

Queensland

ANNO TRICESIMO PRIMO

VICTORIAE REGINAE.

No. [38]

A Bill to Consolidate the Laws relating to the Constitution of the Colony of Queensland.

WHEREAS by an Order in Council empowering the Government of Queensland to make laws and to provide for the administration of justice in the said colony dated at the Court at Buckingham Palace the sixth day of June one thousand eight hundred and fifty-nine it was declared and ordered by the Queen's Most Excellent Majesty in Council that the Legislature of the colony of Queensland should have full power and authority from time to time to make laws altering or repealing all or any of the provisions of the said Order in Council in the same manner as any other laws for the good government of the colony except so much of the same as incorporates the enactments of the fourteenth year of Her Majesty chapter fifty-nine and of the sixth year of Her Majesty chapter seventy-six relating to the giving and withholding of Her Majesty's assent to Bills and the reservation of Bills for the signification of Her Majesty's pleasure and the instructions to be conveyed to Governors for their guidance in relation to the matters

aforesaid

Preamble.

Power of alteration of constitution.
Order in Council s.22. 1 Pring 242.

aforesaid and the disallowance of Bills by Her Majesty Provided that every Bill by which any alteration should be made in the constitution of the Legislative Council so as to render the whole or any portion thereof elective should be reserved for the signification of Her Majesty's pleasure thereon and a copy of such Bill should be laid before both Houses of the Imperial Parliament for the period of thirty days at least before Her Majesty's pleasure thereon should be signified And whereas by the thirty-first clause of an Act of the sixth year of Her Majesty chapter seventy-six entitled "*An Act for the government of New South Wales and Van Diemen's Land*" it was enacted as follows—"That every Bill which has been passed by the said Council and also every law proposed by the Governor which shall have been passed by the said Council whether with or without amendments shall be presented for Her Majesty's assent to the Governor of the said colony and that the Governor shall declare according to his discretion but subject nevertheless to the provisions contained in this Act and to such instructions as may from time to time be given in that behalf by Her Majesty Her Heirs or Successors that he assents to such Bill in Her Majesty's name or that he withholds Her Majesty's assent or that he reserves such Bill for the signification of her Majesty's pleasure thereon and all Bills altering or affecting the divisions and extent of the several districts and towns which shall be represented in the Legislative Council or establishing new and other divisions of the same or altering the number of the members of the Council to be chosen by the said districts and towns respectively or increasing the whole number of the Legislative Council or altering the salaries of the Governor superintendent or judges or any of them and also all Bills altering or affecting the duties of customs upon any goods wares or merchandise imported to or exported from the said colony shall in every case be so reserved except such Bills for temporary laws as the Governor shall expressly declare necessary to be forthwith assented to by reason of some public and pressing emergency" And by the thirty-second clause of the said last-mentioned Act it was enacted as follows—"That whenever any bill which shall have been presented for Her Majesty's assent to the Governor of the said colony shall by such Governor have been assented to in Her Majesty's name the Governor shall by the first convenient opportunity transmit to one of Her Majesty's principal Secretaries of State an authentic copy of such Bill so assented to and that it shall be lawful at any time within two years after such Bill shall have been so received by the Secretary of State for Her Majesty by Order in Council to declare her disallowance of such Bill and that such disallowance together with a certificate under the hand and seal of the Secretary of State certifying the day on which such Bill was received as aforesaid being signified by the Governor to the Legislative Council of the said colony by speech or message to the said Council or by proclamation in the *New South Wales Government Gazette* shall make void and annul the same from and after the day of such signification" And by the thirty-third clause of the same Act it was enacted as follows—"That no Bill which shall be so reserved for the signification of Her Majesty's pleasure thereon shall have any force or authority within the colony of New South Wales until the Governor of the said colony shall signify either by speech or message to the Legislative Council of the said colony or by proclamation as aforesaid that such Bill has been laid before Her Majesty in Council and that Her Majesty has been pleased to assent to the same and that an entry shall be made in the journals of the said Legislative Council of every such speech message or proclamation and a duplicate thereof duly attested shall be delivered to the registrar of the Supreme Court or other proper officer to be kept among the records of the said colony and that no Bill which shall be so reserved as aforesaid

shall

Giving or withholding
assent to Bills.
5 & 6 Vic. c.76
s.31. 1 Pring 196

Disallowance of Bills
assented to.
5 & 6 Vic. c.76
s.32 1 Pring 196

Assent to Bills reserved.
5 & 6 Vic. c.76
s.33 1 Pring 196

Constitution Bill of 1867.

