

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**TUESDAY, 11 AUGUST 1868**

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LEGISLATIVE ASSEMBLY.

*Tuesday, 11 August, 1868.*

Presentation by Her Majesty.—Presentation of Address in Reply to Opening Speech.—Petition—Question of Order.—Presentation of Address in Reply to Opening Speech.

PRESENTATION BY HER MAJESTY.

The SPEAKER announced that he had received the following message from His Excellency the Acting Governor:—

“ M. C. O’CONNELL,

“ Acting Governor.

“ His Excellency the Acting Governor lays before the Legislative Assembly the copy of a despatch received from His Grace the Duke of Buckingham and Chandos, by which the As-

sembly will learn that Her Majesty the Queen has been graciously pleased to present to the Parliamentary Library copies of 'The Early Years of His Royal Highness the Prince Consort,' and 'Leaves from the Journal of Our Life in the Highlands,' each work bearing Her Majesty's autograph signature.

"Government House,  
"Brisbane, 11th August, 1868."

"Downing street,  
"15th April, 1868.

"Sir,—I am commanded by Her Majesty the Queen to transmit to your care the accompanying copies of 'The Early Years of His Royal Highness the Prince Consort,' and 'Leaves from the Journal of Our Life in the Highlands,' each bearing Her Majesty's autograph signature.

"Her Majesty desires that these books may be placed in the Parliamentary Library of Queensland, to which institution they are presented by the Queen, both as tokens of the interest with which Her Majesty regards the development of institutions which tend to the spread of knowledge and intelligence in Her Colonial Possessions, and because she believes that these records of the earlier days of their Sovereign and the Prince Consort will not fail to be valued by her subjects in Queensland.

"I have, &c.,  
"BUCKINGHAM AND CHANDOS."

The COLONIAL TREASURER moved—

That the message be taken into consideration on the following day.

Agreed to.

#### PRESENTATION OF ADDRESS IN REPLY TO OPENING SPEECH.

The COLONIAL TREASURER said he had to acquaint the House that in consequence of the address, adopted by the House, in reply to the Opening Speech, not having been presented, the Government had been unable to advise His Excellency as to what course to pursue. He had, however, authority to state that His Excellency would be prepared to receive the address at half-past two o'clock to-morrow.

#### PETITION—QUESTION OF ORDER.

Mr. SANDEMAN presented a petition from Matthew Henry Davis, Town Marie, on the subject of the payment of duty on imported salt, when used for the preservation of meat for exportation.

The Hon. A. MACALISTER said he thought the honorable member was not in order in presenting the petition at present, as the practice of Parliament, he understood, was that the address in reply should be presented before any other business was proceeded with. The proper course, he thought, would be for the honorable the Premier to move that the House do now adjourn till to-morrow, at two o'clock, and to meet then for the presentation of the address.

The SPEAKER said that, according to the practice of Parliament, it was not infrequent

for petitions to be presented and received before the address in reply was presented, though other business of a general nature was not proceeded with.

The petition was then received.

#### PRESENTATION OF ADDRESS IN REPLY TO OPENING SPEECH.

The COLONIAL TREASURER said it would be necessary that the House should meet to-morrow at an unusual hour for the presentation of the address, and a motion to that effect would have to be proposed, which could be done without notice. The Government could not, of course, propose such a motion, considering the nature of the amendment on the address. As the address had been taken out of the hands of the Government, he would suggest that some honorable member on the Opposition side of the House should bring forward the motion for adjournment till to-morrow. A motion of that nature would not be opposed by the Government.

The Hon. A. MACALISTER said he never heard of a distinct motion being brought forward to the effect that the address should be presented. The fact that the address was agreed to was all that was necessary. It was usual for a Minister of the Crown to inform the House when it would be convenient for His Excellency to receive the address; and the House then adjourned to a certain hour on the following day, as no general business could be proceeded with till the address was presented. The honorable the Speaker, and such members of the House as might desire to accompany him, met on the following day at the time appointed, and proceeded to Government House to present the address.

The COLONIAL TREASURER said, that to put an end to the matter, he would move that the House adjourn till two o'clock to-morrow.

The ATTORNEY-GENERAL said he did not think the course, as stated by the honorable member for Ipswich, Mr. Macalister, was the correct one. He found, by reference to "Hansard," that the course was that, when the address was carried, a motion followed that the address, as adopted, be presented to His Excellency at a time to be named. Now, the Government could not move the adoption and presentation of an address that was not its own. The address, as agreed to, was the address of the Opposition; and the duty, therefore, devolved upon the Opposition to move that the address be adopted and presented. The honorable member for East Moreton, as he moved the amendment on the address, might now move that the address be adopted; and that motion being agreed to, he could then move that it be presented to His Excellency at the hour which it had been mentioned it would be convenient for His Excellency to receive it.

The Hon. A. MACALISTER said, the honorable and learned gentleman was laboring under a mistake in supposing that the

address, as amended, had not been adopted. He found, by reference to the Business Paper, that after the amendment was agreed to, there was a motion that the address, as amended, be adopted by the House, and that motion was agreed to by the House without a division. Now, the motion for the adoption of the address, he maintained, involved a motion for the presentation of the address. When a motion for the adoption of an address was agreed to, it was not known when it would be convenient for His Excellency to receive it, and, therefore, nothing was said about its presentation. But when a Minister had informed the House of the time when His Excellency would receive the address, a motion was passed that the House adjourn to meet at a certain hour; and the House met at that hour, and agreed to proceed to Government House to present the address.

