

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 16 JUNE 1875

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LEGISLATIVE COUNCIL.

Wednesday, 16 June, 1875.

Places of Worship Bill.

PLACES OF WORSHIP BILL.

The Hon. H. G. SIMPSON moved the second reading of a Bill to prohibit riotous conduct in places of religious worship. He should state in a few words, he said, his reasons for bringing in the Bill. It appeared that in this city several cases of interruption of divine worship had occurred in places for religious service; in which cases, even where the offender had been removed by force, it had been found impossible to punish him in any way afterwards—the mere removal forming the whole penalty that could be imposed upon him. In every case in which it had been attempted to enforce a penalty, it had been found impossible to do so in the Police Court, or in any other way than by holding a man to bail until the sitting of the Supreme Court, and then and there prosecuting him and moving the Court to inflict a heavy penalty upon him. Those were the forms which were provided by the Acts of the reigns of Mary, Elizabeth, William and Mary, and also by 53 George III., with regard to Dissenting Communion in England. Those were all in force in this colony; but they were all subject to that cumbrous system of procedure which he had already referred to, and under which it was almost impossible to punish an offender. He thought that hardly any one could help being aware that at one place of worship in Brisbane such cases had frequently occurred. In the neighboring church of St. John, he knew of a flagrant case, in which it was found impossible, without great difficulty, to punish a person for offending. When this matter

was brought under his notice, and the draft of the Bill put into his hands, he took a good deal of trouble to look through the Imperial Statutes to see what the law in England was at the present time. After much research and inquiry, he at last found an Act in force at the present day, 23 and 24 Victoria, chapter 32, entitled, “An Act to abolish the jurisdiction of the Ecclesiastical Courts in Ireland in cases of Defamation, and in England and Ireland in certain cases of Brawling.” He should have mentioned before, that the cases he had described were punishable through the long and tedious process of the Ecclesiastical Court, up to the year 1860, when the Act last referred to was passed, rendering it possible to deal with such cases summarily, before two justices. It was hardly worth his reading the text of the Act, as the Bill was transcribed almost word for word from that portion of it which applied to the circumstances under consideration. The House now understood his object in bringing in the Bill. He thought it was advisable that there should be some means of dealing summarily with the class of offences comprehended in the Bill, which offences he was happy to say, though not very frequent in this part of the world, still, when they did occur, were troublesome. Honorable members could see on the table the Imperial Act upon which he had remarked.

The Hon. D. F. ROBERTS said he thought the Bill was one of the most useless that was ever brought before the Parliament. The Council were supposed to legislate generally for difficulties or wrongs; and he was at a loss to understand what wrong they were about to set right. If he understood the Honorable Captain Simpson, once upon a time somebody went into a particular church, where there was a difficulty. He might tell the honorable gentleman, as he told the House, plainly, that the law of England provided legislation upon the subject and for the punishment of any wrong-doer in a church; therefore, he did not see what right they had to cumber the statute book, which was complained of as being cumbersome enough already, with a Bill totally unrequired, and upon a subject quite provided for. He should most certainly vote against the second reading of the Bill.

The Hon. A. H. BROWN said the honorable gentleman who last spoke should have pointed out to the House, where that relief was afforded which was spoken of by him. The honorable gentleman said the difficulty was already provided for.

The Hon. D. F. ROBERTS: In the English statutes.

The Hon. A. H. BROWN: The House was indebted to the Honorable Captain Simpson for bringing forward the Bill, if it was necessary; and as the honorable and gallant gentleman had explained it, he (Mr. Brown) believed it was necessary. He believed that what was wanted was a more simple process

by which offences of the kind mentioned could be punished. He did not, however, quite approve of the Bill, as it was framed; he thought that in one or two points, it could be improved. He objected chiefly to the second clause:—

“Any offender in the premises may immediately and forthwith after committal of any such offence be apprehended without a warrant by any person and be taken before some justice of the peace to be dealt with according to law.”

He thought that would be interfering rather too much with the liberty of the subject.

AN HONORABLE MEMBER: Hear, hear.

THE HON. A. H. BROWN: He thought that a summons should first be applied for and be granted, and the matter then be dealt with before the Court of Petty Sessions. As a proof that that summary mode of dealing with offenders, removing them by force, was ineffective, he referred to the statement of the honorable gentleman who introduced the Bill, and who said that it was inadequate to meet the case. Therefore, to give by law power to any person to haul up another was not desirable, and it might be the cause of great dissension and disturbance; but punishment might be properly enforced by the courts of law in the way proposed, summarily. There was a statute in force to which the honorable gentleman had not referred, and which was mentioned in Rosco's Evidence; and which appeared to be a very comprehensive measure. The only Act which the honorable gentleman had specified was 53 George III.; but this was 52 George, and upon it he (Mr. Brown) had founded an amendment, as he fancied its language was certainly more forcible, and the course of action under it was decidedly more forcible, than that proposed by the honorable gentleman. With a slight amendment, the Bill would be improved. But, of course, it would be best to go into committee. He should be sorry if any lapse should occur to the Bill, if the House considered it necessary to protect places of worship. Religious places should be protected from intrusion and disturbance. He had not any assurance from the Chairman of Committees that they were protected, and for the simple and better process proposed by the Bill, he should support it as an improvement upon the existing law.

Question put and passed.