shall have any force or authority in the said colony unless Her Majesty's assent thereto shall have been so signified as aforesaid within the space of two years from the day on which such Bill shall have been presented for Her Majesty's assent to the Governor as aforesaid" and by the fortieth clause of the same Act it was declared and enacted as follows—"That it shall be lawful for Her said Majesty with the advice of Her Privy Council or under Her Majesty's signet and sign manual or through one of her principal Secretaries of State from time to time to convey to the Governor of the said Colony of New South Wales such instructions as to Her Majesty shall seem meet for the guidance of such Governor for the exercise of the powers hereby vested in him of assenting to or dissenting from or for reserving for the signification of Her Majesty's pleasure Bills to be passed by the said Council and it shall be the duty of such Governor to act in obedience to such instructions" And whereas by the Act of the eighth year of Her Majesty chapter seventy-four entitled "*An Act to explain and amend the Act for the government of New South Wales and Van Diemen's Land*" and by the seventh section thereof after reciting that 'by the said recited Act' (to wit the said herein before mentioned Act of the sixth year of Her Majesty chapter seventy-six) 'it is provided that certain Bills shall in every case be reserved by the Governor for the signification of Her Majesty's pleasure thereon and the intent of such provision was to ensure that such Bills as aforesaid should not be assented to by the Governor without due consideration' it was enacted "That it shall not be necessary for the Governor to reserve any such Bill for the signification of Her Majesty's pleasure thereon from which in the exercise of his discretion as limited in the said recited Act he shall declare that he withholds Her Majesty's assent or to which he shall have previously received instructions on the part of Her Majesty to assent and to which he shall assent accordingly" And whereas by the Act of the fourteenth year of Her Majesty chapter fifty-nine intituled "*An Act for the better government of Her Majesty's Australian Colonies*" it was provided and enacted that the provisions of the said Act of the sixth year of the reign of Her Majesty as explained and amended by the said act of the eighth year of the reign of Her Majesty concerning Bills reserved for the signification of Her Majesty's pleasure thereon shall be applicable to every Bill so reserved under the provisions of the said Act of the fourteenth year of Her Majesty chapter fifty-nine And whereas it is expedient to consolidate the laws relating to the constitution of Her Majesty's said colony of Queensland Now therefore Be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled and by the authority of the same as follows—

The Legislature.

1. There shall be within the said Colony of Queensland a Legislative Council and Legislative Assembly.

2. Within the said Colony of Queensland Her Majesty shall have power by and with the advice and consent of the said Council and Assembly to make laws for the peace welfare and good government of the colony in all cases whatsoever Provided that all Bills for appropriating any part of the public revenue for imposing any new rate tax or impost subject always to the limitations hereinafter provided shall originate in the legislative Assembly of the said colony.

3. There shall be a session of the Legislative Council and Assembly once at least in every year so that a period of twelve calendar months shall not intervene between the last sitting of the Legislative Council and Assembly in one session and the first sitting of the Legislative Council and Assembly in the next session

4. No

Governor to conform to instructions. 5 & 6 Vic c.76 s.40 1 Pring 198

Extending the Governor's powers as to giving or withholding the royal assent 7 & 8 Vic c.74 s.7. 1 Pring 205.

Reservation of Bills. 13 & 14 Vic c.59 s.33 1 Pring 218

Legislative Council and Legislative Assembly. Order in Council s.1. 1 Pring 238. Legislative Council and Assembly constituted. Order in Council s.2 1 Pring 238. Schedule to 18&19 Vic c.54. 17 Vic. No.41s. 1 1 Pring 224. One session of Parliament to be held each year. Order in Council s.9. 1 Pring 240. Schedule to 18&19 Vic c.54. 17 Vic. No.41. s. 31. 1 Pring 228.

4. No member either of the Legislative Council or of the Legislative Assembly shall be permitted to sit or vote therein until he shall have taken and subscribed the following oath before the Governor of the colony or before some person or persons authorised by such Governor to administer such oath—

"I A B do sincerely promise and swear that I will be faithful and bear true allegiance to Her majesty Queen Victoria as lawful Sovereign of the United Kingdom of Great Britain and Ireland and of this Colony of Queensland dependent on and belonging to the said United Kingdom so help me God"—

And whensoever the demise of Her present Majesty or of any of Her Successors to the Crown of the said United Kingdom shall be notified by the Governor of the colony to the said Council and Assembly respectively the members of the said Council and Assembly shall before they shall be permitted to sit and vote therein take and subscribe the like oath of allegiance to the successor for the time begin to the said Crown.

5. Provided that every person authorised by law to make an affirmation instead of taking an oath may make such affirmation in every case in which an oath is hereinbefore required to be taken.

6. Any person who shall directly or indirectly himself or by any person whatsoever in trust for him or for his use or benefit or on his account undertake execute hold or enjoy in the whole or in part any contract or agreement for or on account of the public service shall be incapable of being summoned or elected or of sitting or voting as a member of the Legislative Council or Legislative Assembly during the time he shall execute hold or enjoy any such contract or any part or share thereof of any benefit or emolument arising from the same and if any person being a member of such Council or Assembly shall enter into any such contract or agreement or having entered into it shall continue to hold it his seat shall be declared by the said Legislative Council or Legislative Assembly as the case may require to be void and thereupon the same shall become and be void accordingly Provided always that nothing herein contained shall extend to any contract or agreement made entered into or accepted by any incorporated company or any trading company consisting of more than twenty persons where such contract or agreement shall be made entered into or accepted for the general benefit of such incorporated or trading company.

7. If any person by this Act disabled or declared to be incapable to sit or vote in the Legislative Council or Legislative Assembly shall nevertheless be summoned to the said Council or elected and returned as a member to serve in the said Assembly for any electoral district such summons or election and return shall and may be declared by the said Council and Assembly as the case may require to be void and thereupon the same shall become and be void to all intents and purposes whatsoever and if any person under any of the disqualifications mentioned in the last preceding section shall whilst so disqualified presume to sit or vote as a member of the said Council or Assembly such person shall forfeit the sum of five hundred pounds to be recovered by any person who shall sue for the same in the Supreme Court of Queensland.

8. The said Legislative Council and Assembly from time to time hereafter as there may be occasion shall prepare and adopt such standing rules and orders as shall appear to the said Council and Assembly respectively best adapted for the orderly conduct of such Council and Assembly respectively and for the manner in which such Council and Assembly shall be presided over in case of the absence of the President or the Speaker and for the mode in which such Council and Assembly shall confer correspond and communicate with each other relative to votes or Bills passed by or pending in such Council and Assembly respectively and

for

No member to sit or vote until he has taken the following oath of allegiance.
Order in Council s.11. 1 Pring 240.
Schedule to 18 & 19 Vic. c.54. 17 Vic. No.41s. 1 Pring 228.

