

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

...
Legislative Council
6th August 1861
...

Extracted from the third party account as published in the
Courier 7th August 1861

THE PRESIDENT took the chair at twenty minutes to four o'clock, and opened the proceedings with prayer.

MR. JUSTICE LUTWYCHE.

The PRESIDENT announced that he had received a message from the Legislative Assembly, returning the resolutions of the Legislative Council, with amendments.

MUNICIPALITIES' ACT AMENDMENT BILL.

The PRESIDENT announced that he had received a message from the Legislative Assembly, re-transmitting the above bill with certain amendments.

On the motion of Mr. BALFOUR, the house resolved itself into a committee of the whole for the purpose of considering the same.

Mr. BALFOUR, moved that the amendment of the Legislative Assembly, replacing the words "having been" in the first line, for the words "has been," be adopted. The honorable member explained that the object was to give the municipalities the power of recovering rates for lands which professedly or practically had no owners.

The PRESIDENT supported the re-insertion of the words "has been" because he saw no injury that could possibly arise therefrom. The assessment claimed could not extend beyond a year.

Sir CHARLES NICHOLSON explained that, according to the Municipalities Act, the power of making assessment on property might be exercised to the extent of making the rates levied monstrously disproportionate to the value of the property rated. He admitted that it was now too late to introduce any provision such as would meet his idea of the difficulty, but he hoped that some measure would shortly be introduced by the government to meet the real circumstances of the case. He agreed with the President that as the provision was only to be retrospective for a year, it would be better to pass the bill in its entirety than risk the chance of a collision with the Assembly.

The Assembly's amendment was then put and passed.

Mr. BALFOUR, in a few explanatory remarks, moved that the Assembly's amendments restoring clause 9 be adopted. The object of this clause, he explained, was to compel voters to record their votes for all the candidates to be elected, so as to abolish the principle of "plumping."

Mr. HARRIS opposed the Assembly's amendment, as an infringement on the liberty of the subject, and contended that if those members were present who voted on the question before, the result would undoubtedly have been adverse to the amendment.

Mr. WOOD supported the amendment, and argued that under the present system any particular faction of a municipality could not only get its particular member returned, however worthless the individual might be, but also succeed in preventing the return of some gentlemen really efficient and useful to the municipality.

The PRESIDENT had formerly opposed the clause proposed to be restored, and he would

do so again. He looked upon the bill as a very valuable piece of legislation, but he would certainly not consent to its passing with the blot now attaching to it. He believed that the principle of voting sought to be carried out was only such as befitted the Celestial Empire.

Sir C. NICHOLSON had no doubt that the principle enunciated with regard to voting was a novel one, and therefore open to discussion. But looking at the experience of other colonies, where municipal institutions had been tried, he found that the ordinary principle of voting had been productive of very bad results, inasmuch as it threw the whole power and management of the municipalities into the hands of a few small factions or coteries. He should, therefore, vote for the restoration of the clause by which he conceived the real property and interest of the country were likely to be best represented.

Mr. FITZ also supported the amendment of the Assembly, for restoring the 9th clause, which was carried on the following division:—

Contents, 7.
Mr. McConnell
Dr. Hobbs
Mr. Fitz
Sir C. Nicholson
Mr. Wood
Balfour
Brown

Non-contents, 2.
Mr. Harris
The President

The house having resumed, the report was adopted, and the bill was ordered to be returned to the Assembly with an intimation that the amendments had been agreed to.

MR JUSTICE LUTWYCHE.

On the motion of Mr. Balfour the house resolved itself into a committee of the whole, for the purpose of considering the amendments of the Legislative Assembly made in the resolutions adopted by the Legislative Council on this subject.

The several amendments having been agreed to the house resumed, and the resolutions were ordered to be returned to the Legislative Assembly with the approval of the Council.

BRISBANE BRIDGE BILL.

The PRESIDENT announced the reception of a message from the Assembly transmitting the above bill.

On the motion of Dr. Hobbs the bill was read a first time, and its second reading was fixed as an order for the following day.

The house adjourned at a quarter to 5, until 3 o'clock the next day.