The ATTORNEY-GENERAL maintained that the two motions—the motion for adoption and the motion for presentation—were distinct. The former, it appeared, had been made; but the latter, the motion for the presentation of the address, was wanting.

The HON. A. MACALISTER: The present was not the proper time for the motion. The proper time would be when they met tomorrow, to submit a motion to the effect that the House proceed to Government House to present the address. But he was quite willing to agree to the course that had been suggested by the honorable and learned member. He believed that, in all cases of a like nature, it was not usual for the members of the Government to be parties to the presentation of the address; and he did not wish that there should be any departure from that rule on the present occasion. He only desired that the usual practice should be observed. He remembered that, in 1865, a similar amendment on the address was carried in the Assembly of New South Wales; and Mr. Martin, as the head of the Government, informed the House when the address would be received; and the House accordingly met at an unusual hour for the presentation of the address.

The ATTORNEY-GENERAL: It was quite true, as the honorable member had stated; but Mr. Martin did not move that the address, as amended, be presented.

The SPEAKER: There is no doubt there must be a motion to take the address from the table of the House. The motion that the address be adopted did not do that, but rather placed it on the table, and left it there. The address is, therefore, now on the table, and there must be a specific motion to take it off the table. The honorable member for Ipswich is quite correct in stating that there was a similar amendment on the address carried in the Assembly in New South Wales three or four years ago; but, in that case, Mr. Martin, the same night, informed the House when it would be con-

venient for the Governor to receive the address, as amended. But that case does not form a precedent for us to follow in the present case, as Mr. Martin gave notice the same night the address was agreed to when it would be received. Here that was not done, and we are in the anomalous position that the address has been laid on the table, and no one seems disposed to take it up. I have looked up all the cases in the House of Commons from 1803 to the present time, and I do not find a single case that forms a precedent for us to go by in the present case. There is not, in all the cases of amendments on the address, one of a direct want of confidence; and no amendment on the address has been carried between 1803 and the present time, except in 1835, when the Commons lamented that the progress of reform, and other measures, had been interrupted by an "unnecessary" dissolution of Parliament. That amendment was carried by a majority of seven; and that is the only amendment on the address that has been carried in opposition to the Government of the day during a period of sixty-five years. There is, therefore, no precedent for the present case. I cannot find a case of an amendment on the address of a direct want of confidence.

Mr. ARCHER considered that, as there was no precedent to be found, the House would be under the necessity of adopting a course which would form a precedent for the future. He, therefore, thought the honorable member for Ipswich, Mr. Macalister, being the leader of the Opposition, could not do better than move that the address which had been adopted should be presented.

Mr. DOUGLAS said he had found a case which, he thought, might be regarded as forming a precedent. In 1812, Mr. Stuart Wortley moved a vote of want of confidence, or what was tantamount to one. The motion was one praying the Prince Regent to take such measures as would secure an efficient majority. The motion was met by the previous question, which was negatived, on a division, by a majority of four—the numbers being for the previous question 170, and against it 174. The motion of Mr. Wortley was then carried without a division. The report in the Imperial "Hansard" proceeded as follows:—

"Mr. WORTLEY immediately moved, 'That the address should be presented by the whole House.'

"Mr. YORKE opposed this motion, and moved the previous question.

"Mr. WORTLEY then withdrew his motion, and moved, 'That the said address be presented to His Royal Highness the Prince Regent by such members of the House as are of His Majesty's most honorable Privy Council.'

"A division ensued.

"For the motion ... .. 174

"Against it ... .. 176

"Majority ... .. — 2.

"The SPEAKER said he knew but of two modes by which the House had ordinarily proceeded:

the one was that the address be presented by such members as are of the Privy Council, the other by the whole House—the first had been negatived, the other remained to be decided.

“Mr. WHITBREAD : Are there no other modes ?

“The SPEAKER : Other modes may be devised, but they are not regular or customary.

“The motion, that the address should be presented to the Prince Regent by Mr. Stuart Wortley and Lord Melton, was then agreed to without a division.”

Accordingly, on that day, Mr. Stuart Wortley and Lord Melton took up the address, and, on the following day, Mr. Wortley came into the House of Commons with the reply of the Prince Regent.

The SPEAKER : That case does not bear exactly on the present question.

The COLONIAL TREASURER, after some conversational discussion in deference to the views of some honorable members, withdrew his motion for the adjournment of the House till to-morrow.

The Hon. A. MACALISTER then said, that as the honorable the Colonial Treasurer had withdrawn his motion, he would propose a motion, which he hoped would put matters in order ; and the precedent which would be established, should the motion be agreed to, would, he hoped, be adopted in any similar case that might occur in future. He now moved, without notice, that the House do now adjourn till to-morrow, at two o'clock, and then meet for the purpose of proceeding to Government House, and present the address in reply to the Opening Speech, as adopted, to His Excellency the Acting Governor.

The motion was agreed to.