Affirmation may be made instead of oath. Order in Council s.12. 1 Pring 240.
Schedule to 18 & 19 Vic. c.54. 17 Vic. No.41s. 34. 1 Pring 223.
Disqualifying contractors and persons interested in contracts Election to take place on vacancies Schedule to 18 & 19 Vic. c.54 s.28. 17 Vic. No. 41. s. 28. 1 Pring 228.

Proviso exempting from disqualification members of companies exceeding twenty in number.

Election of disqualified persons void. Schedule to 18 & 19 Vic. c.54 s.29. 17 Vic. No.41 s. 29. 1 Pring 228.

Penalty for sitting or voting

Standing rules and orders to be made. Order in Council s.13. 1 Pring 240.
Schedule to 18 & 19 Vic. c.54. 17 Vic. No.41 s.35. 1 Pring 229.

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for the manner in which notices of Bills resolutions and other business intended to be submitted to such Council and Assembly respectively at any session thereof may be published for general information and for the proper passing entitling and numbering of the Bills to be introduced into and passed by the said Council and Assembly and for the proper presentation of the same to the Governor for Her Majesty's assent all of which rules and orders shall by such Council and Assembly respectively be laid before the Governor and being by him approved shall become binding and of force.

9. Notwithstanding anything hereinbefore contained the Legislature of the said colony as constituted by this Act shall have full power and authority from time to time by any Act or Acts to alter the provisions or laws for the time being in force under this Act or otherwise concerning the Legislative Council and to provide for the nomination or election of another Legislative Council to consist respectively of such members to be appointed or elected respectively by such person or persons and in such manner as by such Act or Acts shall be determined Provided always that it shall not be lawful to present to the Governor of the said colony for Her Majesty's assent any Bill by which any such alteration in the constitution of the said colony may be made unless the second and third readings of such Bill shall have been passed with the concurrence of two-thirds of the members for the time being of the said Legislative Council and of the said Legislative Assembly respectively Provided also that every Bill which shall be so passed for any of such purposes shall be reserved for the signification of Her Majesty's pleasure thereon and a copy of such Bill shall be laid before both Houses of the Imperial Parliament for the period of thirty days at the least before Her Majesty's pleasure thereon shall be signified.

10. It shall be lawful for the Legislature of the colony by any Act or Acts to be hereafter passed to alter the divisions and extent of the several counties districts cities towns boroughs and hamlets which shall be represented in the Legislative Assembly and to establish new and others divisions of the same and to alter the apportionment of representatives to be chosen by the said counties districts cities towns boroughs and hamlets respectively and to alter the number of representatives to be chosen in and for the colony and in and for the several electoral districts in the same and to alter and regulate the appointment of returning officers and make such new and other provision as they may deem expedient for the issuing and return of writs for the election of members to serve in the said Legislative Assembly and the time and place of holding such elections Provided always that it shall not be lawful to present to the Governor of the colony for Her Majesty's assent any Bill by which the number or apportionment of representatives in the Legislative Assembly may be altered unless the second and third readings of such Bill in the Legislative Council and the Legislative Assembly respectively shall have been passed with the concurrence of a majority of the members for the time being of the said Legislative Council and of two-thirds of the members for the time being of the said Legislative Assembly and the assent of Her Majesty shall not be given to any such Bill unless an address shall have been presented by the Legislative Assembly to the Governor stating that such Bill has been so passed.

11. Nothing herein contained shall affect the power or authority of any Legislature duly constituted before this Act comes into operation.

The Governor.

12. It shall be lawful for the Governor to fix such place or places within any part of the colony and such times for holding every session of the Legislative Council and Assembly of the said colony as he may think fit such times and places to be afterwards changed or varied as the Governor may judge advisable and most consistent with general convenience and the public welfare giving sufficient notice thereof and also to prorogue the said Legislative Council and Assembly from time to time and to dissolve the said Assembly by proclamation or otherwise whenever he shall deem it expedient.

13. The

Power to alter constitution of Legislative Council. Schedule to 18 & 19 Vic. c.54 17 Vic. No.41 s.36. 1 Pring 229. Order in Council s.22. 1 Pring 242.

Power to alter system of representation. Schedule 18 & 19 Vic. c.54. 17 Vic. No.41. s.15. 1 Pring 226.

Existing Legislature not affected by this Act.

Place and time of holding Parliament. Schedule to 18 & 19 Vic. c.54. 17 Vic. No.41 s.30. 1 Pring 228.

13. The provisions of the before mentioned Act of the fourteenth year of Her Majesty chapter fifty-nine and of the Act of the sixth year of Her Majesty chapter seventy-six entitled “*An Act for the government of New South Wales and Van Diemen’s Land*” which relate to the giving and withholding of Her Majesty’s assent to Bills and the reservation of Bills for the signification of Her Majesty’s pleasure thereon and the instructions to be conveyed to Governors for the guidance in relation to the matters aforesaid and the disallowance of Bills by Her Majesty shall apply to Bills to be passed by the Legislative Council and Assembly constituted under this Act and the said Order in Council and by any other legislative body or bodies which may at any time hereafter be substituted for the present Legislative Council and Assembly.

