

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

...
Legislative Council
8th August 1860
...

Extracted from the third party account as published in the
Moreton Bay Courier 9th August 1860

The President took the chair at twenty minutes to 5 o'clock, and read prayers.

LIBEL BILL.

On the motion of Mr. ROBERTS, the President left the chair, and the house resolved itself into a committee of the whole to consider this bill in detail.

Mr. GALLOWAY took charge of the bill, as the gentleman who introduced it was precluded from doing so by his occupancy of the chair in committee. After stating that he was prepared to suggest several alterations in the different clauses of the bill to avoid tautology and unnecessary repetitions, he moved the postponement of the preamble, which was postponed accordingly. He then moved as an amendment on the bill that the 1st clause read as follows—"On and from the commencement of this Act the Act of Council of New South Wales made and passed in the 11th year of the reign of Her Most Gracious Majesty Queen Victoria and numbered 13 intituled an Act to amend the law respecting defamatory words and libel shall be and the same is hereby repealed," and that the words contained in the latter part of the preamble, commencing with the words "that the right of action &c.," stand as the second portion of clause one.

Sir CHARLES NICHOLSON thought the amendment unnecessary, if the house did not intend to open up and discuss the whole question of the law of libel. He considered that it was the intention of the framers of the bill merely to amend the original act, so as to provide against the undue imprisonment of persons punished under the act; and he considered that if that simple object were effected, the bill would answer well enough as it stood.

The clause, as read, was then put and passed.

Mr. GALLOWAY moved that clause one, in the original bill, stand clause two, the words "and be it enacted" being omitted. As those words occurred in the preamble, he thought it unnecessary to repeat them in the succeeding clauses of the bill.

Sir CHARLES NICHOLSON could see no reason for the omission suggested by the hon. member. The bill would be more intelligible as it stood than with the alterations that had been proposed. The words proposed to be omitted were perhaps merely technical, but they were not therefore unnecessary, and he advised the house to adopt the usual course, and retain the words in the bill. If it were considered advisable to remodel the original act, he thought the house should do so, but not make mere technical alterations in its terms.

Captain O'CONNELL said the object of the bill was simply to provide against the injustice perpetuated under the existing act, by permitting persons unable to pay the costs of an action for libel to be incarcerated for an unlimited period. It would be unadvisable to open up the whole question of libel law, but at the same time he thought the house might well adopt the amendment proposed by Mr. Galloway. It was a mere alteration in the form of drafting a bill, and it was an alteration for the better that had been adopted by the government of Victoria.

The clause, as amended, was then put and passed.

Clauses from 2 to 14 inclusive were then passed, the words "and be it enacted" having been struck out from each of them.

In proposing clause 16, Mr. GALLOWAY proposed to omit the words "except as hereinafter provided" as unnecessary.

The amendment having been carried, he moved as a further amendment, that the words "twelve calendar months," in the 44th line, be omitted, with a view to the insertion in their stead of the words "three months, when the damages awarded are less than forty shillings, six months when the damages are more than forty shillings and under £50, and twelve months when the damages are more than £100."

The amendment was put and passed.

Clauses 16 and 17 were then put and carried with the omission of the words "and be it enacted."

Clause 18 was omitted altogether, as by the adoption of clause 1 it was no longer necessary.

On the motion of Mr. GALLOWAY the title of the bill was altered from "The Injuries to Character Act for 1860," to "The Libel Act of 1860."

The preamble was then slightly amended by inserting at its commencement the words "whereas it is expedient to make;" and at its close the words "and for limiting the term of imprisonment to which persons are at present liable under the law of libel."

On the motion of Mr. GALLOWAY, the chairman left the chair, and the bill was reported to the president with amendments, and the adoption of the report was fixed as an order of the day for Tuesday next.

GRAMMAR SCHOOL BILL.

Captain O'CONNELL moved the recommittal of this bill with a view to certain alterations in several of the clauses.

The President accordingly left the chair, and the house went into committee on this bill.

Captain O'CONNELL moved that in the 1st clause, after the words "subscription in any" in the second line the words "incorporated town or municipal or police" be inserted. He said that the town district was too vague and required qualification as it was advisable that the benefits intended to be conferred by the act should be as generally available as possible. He also proposed a similar amendment on the 12th line.

The clause, as amended, was then put and passed.

On the motion of Captain O'CONNELL, certain verbal amendments rendered necessary by the alterations already made in clause one were made in clause 2, which was put and passed.

In clause 4 Captain O'CONNELL proposed to omit all the words between "Executive Council" in the second line and "to retain" in the 4th line; and to insert at the end of the clause the words "provided that the scholarships shall only be obtainable after public competitive examinations to be held under regulations to be established by the Governor in Council.

The amendments as proposed were put and carried.

On the recommittal of clause 8, Captain O'CONNELL proposed to insert in the 9th line after the word "favour" the words "any children or ward of the said donor or subscriber not exceeding three in number."

At the suggestion of Sir CHARLES NICHOLSON, however, the amendment was withdrawn as unnecessary, and the clause as it stood was put and passed.

The bill was then reported to the house, on the motion of Captain O'CONNELL.

The adoption of the report was ordered for the following day.

LIEN ON WOOL BILL.

On the motion of Captain O'CONNELL, seconded by Mr. ROBERTS, this bill was read a third time, passed and ordered to be sent to the Legislative Assembly, with a schedule containing the amendments which had been made on the measure by the Council.

ADJUSTMENT OF ACCOUNTS WITH NEW SOUTH WALES BILL.

On the motion of Captain O'CONNELL, the President left the chair, and the house went into committee to consider this bill in detail, and the various clauses having been duly considered and passed, the Chairman reported the bill without amendments to the President.

The report of the committee having been adopted, on the motion of Captain O'CONNELL, the third reading of the bill was fixed as an order of the day for Thursday.

The house adjourned at ten minutes to seven o'clock till half-past four on the following day.