

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**TUESDAY, 26 SEPTEMBER 1876**

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ducing a Bill to provide for the payment of expenses incurred by the members of the Legislative Assembly in attending Parliament.

Mr. THOMPSON said the Bill was not properly introduced. On a previous occasion a Bill on the same subject was introduced on message, and he understood that it had been taken off the paper. The present Bill, on the face of it, as a Bill to appropriate payments, could not now be introduced without a message. The original message introduced a Bill which had been taken off the paper.

The PREMIER: The message still remains.

Mr. THOMPSON said he was not present at the time, but he believed the Bill had been entirely struck off the paper. If so, the message from the Governor had served its purpose, and the Bill it was intended to justify was, like the message itself, entirely withdrawn. The Bill, being one of appropriation, must be introduced by message according to the 18th clause of the Constitution Act.

The SPEAKER: Do I understand that the honorable member is speaking to a point of order?

Mr. THOMPSON: Yes.

The SPEAKER: Then I think it is too early to discuss this question on a point of order: we do not know what shape the Bill will take in committee, or whether there will be a Bill.

The ATTORNEY-GENERAL said that in Votes and Proceedings of Thursday, 14 September, the following record appeared:—

"W. W. CAIENS,

" Governor,

" Message No. 7.

"In accordance with the provisions of the eighteenth section of 'The Constitution Act of 1867,' The Governor herewith transmits, for the consideration of the Legislative Assembly, 'A Bill to provide for the Payment of the Expenses incurred by Members of the Legislative Assembly in attending Parliament.'

"Government House,

"Brisbane, 14th September, 1876."

That was the recommendation to the House, but instead of recommending it merely by name, it was a message accompanied by a transcript of the Bill; so that if any honorable member wanted to see the nature of the Bill, he might look at the message. After the discussion which took place last week, it became the opinion of the Government that the Bill might, nevertheless, be introduced in committee, and all that had taken place left the question exactly where it was before, for honorable members were aware that when a Bill was discharged from the paper it remained in precisely the same position as it was in before. They started entirely *de novo*. When a Bill was ordered by a Committee of the whole House to be brought in, at any stage of the Bill it might be ordered to be withdrawn, and when that had been done the House was in exactly the same position as if no Bill had been before it. This was a parallel case

## LEGISLATIVE ASSEMBLY.

Tuesday, 26 September, 1876.

Members' Expenses Bill.—Parliamentary Procedure.

### MEMBERS' EXPENSES BILL.

The PREMIER moved—

That this House will, at its next sitting, resolve itself into a Committee of the Whole, for the purpose of considering the desirableness of intro-

to that now under discussion. No proceedings of the House could get rid of the Governor's message; there it stood recommending a certain Bill, and virtually nothing had been done since it was sent down.

MR. THOMPSON: Except getting rid of the Bill.

THE ATTORNEY-GENERAL said there was no Bill. The Bill was quite gone, and they were exactly as they were when the message was received, and they now started anew. In discharging the Bill from the paper they got rid of all that had been done in connection with it.

MR. BELL said the Attorney-General was trying to argue that two Bills were one Bill. To his (Mr. Bell's) mind it was quite clear that the Governor's message referred to the first Bill, which was a Bill in the intention of the Government. But this second Bill could not be the same, and it could not exist in reference to the message. That was clear; the first Bill was connected with the Governor's message; the second was connected with no message at all. If there were to be two Bills, there must be also two messages.

THE ATTORNEY-GENERAL: It is the same Bill, of course.

MR. BELL said there was no "of course" about it. A message came down, and a Bill was introduced, and the one referred to the other; and now the House were asked to believe that the first Bill had nothing to do with the message.

THE SPEAKER: I must again say that I do not consider this to be the time to take the discussion. It would be much better to take it in committee, when the proposal is made to introduce a Bill.