14. The appointment of all public offices under the Government of the colony hereafter to become vacant or to be created whether such offices be salaried or not shall be vested in the Governor in Council with the exception of the appointments of the officers liable to retire from office on political grounds which appointments shall be vested in the Governor alone Provided always that this enactment shall not extend to minor appointments which by Act of the Legislature or by order of the Governor in Council may be vested in heads of departments or other officers or persons within the colony.

15. The commissions of the present judges of the Supreme Court of the said colony and of all future judges thereof shall be continue and remain in full force during their good behavior notwithstanding the demise of Her Majesty (whom may God long preserve) or of her heirs and successors any law usage or practice to the contrary thereof in anywise notwithstanding.

16. It shall be lawful nevertheless for Her Majesty her heirs or successors to remove any such judge or judges upon the address of both Houses of the Legislature of this colony.

17. Such salaries as are settled upon the judges for the time being by Act of Parliament or otherwise and all such salaries as shall or may in future granted by Her Majesty her heirs and successors or otherwise to any future judge or judges of the said Supreme Court shall in all time coming be paid and payable to every such judge and judges for the time being so long as the patents or commissions of them or any of them respectively shall continue and remain in force.

18. It shall not be lawful for the Legislative Assembly to originate or pass any vote resolution or Bill for the appropriation of any part of the said consolidated revenue fund or of any other tax or impost to any purpose which shall not first have been recommended by a message of the Governor to the said Legislative Assembly during the session in which such vote resolution or Bill shall be passed.

19. No part of Her Majesty’s revenue in the said colony arising from any of the sources hereinafter mentioned shall be issued or shall be made issuable except in pursuance of warrants under the hand of the Governor of the colony directed to the public treasurer thereof.

The Legislative Council.

20. For the purpose of composing the Legislative Council of Queensland the Governor is hereby authorised to summon in Her Majesty’s name by an instrument or instruments under the Great Seal of the said colony from time to time to the said Legislative Council such person or persons as he shall think fit and every person who shall be so summoned shall thereby become a member of the Legislative Council of the said colony Provided always that no person shall be summoned to the said Legislative Council who shall not be of the full age of twenty-one years and a natural-born subject of Her Majesty or naturalized by an Act of the Imperial Parliament or by an Act of the Legislature of New South Wales before the separation or by an Act of this colony Provided also that not less than four-fifths of the members so summoned to the Legislative Council shall consist of persons not holding any office of emolument under the Crown except officers of Her Majesty’s sea and land forces on full or half pay or retired officers on pensions.

21. The

Provisions of former Acts respecting the allowance and disallowance of Bills reserved.
Order in Council s.14. 1 Pring 240.

Appointment to offices under the Government of the colony to be vested in the Governor in Council or alone.
Schedule to 18&19 Vic. c.54. 17 Vic. No.41 s.37. 1 Pring 229. Exceptions.

Judges continued in the enjoyment of their offices during their good behavior notwithstanding any demise of the Crown.
But they may be removed by the Crown on the address of Parliament. Their salaries secured during the continuance of their commissions.

No money vote or Bill lawful unless recommended by Governor.
Schedule to 18&19 Vic. c.54. 17 Vic. No.41s. 54. 1 Pring 231.

No part of public revenue to be issued except on warrants from Governor.
Schedule to 18&19 Vic. c.54. 17 Vic. No.41 s.55. 1 Pring 231.

Legislative Council how to be composed.
Order in Council s.3. 1 Pring 239. Schedule to 18&19 Vic. c.54. 17 Vic. No.41 s.2 1 Pring 224.

Constitution Bill of 1867.

21. The members of the said Legislative Council who shall be summoned thereto by the Governor shall hold their seats therein for the term of their natural lives subject nevertheless to the provisions hereinbefore referred to and hereinafter contained for vacating the same and for altering and amending the constitution of the said colony as established by this Act.

Duration of office of legislative Council - ors. Order in Council s.4. 1 Pring 239. Schedule to 18&19 Vic. c.54. 7 Vic. No.41 s.3

22. It shall be lawful for any member of the Legislative Council to resign his seat therein by a letter to the Governor and upon the receipt of any such letter by the Governor the seat of such Legislative Councillor shall become vacant.

Resignation of councillors. Schedule to 18&19 Vic. c.54. 17 Vic. No.41 s.4. 1 Pring 224.

23. If any Legislative Councillor shall for two successive sessions of the Legislature of the said colony fail to give his attendance in the said Legislative Council without the permission of Her Majesty or of the Governor of the colony signified by the said Governor to the Legislative Council or shall take any oath or make any declaration or acknowledgment of allegiance obedience or adherence to any foreign prince or power or shall do concur in or adopt any act whereby he may become a subject or citizen of any foreign state or power or whereby he may become entitled to the rights privileges or immunities of a subject or citizen of any foreign state or power or shall become bankrupt or take the benefit of any law relating to insolvent debtors or become a public contractor or defaulter or be attainted of treason or be convicted of felony or of any infamous crime his seat in such Council shall thereby become vacant.

Vacating seat by absence. Schedule to 18&19 Vic. c.54. 17 Vic. No.41 s.5. 1 Pring 224.

24. Any question which shall arise respecting any vacancy in the Legislative Council on occasion of any of the matters aforesaid shall be referred by the Governor to the said Legislative Council to be by the said Legislative Council heard and determined Provided always that it shall be lawful either for the person respecting whose seat such question shall have arisen or for Her Majesty's Attorney-General for the said colony on Her Majesty's behalf to appeal from the determination of the said Council in such case to Her Majesty and that the judgment of Her Majesty given with the advice of Her Privy Council thereon shall be final and conclusive to all intents and purposes.

Trial of questions of vacancy. Schedule to 18&19 Vic. c.54. 17 Vic. No.41 s.6. 1 Pring 224.

