would, on becoming acquainted with the exacting nature of the duties he would have to perform, very soon regret his success. (Hear, hear).

The question was then put, "that the words proposed to be omitted, stand part of the motion." A division ensued with the following result:—

Ayes (7)		Noes (15)	
Mackenzie		Richards	
Haly		Forbes	
Buckley		Broughton	
Gore		Royds	
Fitzsimmons		Lilley	
Herbert	} Tellers	Edmondstone	
Pring	}	Raff	
		Coxen	
		Ferrett	
		Jordan	
		O'Sullivan	
		Watts	
		Thorn	
		Taylor	} Tellers
		Moffatt	}

The insertion of Mr. Macalister's name instead of Mr. Blakeney's was then carried, and the former gentleman declared elected as chairman of committees.

Mr MACALISTER rose to return his sincere thanks for the honor that had been conferred upon him. He was aware both of the importance of the duties that would devolve on him, and of his own short-comings, but hoped by strict attention, and with the indulgence of the House, to perform his duties in a manner satisfactory to the members, and to the country.

STANDING ORDERS COMMITTEE.

The COLONIAL SECRETARY moved—"That a Standing Orders Committee be appointed for the present Session, to consist of the following members, viz:—The Speaker, Mr. Blakeney, Mr. Mackenzie, Mr. Lilley, Mr. Macalister, Mr. Buckley, with an instruction to prepare such Standing Rules and Orders as shall appear best adapted for the orderly conduct of the business of this House, and to report the same with as little delay as possible, and with leave to sit during any adjournment, and authority to confer upon subjects of mutual concernment with any committee appointed for similar purposes by the Legislative Council."

Mr. PRING seconded the motion, which was then put and passed.

LIBRARY COMMITTEE.

The ATTORNEY-GENERAL moved—"That a Library Committee be appointed for the present Session, to consist of the following members, viz.: Mr. Gore, Mr. Jordan, Mr. Herbert, Mr. Pring, and Mr. Moffatt, with leave to sit during any adjournment, and authority to confer upon subjects of mutual concernment with any Committee appointed for similar purposes by the Legislative Council." It would be highly desirable that a committee of both houses should meet together as soon as possible, with the view of deciding upon such books as it would be most convenient to send for from home.

The motion, having been seconded, was put and carried.

DAYS OF MEETING.

The COLONIAL SECRETARY moved—

“That unless otherwise ordered, this house will meet for dispatch of business at 3 o'clock p.m., on Tuesday, Wednesday, and Friday, and at 11 o'clock a.m. on Thursday, in each week; the sitting on the latter day to terminate at 5 p.m.” The motion proposed a course deviating in some degree from the practice which prevailed in New South Wales. The proposal of a morning sitting was due to the suggestions of certain gentlemen, who had intimated that this arrangement would suit the convenience of a majority of members. If, as he believed, a morning sitting on some other day of the week was about to be proposed, he should be willing to adopt such amendment to his motion.

Mr. MOFFATT rose to propose, as an amendment, the insertion of the words “at 10 o'clock a.m. on Friday, in each week; the sitting on the latter day to terminate at 3 p.m.,” instead of the words “at 11 o'clock on Thursday in each week; the sitting on the latter day to terminate at 5 p.m.” The alteration he proposed would greatly convenience members not residing in Brisbane by allowing them to get away on the Friday afternoon.

Mr. RAFF seconded the amendment. They would all see that the arrangement proposed would greatly convenience the Ipswich members, and although it might not suit Brisbane members equally well, he thought that the convenience of the former gentlemen, who had to perform their legislative duties at a distance from their homes, should be first consulted.

Mr. BUCKLEY said that it had been found in New South Wales that a morning sitting was quite impracticable, as it interfered with the duties of the select committees. He would suggest that the sittings of the house should take place as usual, at three o'clock each day.

The COLONIAL SECRETARY was inclined to defer to the objection that a morning sitting might interfere with the duties of select committees, but imagined that if the mornings of the three first days of the week were left open, the duties of the select committees might be got over before the proposed morning sitting of the House on Friday.

Mr. FITZSIMMONS briefly supported the amendment.

Mr. MACALISTER could see many matters that would interfere with a morning session; the performance of official duties by the Government would be one. If, however, the question came to a division, he should be inclined to support the amendment of the hon. member for the Western Downs, viz, for a morning sitting on Friday, instead of Thursday.

In reply to Mr. Buckley, the COL. SECRETARY said that he would, with the leave of the house, adopt the amendment of the hon. member for the Western Downs.

Mr. BUCKLEY then moved as an amendment, that the sittings of each of the four days should take place uniformly at 3 o'clock.

Mr Buckley's amendment was then put and negatived, Messrs. Buckley and Blakeney being the only two who voted in its favour.

The amendment, (for a morning sitting on Friday, to commence at 10 a.m., and terminate at 3 p.m.), as adopted by the mover of the resolution, was then put and carried.