MR. WALSH said the House had been from day to day led to suppose that a message had been received from the Governor, authorising a Bill of this kind, and now they found there was such a Bill introduced without a message. The attempted reply of the Attorney-General was to the effect that, because the Governor sent down a message respecting one Bill, it necessarily applied to another; this argument would be equally strong if applied to fifty Bills that might be introduced during the session, and was unworthy of being advanced by a member of the Government, and much more by a gentleman belonging to the profession of which the honorable gentleman was a member. It was, in short, nonsense. The Governor sent down a message doing something in connection with a particular Bill. That Bill was withdrawn; another Bill was introduced without a message, and the House were told that one belonged to the other. It was an insult to His Excellency to say he could connive at such a proceeding, and he was sure the Governor knew nothing whatever about it. He (Mr. Walsh) knew His Excellency's way of doing business, and was convinced he knew nothing about it. It was too bad to lead people to believe that the

Governor had sent two messages, whereas he had sent but one. With all respect to the honorable the Speaker, he (Mr. Walsh) thought this was the time to discuss the question, for they were bound to respect the rights and usages of the House by seeing that there was no difference whatever made in the introduction of No. 1 Bill on a particular subject, and No. 2 on the same.

MR. IVORY said they could convict the Attorney-General out of his own mouth as to the absurdity of this proceeding. The honorable gentleman said that the first Bill introduced was part and parcel of the message which came down to the House.

THE ATTORNEY-GENERAL: Hear, hear.

MR. IVORY: Very well. We have discharged the Bill which was part and parcel of the message, just as the message was part and parcel of the Bill, and what more can we do?

THE ATTORNEY-GENERAL said the best thing to do was to let it remain. By way of explanation, he would say that honorable members opposite, accidentally or otherwise, had entirely misunderstood what he said. He pointed out that the Governor, having recommended a certain Bill, and that Bill not having been regularly brought forward before the House, must be made regular, by the removal of the irregularities. That having been done, they went back to the point where the defect arose; it was an irregularity which could only be cured by discharging the Bill.

MR. BELL would like to know whether the Attorney-General was in a position to say that the Governor had given his consent to his message being referred to a Bill brought in through committee, whereas his message was with reference to a Bill not brought in through committee. His Excellency surely could not be satisfied with the use that had been made of his message, by adapting it to a Bill of which he was not cognisant when the message was directed.

THE ATTORNEY-GENERAL: He may turn us out then.

MR. BELL said that might be so, but the members of the House had their rights and privileges to defend; and, perhaps, after all, it would be a good thing if the Governor would turn the Government out, as the Attorney-General had suggested.

MR. WALSH said the Attorney-General's argument, that because the Governor's message was brought down for the first Bill, it must apply to the second, was the most idle proposition he ever listened to, addressed, not to gentlemen who, always adopting the proceedings of the Government, could not be said to reflect, but to honorable members of the Opposition side of the House who did reflect.

THE MINISTER FOR LANDS said he hardly knew whether it was worth while continuing the discussion after the Speaker's ruling, but it struck him that there was only one Bill,

and that all the argument in the world would not alter that fact. Honorable members opposite had nevertheless spoken of Bills number one and number two.

Mr. WALSH: There have been two Bills.

Mr. IVORY: One was discharged from the paper yesterday.

The MINISTER FOR LANDS said it was only one Bill, and in all that had been done the Constitution Act had been scrupulously observed. It was doubtless true that some defect had arisen, and submitting himself to the opinion of honorable members opposite, and even straining a point, the Attorney-General had withdrawn the Bill up to that point, and now sought to remedy it up to the point where the defect arose, and no farther.

Question put and passed.

#### PARLIAMENTARY PROCEDURE.

On the motion by the COLONIAL TREASURER, that Order of the Day No. 1 be postponed until Order No. 2 had been disposed of,

Mr. WALSH said he felt it his duty to object to this method of carrying on public business. It was an infringement of sound parliamentary procedure. The Orders of the Day were called on in such a way as not to be heard, and during the confusion the Colonial Treasurer attempted to bring on this motion, actually, before any Order of the Day was called. The honorable the Speaker fell into the trap, he was sorry to see; he was mentioning this in the reverse of an acrimonious spirit, but he had seen, for some time past, that, through the impetuosity of the Government, the House had fallen into the habit of busting through business in the most unseemly manner. Here, actually before an Order of the Day was called, the Speaker was asked to put a motion postponing one order in favor of another. This was not correct parliamentary procedure at all, and he sincerely hoped the honorable the Speaker would prevent, not only members of the Government but any member of the House, rushing them into such a false position. Honorable members opposite, however great devotees they might be to the Ministry, should carefully endeavor to preserve the forms of parliamentary procedure.

An HONORABLE MEMBER: What is to be done with order number two—the Victoria Bridge Bill?

The PREMIER: It is to be withdrawn in the same way as the other. It is a mere matter of form.