25. The Governor of the colony shall have power and authority from time to time by an instrument under the great seal of the said colony to appoint one member of the said Legislative Council to be President thereof and to remove him and appoint another in his stead and it shall be at all times lawful for the said President to take part in any debate or discussion which may arise in the said Legislative Council.

Appointment of President. President may take part in debates. Schedule 18&19 Vic. c.54. 17 Vic. No.41 s.7. 1 Pring 225.

26. The presence of at least one-third of the members of the said Legislative Council exclusive of the President shall be necessary to constitute a quorum for the despatch of business and all questions which shall arise in the said Legislative Council shall be decided by a majority of votes of the members present other than the President and when the votes shall be equal the President shall have the casting vote Provided always that if the whole number of members constituting the said Legislative Council shall not be exactly divisible by three the quorum of the said Legislative Council shall consist of such whole number as is next greater than one-third of the members of the said Legislative Council.

Quorum division casting vote. Schedule to 18&19 Vic. c.54 17 Vic. No.41 s.8. 1 Pring 225

The Legislative Assembly.

27. For the purpose of constituting the Legislative Assembly it shall be lawful for the Governor from time to time as occasion shall require in Her Majesty's name by an instrument or instruments under the great seal of the colony to summon and call together a Legislative Assembly in and for the said colony.

Constitution of Legislative Assembly. Order in Council s.5. 1 Pring 239. Schedule to 18&19 Vic. c.54. 17 Vic. No.41 s.9.

28. The Legislative Assembly shall consist of members duly qualified according to the Legislative Assembly Act for the time being to be elected by the inhabitants of the said colony having any of the qualifications mentioned in the Electoral Act for the time being.

Members of Assembly Schedule to 18&19 Vic. c.54. 17 Vic. No.41 s.10 1 Pring 224. Order in Council s.6 1 Pring 239.

29. Every Legislative Assembly of the said colony hereafter to be summoned and chosen shall continue for five years from the day of the return of the writs for choosing the same and no longer subject nevertheless to be sooner prorogued or dissolved by the Governor.

Duration of Assembly. Schedule to 18 & 19 Vic. c.54 17 Vic. No.41 s.21 1 Pring 227. Order in Council s.7 1 Pring 239

General

*Constitution Bill of 1867.**General Provisions.*

30. Subject to the provisions contained in the Imperial Act of the eighteenth and nineteenth Victoria chapter fifty-four and of an Act of the eighteenth and nineteenth years of Her Majesty entitled "*An Act to repeal the Acts of Parliament now in force respecting the disposal of the waste lands of the Crown in Her Majesty's Australian Colonies and to make other provisions in lieu thereof*" which concern the maintenance of existing contracts it shall be lawful for the Legislature of this colony to make laws for regulating the sale letting disposal and occupation of the waste lands of the Crown within the said colony.

31. It shall not be lawful for the Legislature of the colony to levy any duty upon articles imported *bona fide* for the supply of Her Majesty's land or sea forces nor to levy any duty impose any prohibition or restriction or grant any exemption from any drawback or other privilege upon the importation or exportation of any articles nor to enforce any dues or charges upon shipping contrary to or at variance with any treaty or treaties concluded by Her Majesty with any foreign power.

32. Subject to the provisions of this Act and notwithstanding any Act or Acts of the Imperial Parliament now in force to the contrary it shall be lawful for the Legislature of the colony to impose and levy such duties of customs as to them may seem fit on the importation into the colony of any goods wares and merchandise whatsoever whether the produce of or exported from the United Kingdom or any of the colonies or dependencies of the United Kingdom or any foreign country Provided always that no new duty shall be so imposed upon the importation into the said colony of any article the produce or manufacture of or imported from any particular country or place which shall not be equally imposed on the importation into the said colony of the like article the produce or manufacture of or exported from all other countries and places whatsoever.

33. All laws statutes and ordinances which at the time when this Act shall come into operation shall be in force within the said colony shall remain and continue to be of the same authority as if this Act had not been made except in so far as the same are repealed and varied hereby and all the courts of civil and criminal jurisdiction within the said colony and all charters legal commissions powers and authorities and all offices judicial administrative or ministerial within the said colony respectively except so far as the same may be abolished altered or varied by or may be inconsistent with the provisions of this Act shall continue to subsist as if this Act had not been made.

Crown Rights and Revenues.

34. All taxes imposts rates and duties and all territorial casual and other revenues of the Crown (including royalties) from whatever source arising within this colony and over which the present or future Legislature has or may have power of appropriation shall form one consolidated revenue fund to be appropriated for the public service of this colony in the manner and subject to the charges hereinafter mentioned.

35. The consolidated revenue fund of this colony shall be permanently charged with all the costs charges and expenses incident to the collection management and receipt thereof such costs charges and expenses being subject nevertheless to be reviewed and audited in such manner as shall be directed by any Act of the Legislature.

36. There shall be payable in every year to Her Majesty Her heirs and successors out of the consolidated revenue fund of this colony the several sums not exceeding in the whole the sum of fourteen thousand nine hundred pounds for defraying the expense of the several services and purposes named in the schedules A and B to this Act annexed the said several sums to be issued by the Colonial Treasurer in discharge of such warrant or warrants as shall be from time to time

directed

Legislature empowered to make laws regulating sale and other disposal of waste lands. Order in Council s.17. 1 Pring 241. Schedule to 18&19 Vic. c.54. 17 Vic. No.41 s.43. 1 Pring 229.