The COLONIAL TREASURER moved—

“That on Wednesday and Thursday in each week government business take precedence of all other business.”

With the consent of the mover, the days were subsequently commuted to Thursday and Friday, and the resolution, as amended, was put and carried.

QUORUM BILL.

The COLONIAL SECRETARY, on rising to move the second reading of the Quorum Bill, briefly stated the reasons that existed for an alteration of the number at present requisite to form a quorum. If too small a quorum were appointed, residents in or near Brisbane, would have on certain occasions an undue weight in the settlement of matters of importance. A quorum too large

would be open to objections similar to those which existed to the present quorum. The number that the Government had fixed upon as most desirable was 14, exclusive of the Speaker. He was not, however, by any means inclined to insist upon that number, but should be willing to accede to any proposal for altering the number of the quorum which might, on this occasion, be deemed most desirable.

The ATTORNEY-GENERAL seconded the motion.

Mr. MACALISTER, although he retained his conviction that a reduction of the quorum would be found necessary, thought that stronger reasons than had been given by the Colonial Secretary should be adduced before any alteration was made. It did not seem to him desirable at the commencement of the session of the first Queensland Parliament to impress members with the idea that they might go away and neglect the business of the house. For his own part, he thought it incumbent on him, at some personal inconvenience, to remain in Brisbane, and attend to the duties which he had undertaken to perform, and this was the sort of feeling that should actuate them all. The 18th clause of the Constitution Act gave the government the power of putting forward ten paid officials for election to that house; and the government ought to be prepared, before introducing the present bill, to pledge themselves to the repeal of such a clause as this. In a colony like theirs, where the population was so scattered, and members came from such remote distances, it was desirable to offer every inducement and encouragement to them to reside in Brisbane. He would oppose the bill, unless the government pledged themselves to take action in reference to the clause of the Constitution Act to which he had alluded. He should move that the bill be read that day six months.

The ATTORNEY-GENERAL thought that they were not called upon to consider how the bill might affect members' sense of the duty of attendance in Parliament. Without supposing any laxity on the part of members. Casualties might prevent the presence of a quorum, when so small a margin as four was left. If 21 members were considered a sufficient quorum in a house of 54, surely that would be too large a proportion to require in a house of 26. In reference to the remarks which had been made respecting section 20 of the Constitution Act, if section 25 were modified, the former might be so altered as to do away with the objections of the hon. member for Ipswich.

Mr. BUCKLEY said that on the result of that debate depended in a great measure the conduct of business in a manner satisfactory to the country. He believed that the clause determining the quorum ought, as the "two-thirds" clause had been, be submitted to her Majesty before it could be legally altered. He believed that the necessity for such a reference had been distinctly declared by the Imperial Government. Besides this objection, however, he was entirely opposed to any alteration in the number of the quorum. It would be impossible to legislate properly for the country, if it became obvious that opposition, or certain occasions, would be useless, from the small number of members present.

The COLONIAL SECRETARY observed in reference to the remarks of the hon. member for Ipswich, that great delay might arise in the prosecution of the business of the House, if so large a quorum as twenty-one were required, as it might be impossible to get a house together for considerable periods of time, during which business would necessarily be suspended. In reference to the modification of the 20th clause, the hon. member had probably forgotten that he (Mr. Herbert) had given notice of a motion having that for its object. The hon. gentleman quoted the 9th section of the Orders in Council, authorising alterations of detail in answer to the objection of the hon. member for East Moreton, to the legality of dealing with the quorum clause.

Mr. RAFF, feeling satisfied from the explanation just given that the legal difficulty suggested by the hon. member for East Moreton did not exist, should be disposed to vote for a reduction of the quorum, but should be inclined to fix the number at 17 or 18 instead of 14.

Mr. BLAKENEY then reminded members that they were not at present called upon to vote for any specified number as a quorum, but for the second reading of a bill, providing for an alteration to be determined upon in Committee. He thought that they should not wait till the difficulty arose to remedy the evil that was complained of. There should be no stoppage in the

business of the house, and he trusted that the Bill would be allowed to go into committee, when a suitable number might be fixed upon.

The amendment was then put and negatived, the ayes being Messrs. Buckley and Macalister.

The bill was then read a second time and committed. The blank, on the motion of Mr. Forbes, was filled up by the number 16, and the several clauses reported to the Speaker, as agreed to.

The COLONIAL SECRETARY then moved that the third reading of the bill should stand an order of the day for to-morrow (this day), and the motion having been put and carried, the House adjourned, at half-past five, on the motion of the Colonial Secretary, till 3 o'clock this day.

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30th May 1860**
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Extracted from the third party account as published in the
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The Speaker took the chair at 20 minutes past three o'clock.

ARMED VOLUNTEERS.

Mr. LILLEY asked the Colonial Secretary whether there was any Parliamentary precedent to justify the introduction of the armed Volunteers into the Chamber of the Legislative Council during the delivery of the vice-regal speech to the Legislature.

