

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 4 OCTOBER 1876

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LEGISLATIVE ASSEMBLY.

Wednesday, 4 October, 1876.

Unfurnished Returns.—Crown Lands Alienation Bill.

UNFURNISHED RETURNS.

The Clerk having read the list of returns ordered, but not yet furnished,

Mr. WALSH said he wished to know when the supplementary return respecting the employment of Mr. Byrne in the Survey Department would be furnished? It was now fourteen days since the order was made, and he ventured to say that it would not take fourteen hours, or fourteen minutes hardly, to prepare it. Its absence was probably preventing the consideration of the subject in that House, and it seemed to him to be kept back by the Government for that purpose. Fourteen days had now elapsed since it was ordered, and it had not been presented to the Chamber, and such unnecessary delay was really setting the orders of the House at defiance.

The PREMIER said he was not aware that a supplementary return had been ordered, and he could promise that it should be laid on the table as quickly as possible. He was under the impression that the return the honorable member wanted was the one that had been laid on the table, and which the honorable member for Wide Bay had given notice of motion that it be printed.

CROWN LANDS ALIENATION BILL.

On the Order of the Day for the adoption of the report of the Committee of the Whole being called,

The SECRETARY FOR PUBLIC LANDS said he understood that, in order to proceed to the recommitment of this Bill, he must first move that the Order of the Day be discharged from the paper, and then move that the Bill be recommitted for the purpose of considering certain clauses. He, therefore, moved—

That the Order of the Day be discharged from the paper.

Question put and passed.

The SECRETARY FOR PUBLIC LANDS then moved—

That this Bill be recommitted for the purpose of considering clauses 17, 21, 26, 27, and 35, and for the purpose of inserting new clauses.

Mr. WALSH rose to a point of order. The Orders of the Day had been called on, and this was not an Order of the Day. It was a new motion entirely, and he did not think the House had ever been asked to consent to the Order of the Day being discharged from the paper.

The SPEAKER : Standing Order No. 239 says :—

“The Order of the Day for the third reading of a Bill may be read and discharged, and the Bill ordered to be recommitted,”

and I do not see any difference between one Order of the Day and another.

Mr. WALSH said he was perfectly aware of that Standing Order, but it applied only to the third reading of a Bill ; and the Order of the Day in this instance was not the third reading of a Bill, but the adoption of the report from the Committee of the Whole ; it was totally different. He was perfectly aware that it was the practice of the House that an Order of the Day for the third reading of a Bill might be discharged, and the Bill recommitted, but not when the question was the adoption of the report from the Committee of the Whole ; and in his humble opinion that Standing Order did not apply to this case at all.

The SPEAKER : I see no difference between an Order of the Day for the third reading of a Bill and any other Order of the day ; and according to the Standing Order I have read, an Order of the Day for the third reading of a Bill may be discharged and the Bill recommitted.

The ATTORNEY-GENERAL said he might call attention to an instance in which it was decided by the honorable member for Warrego, when Speaker, that this course might be pursued. In the case of the Crown Lands Sales Bill, on the 25th of June, 1874, he found :—

“The Order of the Day for the adoption of the report of this Bill from Committee of the Whole, discharged from the paper, with a view to the recommitment of portions of the Bill, on motion of Mr. Stephens.

“Mr. Stephens then moved :—

“That the Speaker do now leave the chair, and the House resolve itself into a Committee of the Whole, for the purpose of reconsidering certain portions of the Bill ;”

and the question was put and passed, and the House went into committee accordingly.

Mr. WALSH said he did not think he was Speaker at that time ; he did not think Mr. Stephens was in the House when he was Speaker ; and if he were Speaker at the time, he was a very young Speaker. He maintained that the Order of the Day which the honorable the Speaker has read did not apply to the case in point, but only to the third reading of the Bill. He admitted, if the honorable the Attorney-General were correct, that he (Mr. Walsh) had committed an error, and he should plead in extenuation, as the present

honorable Speaker might do if he made a mistake, that he was a young Speaker at the time. It was as clear as noonday that the Order of the Day had been absolutely discharged from the paper, and there was no other Order of the Day now before the Chamber.

The SPEAKER : I do not think much of the point raised by the honorable member for Warrego ; and I shall adhere to the opinion I have expressed, and to what I find to be the former practice of the House, and put the question.

Question put and passed.