Duties not to be levied on supplies for troops nor any duties inconsistent with treaties. Order in Council. s.18. 1 Pring 241. Schedule to 18&19 Vic. c.54 17 Vic. No.41 s.45. 1 Pring 230. Customs duties may be imposed not differential though contrary to existing Acts of Parliament. Order in Council. s.19 1 Pring 241. Schedule to 18&19 Vic. c.54 17 Vic. No.41 s.45. 1 Pring 230.

Force of laws and authority of courts preserved. Order in Council s.20. 1 Pring 241. Schedule to 18&19 Vic. c.54. 17 Vic. No.41 s.41 1 Pring 229.

All duties and revenues to form consolidated revenue fund. Schedule to 18&19 Vic. c.54 17 Vic. No.41 s.47. 1 Pring 230.

Such fund permanently charged with expenses of collection. Schedule 18&19 Vic. c.54 17 Vic. No.41 s.48. 1 Pring 230.

Civil list of £16,300 payable to Her Majesty. Schedule to 18&19 Vic. c.54. 17 Vic. No.41 s.49. 1 Pring 231. See order in Council s.21 and civil list. 1 Pring 242 and 25 Vic. No.23. 1 Pring 260.

directed under the hand of the Governor and the said Treasurer shall account to Her Majesty for the same through the Lords Commissioners of Her Majesty's Treasury in such manner and form as Her Majesty shall be graciously pleased to direct.

37. The said several sums mentioned in schedules A and B shall be accepted and taken by Her Majesty Her heirs and Successors by way of civil list instead of all territorial casual and other revenues of the Crown (including all royalties) from whatever source arising within the said colony and to the disposal of which the Crown may be entitled either absolutely or conditionally or otherwise howsoever.

38. Two thousand one hundred pounds in each year shall be payable for pensions to the judges of the Supreme Court out of the sum set apart for pensions in the said schedule B but such last-mentioned sum shall be rateably or proportionally increased whenever the number of such judges or their respective salaries may or shall be increased.

39. After and subject to the payments to be made under the provisions hereinbefore contained all the consolidated revenue fund hereinbefore mentioned shall be subject to be appropriated to such specific purposes as by any Act of the Legislature of the colony shall be prescribed in that behalf Provided that the consolidation of the revenues of this colony shall not affect the payment of the annual interest or the principal sums mentioned in any outstanding debentures or other charge upon the territorial revenue is such interest principal or other charge severally becomes due nor shall such consolidation affect the payment of any sum or sums heretofore charged upon the taxes duties rates and imposts now raised levied and collected or to be raised levied and collected to and for the use of this colony for such time as shall have been appointed by any Acts of the said Legislature by which any such charge was authorised.

40. The entire management and control of the waste lands belonging to the Crown in the said Colony of Queensland and also the appropriation of the gross proceeds of the sales of such lands and of all other proceeds and revenues of the same from whatever source arising within the said colony including all royalties mines and minerals shall be vested in the Legislature of the said colony Provided that nothing herein contained shall affect or be construed to affect any contract or to prevent the fulfilment of any promise or engagement made by or on behalf of Her Majesty with respect to any lands situate within the said colony in cases where such contracts promises or engagements shall have been lawfully made before the time at which this Act shall take effect within this colony nor to disturb or in any way interfere with or prejudice any vested or other rights which have accrued or belong to the licensed occupants or lessees of any Crown lands within or without the settled districts under and by virtue of the Act of the Imperial Parliament passed in the ninth and tenth years of Her Majesty's reign chapter one hundred and four or of any order or orders of Her Majesty in Council issued in pursuance thereof.

Powers and Privileges of Houses of Parliament.

41. Each House of the Parliament of the said colony and any committee of either House duly authorised by the House to send for persons and papers may order any person to attend before the House or before such committee as the case may be and also to produce to such House or committee any paper book record or other document in the possession or power of such person.

42. Any such order to attend or to produce documents before either House shall be notified to the person required to attend or to produce documents by a summons under the hand of the President or Speaker as the case may be and any such order to attend or to produce documents before any such committee shall be notified to the person

required

Civil list to be accompanied by surrender of all revenues of the Crown. Schedule to 18&19 Vic. c.54. 17 Vic. No.41 s.50. 1 Pring 230.

Pensions payable to judges of Supreme Court. Schedule to 18&19. Vic. c.54 17 Vic. No.41 s.51. 1 Pring 231.

Consolidated revenue to be appropriated by Act of the legislature. Debentures or any other charges on consolidated revenue fund not to be affected by such consolidation. Schedule to 18&19 Vic. c.54. 17 Vic. No.41 s.53. 1 Pring 231.

The entire management of Crown lands and all revenues thence arising to be vested in the local Legislature. Schedule to 18&19 Vic. c.54. 17 Vic. No.41 s.58. 1 Pring 232.

This provision not to affect any previous contracts of Her Majesty respecting any such lands nor any vested rights which have arisen under 9&10 Vic. c.104 nor any vested right or interest which has accrued under any Order of Council issued by Her Majesty in Council in pursuance thereof. 18&19 Vic. c.54 s.2. 1 Pring 221. Schedule thereto 17 Vic. No.41 s.58. 1 Pring 231.

Power to order the attendance of persons 25 Vic. No.7 s.1. 1 Pring 258.

Order to attend to be notified by summons. 25 Vic. No.7 s.2. 1 Pring 258.

required to attend or to produce documents by a summons under the hand of the clerk of the House authorised by the chairman of the committee and in every such summons shall be stated the time and place when and where the person summoned is to attend and the particular documents which he is required to produce and such summons shall be served on the person mentioned therein either by delivering to him a correct copy of such summons or by leaving a correct copy of the same with some adult person at his usual or last known place of abode in the colony and there shall be paid or tendered to the person so summoned if he shall not reside within five miles of the Legislative Chambers a reasonable sum for his expenses of attendance.