The COLONIAL SECRETARY said in reply, that it was difficult for him, in answering the question that had been put by the hon. member, to avoid infringing upon what he conceived to be the privileges of the august body to which he had made reference, and which ought not to be named in their House. All the knowledge they had of proceedings in another place was due to the brief sight obtained when summoned to hear his Excellency's address. As, however, the question had been put to him, he would endeavour to answer it to the best of his ability. The law on this matter had never been very distinctly laid down, but the spirit of the constitution would seem to show that it was inexpedient to introduce armed men into the House during a debate, as their presence might be supposed likely to shackle the freedom of members; but he saw nothing contrary to the spirit of the constitution, in her Majesty's representative being attended on the occasion of his opening their first Parliament by the best escort that could be provided. The occasion would not occur again, and therefore nothing that had taken place could be drawn into a precedent. He had been informed that although in the Australian colonies it was not unusual for the Governor to be accompanied by an armed escort, yet such a practice prevailed in other colonies in which there was representative institutions.

PAPERS.

The COLONIAL SECRETARY laid on the table correspondence (1) relating to the renewal of intermediate leases; (2) to the new pastoral districts of Mitchell and Kennedy; and (3) respecting the export duty on gold. He moved that the papers be printed.

Motion put and passed.

DUTY UPON GOLD.

The COLONIAL SECRETARY moved for leave to introduce a "Bill to indemnify the Collector of Customs in respect of omitting to collect the duty payable on Gold in the Colony of Queensland; and to repeal an act of the Legislative Council and Legislative Assembly of New South Wales, entitled 'An Act for Granting a Duty upon Gold.'" It would be within the memory of several hon. members that petitions had been presented to His Excellency, showing that the export duty on gold was not desirable, and representing the advisability of its discontinuance. It had, in consequence, been discontinued, and the bill proposed to indemnify the Collector of Customs on this head, as well as legally to abolish the duty.

The ATTORNEY-GENERAL seconded this motion.

Leave was then given to the mover and seconder to bring in a bill, and the bill was brought in, read a first time, and ordered to be printed, its second reading to stand an order of the day for Thursday, the 7th of June.

IMMIGRATION COMMITTEE.

The COLONIAL TREASURER moved "(1) that a select committee be appointed to consider and report on the best means of promoting immigration to the colony of Queensland, and to call for papers and petitions. (2) That such committee consist of the following members:— Mr. Jordan, Mr. Macalister, Mr. Watts, Mr. Royds, Mr. Fitzsimmons, Mr. Moffatt, and the mover." In bringing this motion before the house, he scarcely thought it necessary to draw attention to the importance of the question. The members of an immigration committee would have an onerous task; they would have to seek and collect evidence, and frame a report embodying the result of their labors and their recommendations, for the assistance of the house in arriving at a decision on the subject. It was a question that should be thoroughly ventilated before the introduction of any comprehensive land scheme. For some years past large sums had been expended in bringing out immigrants, a very small proportion of whom had remained in the colony, owing to the superior attractions offered elsewhere. To obviate this inferiority of Queensland in point of attraction, it was most desirable that this question of immigration should be taken up and satisfactorily settled. It was worthy of note that the legislatures of New South Wales and Victoria, misled by a temporary want of employment for their immigrants, which was due in a great measure to the perverse spirit of centralisation which prevailed there, had shown themselves somewhat inclined to check, rather than encourage, an influx of immigration. He trusted that the Parliament of Queensland would not adopt any such policy as this, for he felt assured that their fair country would amply accommodate 30,000, 300,000 or 3,000,000 immigrants if they came.

Mr. BUCKLEY said that, as this was an important question, he would suggest that the committee be chosen by ballot.

Mr. LILLEY seconded the motion.

Hon. members then proceeded to the ballot, the result of which was announced from the chair as follows:—Mr. Mackenzie, Mr. Buckley, Mr. Jordan, Mr. Macalister, Mr. Moffatt, and Mr. Fitzsimmons; the number of votes for the latter gentleman being the same as that recorded for Mr. Watts, and the preference being given to the name standing first in alphabetical order.

QUORUM OF SELECT COMMITTEE.

The COLONIAL SECRETARY rose to make a motion without notice, by consent of the house. It was, "That until standing orders be adopted, the quorum of select committees shall be three." He had previously moved the adoption of the standing orders of the House of Commons, and it was necessary, in adopting those orders to their case, to make the modification he proposed.

The ATTORNEY-GENERAL seconded the motion, which was then put and passed.

WITHDRAWAL OF MOTION.

The COLONIAL TREASURER, with the consent of the House, withdrew the third motion standing in his name, with the view of bringing forward another on Tuesday, which will be found in the list of notices. He might inform the House that the Estimates would be laid on the table next day.

QUORUM BILL.

At the motion of the COLONIAL SECRETARY, this bill was read a third time, passed, and sent down to the Council for their consent.

At the motion of the COLONIAL SECRETARY, the House then adjourned at twenty minutes to five till 10 o'clock next day.