The SPEAKER: The motion of the honorable the Colonial Treasurer can only be put with the consent of the House.

Mr. WALSH said if this kind of irregularity were allowed honorable members would be prevented —

Mr. FOOTE: The honorable member has spoken already.

Mr. WALSH said he was speaking to a very serious point of order. The honorable member who had just interfered might try, as no doubt he would, to get these bits of Government business rushed through, but it was not conducive to the credit of the colony, or the House, and he had never before seen a Minister of the Crown getting up and moving that an Order of the Day be postponed before the orders were called on. The House knew perfectly well what an Order of the Day meant; it meant that members would be prevented from introducing any extraneous business.

Mr. FOOTE: I beg to call your attention again, Mr Speaker, to the fact that the honorable member was already spoken upon this question.

Mr. WALSH said he was speaking to a question of privilege, which was a far more important thing than any motion which might be introduced by the honorable member who had twice interrupted him. He (Mr. Walsh) was speaking, as every member of the House had a right to do, to insist that the proceedings of Parliament should be carried on in a proper spirit, and in accordance with constitutional practice, and not in the spirit, which he regretted to say, was manifested every day and every hour of their parliamentary life by the honorable the Attorney-General, who seemed to make it —

The ATTORNEY-GENERAL: I rise, sir, to a point of order. The honorable member has no right to make a speech. He must raise his point of order and sit down.

The SPEAKER: If I understand it, the question raised is, whether the Order of the Day may be postponed by a motion before it is called on. There can be no doubt there is an irregularity in that no notice is given; but I must point out that Ministers are generally allowed the right of managing their own business paper in their own way, and in putting the motion, I thought I was only allowing them the usual privilege, to which the House would have no objection to consent. If any objection is made, of course the motion can only be put by consent of the House, and the Order of the Day will be called on. I will, therefore, ask whether the House consents to the motion of the honorable the Treasurer?

Mr. WALSH said that, still speaking to the question of privilege —

The ATTORNEY-GENERAL: It is no question of privilege at all.

The SPEAKER: I have pointed out that there is an irregularity in presenting a motion without notice, and I have explained that the question can only be put by consent of the House.

Mr. WALSH said he had arisen on a question of privilege, and he was not aware that this required the consent of the House. The question of privilege he raised was whether a Minister of the Crown, or any other member

of the House, could move a motion without giving notice of it? The Colonial Treasurer had done this, the Order of the Day not having been entered upon. He (Mr. Walsh) maintained that such a proceeding could not be allowed, and that the honorable Speaker, even with the consent of the House, could not put the motion. If, as he understood was the case, they had entered upon the Orders of the Day without the honorable Speaker calling them, it was equally irregular. The clerk at the table had not been called upon to read the Orders of the Day, and the Minister in charge of the Government paper for the moment got up in the ordinary way in which Ministers did when the Orders of the Day were called, and moved that number one be postponed until number two was disposed of. Either course was irregular—was wrong. Quite irrespective of any question of party, he sincerely hoped the House would adhere to the strict parliamentary forms which were their only safeguard.

The SPEAKER: Does the House consent to the motion proposed by the honorable the Colonial Treasurer?

Mr. WALSH: No, it cannot be put.

Mr. J. SCOTT: I wish to point out with respect to the point of order—

The SPEAKER: There is no question before the House; objection has been made to the motion, which can only be entertained by consent.

Mr. J. SCOTT said he rose on a question of privilege. The question resolved itself simply to this—that if a Minister of the Crown could by giving notice of a motion be allowed to interfere with the rule as to the Order of the Day, the result would be that all other honorable members would be prevented from giving notice of motion, and to that extent, at any rate, a Minister would be able to stop the freedom of private members.

The ATTORNEY-GENERAL: The honorable member who has just sat down is not aware apparently that you, sir, directed the clerk to call on the Order of the Day before the motion was made.

Mr. IVORY said the Orders of the Day had recently been, to his mind, rather hurriedly brought on after the notices of motion; from what cause he would not pretend to say, but he stated most emphatically, and he was certain honorable members would corroborate him in the statement, that the Orders of the Day had been often unexpectedly brought on when honorable members were writing out notices of motion. The former practice was to allow five or ten minutes to elapse between the expiry of the time for notices of motion and the calling on of the Orders of the Day. He could only look upon this action of the Government as a still further attempt on their part to hurry business through the House, so that they might steal a march upon members.