43. A member of either House may be ordered by the House of which he is a member to attend before either House or before any committee of either House without summons.

44. If any person ordered to attend or produce any paper book record or other document to either House or to any committee of either House shall object to answer any question that may be put to him or to produce any such paper book record or other document on the ground that the same is of a private nature and does not affect the subject of inquiry the President or Speaker or the chairman of the committee as the case may be shall report such refusal with the reason thereof to the House who shall thereupon excuse the answering of such question or the production of such paper book record or other document or order the answering or production thereof as the circumstances of the case may require.

45. Each house of the said Parliament is hereby empowered to punish in a summary manner as for contempt by fine according to the standing orders of either House and in the event of such fine not being immediately paid by imprisonment in the custody of its own officer in such place within the colony as the house may direct or in Her Majesty's gaol at Brisbane until such fine shall have been paid or until the end of the then existing session or any portion thereof any of the offences hereinafter enumerated whether committed by a member of the House or by any other person-

Disobedience to any order of either House or of any committee duly authorised in that behalf to attend or to produce papers books records or other documents before the House or such committee unless excused by the House in manner aforesaid.

Refusing to be examined before or to answer any lawful and relevant question put by the House or any such committee unless excused by the House in manner aforesaid.

The assaulting obstructing of insulting any member in his coming to or going from the House or on account of his behaviour in Parliament or endeavoring to compel any member by force insult or menace to declare himself in favor of or against any proposition or matter depending or expected to be brought before either House.

The sending to a member any threatening letter on account of his behaviour in Parliament.

The sending a challenge to fight to a member.

The offering of a bribe to or attempting to bribe a member.

The creating of joining in any disturbance in the House or in the vicinity of the House while the same is sitting whereby the proceedings of such House may be interrupted.

46. For the purpose of punishing any of the contempts aforesaid the President or Speaker as the case may be is hereby empowered upon the resolution in that behalf of the House to issue his warrant under his hand for the apprehension and imprisonment as aforesaid of any person adjudged by the House guilty of any such contempt if such fine shall not have been paid as aforesaid.

44. Any

Attendance of members
25 Vic. No.7 s.3.
1 Pring 259.

Objection to answer
questions or produce
documents to be reported
to the House
25 Vic. No.7 s.4.
1 Pring 259.

Houses empowered to
punish summarily for
certain contempts.
25 Vic. No.7 s.5.
1 Pring 259.

President or Speaker to
issue warrant.
25 Vic. No.7 s.6.
1 Pring 259.

Constitution Bill of 1867.

47. Any person creating or joining in any disturbances in the House during its actual sitting may be apprehended without warrant on the verbal order of the president or Speaker as the case may be and may be kept in the custody of the officer of the House until a warrant can be made out for the imprisonment of such person in manner aforesaid.

Persons disturbing proceedings of House may be arrested with out warrant.
25 Vic. No.7 s.7.
1 Pring 259.

48. Every such warrant shall contain a statement that the person therein mentioned has been adjudged guilty of contempt by the House the President or Speaker whereof shall have issued the same specifying the nature of such contempt in the words of this Act defining the same in equivalent words and every warrant shall be sufficient from which it can be reasonably collected that the person mentioned therein has been adjudged guilty of any of the contempts aforesaid and no particular form shall be necessary to be observed in such warrant.

Form of warrant
25 Vic. No.7 s.8.
1 Pring 260.

49. The sheriff and his officers and all constables and other persons are hereby required to assist in the apprehension and detention of any person in pursuance of the verbal order as aforesaid of the President or Speaker as the case may be and also to be aiding and assisting in the execution of any such warrant as aforesaid and where any such warrant directs that the person mentioned therein shall be imprisoned in any gaol the keeper thereof is hereby required to receive such person into his custody in the said gaol and there to imprison him according to the tenor of the warrant.

Sheriffs constables and others to assist in execution of warrant or verbal order.
25 Vic. No.7 s.9.
1 Pring 260.

Gaoler to imprison.

50. It shall be lawful for any person charged with or assisting in the execution of any warrant under the hand of the President or Speaker issued under the authority of this act to break open in the daytime all doors of places where the person for whose apprehension such warrant was issued is concealed.

Doors may be broken open in executing warrant.
25 Vic. No.7 s.10.
1 Pring 260.

51. The publishing of any false or scandalous libel of any member touching his conduct as a member by any person other than a member is thereby declared to be a misdemeanor and it shall be lawful for either House to direct the Attorney-General to prosecute before the Supreme Court any such person committing any such misdemeanor and any such person convicted before the said court of any such misdemeanor shall be liable to imprisonment for any period not exceeding two years or to a fine not exceeding one hundred pounds or to both such punishments.

House may direct Attorney-General to prosecute instead of proceeding summarily.
25 Vic. No.7 s.11.
1 Pring 260.

52. It shall be lawful for either House to direct the Attorney-General to prosecute before the Supreme Court any such person guilty of any other contempt against the house which is punishable by law.

House may direct Attorney-General to prosecute for other contempts.
25 Vic. No.7 s.12.
1 Pring 260.

53. If any person before either House or before any committee of either House shall give a wilfully false answer to any lawful and relevant question which shall be put to him during the course of any examination he shall be guilty of a misdemeanor and shall be liable on being convicted thereof to be punished in the same manner as though he had been convicted of wilful and corrupt perjury.

Wilfully false answers how punished.
25 Vic. No.7 s.13.
1 Pring 260.

54. And whereas it is essential to the due and effectual exercise and discharge of the functions and duties of the Legislature that no obstructions or impediments should exist to the publication of such of the reports papers votes and proceedings of the Legislative Council and Assembly as the said Council or Assembly may deem fit or necessary to be published and whereas obstructions or impediments to such publication may hereafter arise by means of civil or criminal proceedings being taken against persons employed by or acting under the authority of the said Council or Assembly in the publication of such reports papers votes or proceedings by reason and for remedy whereof it is expedient that protection should be afforded to all persons acting under the authority aforesaid be it enacted That it shall and may be lawful for any person or persons who shall be a defendant or defendants in any civil or criminal proceeding commenced or prosecuted in any manner soever for or on

Proceedings criminal or civil against persons for publication of papers printed by order of the Legislative Council and Assembly to be stayed upon delivery of a certificate and affidavit to the effect that such publication is by order of the said Legislative Council or Assembly
13 Vic. No.16 s.
1 Pring 569.

account

account or in respect of the publication of any such reports papers votes or proceedings by such person or persons or by his her or their servant or servants or by or under the authority of the Legislative Council or Assembly of the said colony to bring before the court in which such proceeding shall have been or shall be so commenced or prosecuted or before any judge of the same first giving twenty-four hours' notice of his intention so to do to the prosecutor or plaintiff in such proceeding a certificate under the hand of the President or Speaker of the said Legislative Council or Assembly or of the clerk of the said Council or Assembly stating that the report paper votes or proceedings as the case may be in respect whereof such civil or criminal proceedings shall have been commenced or prosecuted was published by such person or persons or by his her or their servants by order or under the authority of the said Council or Assembly or a committee thereof together with an affidavit verifying such certificate and such court or judge shall thereupon immediately stay such civil or criminal proceeding and the same and every writ or process issued therein shall be and shall be deemed and taken to be finally put an end to determined and superseded by virtue of this Act.

55. In case of any civil or criminal proceeding to be commenced or prosecuted for or on account or in respect of the publication of any copy of such report paper votes or proceedings it shall be lawful for the defendant or defendants at any stage of the proceedings to lay before the court or judge such report paper votes or proceedings and such copy with an affidavit verifying such report paper votes or proceedings and the correctness of such copy and the court or judge shall immediately stay such civil or criminal proceedings and the same and every writ of process issued therein shall be and shall be deemed and taken to be finally put an end to determined and superseded by virtue of this Act.

56. It shall be lawful in any civil or criminal proceeding to be commenced or prosecuted for printing any extract from or abstract of such report paper votes or proceedings to give in evidence under the general issue such report paper votes or proceedings and to show that such extract or abstract was published *bona fide* and without malice and if such shall be the opinion of the jury a verdict of not guilty shall be entered for the defendant or defendants.

Commencement and Short Title.

57. This Act shall commence on the thirty-first day of December one thousand eight hundred and sixty-seven and may be referred to as the "*Constitution Act of 1867.*"

Proceedings to be stayed when commenced in respect of the publication of a copy of the authenticated report &c. on affidavit verifying such copy being laid before the court.
13 Vic. No.16 s.8.
1 Pring 570.

In proceedings for printing any extract from or abstract of a paper it may be shown that such extract was *bona fide* made.
13 Vic. No.16 s.9.
1 Pring 570.

Commencement of Act.

Short title.

SCHEDULE

SCHEDULE A

| | Salaries payable whilst the present incumbents are in office | | | |
|---|--|----|----|--|
| | £ | s. | d. | |
| To be placed at the disposal of Her Majesty for the salary of the Governor if Her Majesty see fit otherwise to revert to the Consolidated Revenue Fund | | | | Schedule to 18 & 19 Vic. c.54. 17 Vic. No.41. 1 Pring 232. |
| | | | | Schedule to 25 Vic. No.23. 1 Pring 261. |
| The Present Chief Justice | 4,000 | 0 | 0 | |
| The Present Puisne Judge | 1,500 | 0 | 0 | |
| Colonial Secretary | 2,000 | 0 | 0 | |
| Attorney-General | 1,000 | 0 | 0 | |
| Colonial Treasurer | 1,000 | 0 | 0 | |
| Secretary for Lands and Public Works | 1,000 | 0 | 0 | |
| Governor's Private Secretary | 300 | 0 | 0 | |
| Public Worship | 1,000 | 0 | 0 | |

SCHEDULE B.

| | £ | s. | d. | |
|---|--------------|----|----|--|
| Pensions to judges of the Supreme Court on their ceasing to hold office (until demandable and claimed this amount or any unclaimed portion of it to revert to the Consolidated Revenue Fund) but the sum in this schedule mentioned shall be rateably or proportionally increased whenever the number of such judges or their respective salaries may ro shall in increased | | | | Schedule to 18 & 19 Vic. c.54. 17 Vic. No.41. 1 Pring 233. |
| | 2,100 | 0 | 0 | |

I certify that this Public Bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and Legislative assembly of Queensland.

[Henry Johnson]
Clerk of the Parliaments

*Legislative Council Chamber,
 Brisbane, [20] December, 1867.*

In the name, and on behalf of the Queen, I assent to this Act.

*Government House,
 Brisbane, [28th] December, 1867*

[G.F. Bowen]

[Recorded and enrolled in the Office of the Registrar General at Brisbane upon this Eighth day of January 1865.]

[?]
[Regr General]