

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**TUESDAY, 21 NOVEMBER 1876**

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## LEGISLATIVE ASSEMBLY.

*Tuesday, 21 November, 1876.*

Finances of the Colony.—Supply.—Point of Order.

## FINANCES OF THE COLONY.

Mr. FRASER moved, as a formal motion—

That the progress report of the Select Committee on the financial position of the colony and the state of the public accounts, be adopted.

Question put and passed.

The SECRETARY FOR PUBLIC LANDS said he wished to say a few words, and he should conclude with a motion. So far as he was concerned he by no means committed himself to the very important and lengthy report of the committee on the financial position of the colony, which had—

Mr. WALSH rose to a point of order. He submitted that the honorable gentleman was out of order, whether he concluded with a motion or not. The matter could not be discussed now.

The SPEAKER: The honorable member for Warrego is perfectly correct. The honorable member cannot move the adjournment of the House for the purpose of discussing this motion.

Mr. MILES said he was very much surprised that no member of the Government—

The SPEAKER: There is no question before the House at the present time.

Mr. IVORY said, with regard to the matter of order, he should like to ask the Speaker's ruling whether it was possible for the House to agree to a report honorable members had never seen? He had never seen it, and knew nothing about it.

The SPEAKER: As a question of order, I may state that the House can agree to a report without having seen it, if it chooses to do so.

The ATTORNEY-GENERAL said the only way to deal with the matter would be to rescind the motion that had been passed.

Mr. MILES said he did not know whether he should be in order in moving the adjournment of the House for the purpose of getting some information with reference to this report.

The SPEAKER: The honorable member will not be in order in doing so. The motion cannot be discussed.

Mr. MILES said he always understood, when he had the honor of a seat in that House before, that a member could move the adjournment of the House on any question.

The SPEAKER: An honorable member is allowed to move the adjournment of the House on any question, provided that the discussion of the question does not infringe any Standing Order of the House. He cannot put himself in order by moving the adjournment of the House to discuss a matter that he would be out of order in discussing.

Mr. MILES said he was surprised that a report of such importance as this should be allowed to go as a formal motion, and

more particularly by the honorable the Treasurer. He should move the adjournment of the House in order to discuss the question.

The SECRETARY FOR PUBLIC LANDS: Hear, hear.

The SPEAKER: The House has already decided the question, and it cannot now be debated.

Mr. WALSH said he hoped the House would stand by its rules and regulations, and not allow any infringement of them. The honorable the Minister for Lands by his cheers was evidently trying to lead the honorable member for Northern Downs astray.

Mr. PALMER gave notice of motion that the resolution adopting the report of the committee be rescinded. He said the motion was passed as formal without his knowledge, or he should have objected to it. He had read about half the report, which he had taken off the table last night; and it was one of such very great importance that it should not be allowed to pass without discussion.

Mr. FRASER said he did not know whether it was competent for him to say anything.

The SPEAKER: The subject cannot be debated.

Mr. FRASER said he merely wished to point out that when the honorable the Speaker called out "formal," he was very deliberate, and took ample time before he put the question, and gave honorable members plenty of time to object to the motion being "formal."

#### SUPPLY.

The COLONIAL TREASURER moved—

That the Speaker do now leave the chair, and the House resolve itself into a Committee of the Whole, further to consider the Supply to be granted to Her Majesty.

Mr. MILES said he should take that opportunity of making a few remarks with regard to the report of the committee that had just been referred to. He admitted that he was at a loss to know how to refer to the subject, as he had not seen the report, and he did not believe there was a single member of the House, excepting the members of the committee, who had seen it.

The SPEAKER: I would point out to the honorable member that notice of motion has been given in connection with this report, and the question will come on for discussion on Thursday next.

Mr. MILES said, with all due deference to the honorable the Speaker, he thought he was quite in order in raising a discussion on this peculiar report, but if he were ruled out of order, of course he should submit. The proceeding that had taken place was most extraordinary, more particularly on the part of the honorable the Treasurer, in allowing this most important report to pass as formal. He was not aware that a single member of the House, excepting those who were members of the committee, had seen the report, or had any opportunity of making themselves acquainted

with it. He considered that such a proceeding was disreputable, and that the honorable the Treasurer was censurable for allowing such an important report to pass as formal. He was unable to say anything more on the subject, as he did not know what the report was.

Mr. FRYAR said this was another evidence of the utter incongruousness of the elements of the present Ministry. The honorable the Treasurer had been a member of the committee in question, and had taken part in the taking of the evidence, and in the discussions that occurred in the committee in reference to this report. The honorable gentleman had had a copy of the draft report, and of the report as amended, and had had ample time to consider the question, and he quietly allowed the motion to pass as formal. Then his colleague, the honorable the Minister for Lands, objected to its going as formal, when he was too late. It was no wonder that members who wished to transgress the rules of the House would do so, when they saw members of the Government adopting that course. He hoped when the proper time came the report would be fully discussed. The subject of the report was a very important one, and he hoped before the time arrived for discussing it, honorable members would give it serious consideration, and be able to bring some amount of knowledge to bear upon it. He thought they should have ample time to consider the report.

The SECRETARY FOR PUBLIC LANDS said, with reference to this matter, when he was interrupted by the honorable member for Warrego, he did not—

Mr. BELL rose to a point of order. This discussion was going beyond all decorum. A notice of motion in regard to this question had been placed on the paper, and it would come on for discussion on a future day. Honorable members were now breaking the rules of the House, by entering into a debate upon it. He hoped the honorable the Speaker's ruling would be accepted by the House, and that, at least, the members of the Government would not be the first to transgress their Standing Orders.

The SPEAKER: There is no doubt any discussion on the subject at this time is out of order, as I have pointed out several times already.

The SECRETARY FOR PUBLIC LANDS said, speaking to the point of order, he had at once submitted to the ruling of the Speaker, when the honorable member for Warrego objected to his addressing the House; but as several honorable members were afterwards allowed to speak, he thought he might be permitted to say a few words.

Mr. BELL said the honorable member could not put himself right by again going out of order. He had admitted that he was out of order before, and now he was again going into disorder.

The SPEAKER: The discussion, as I have already pointed out, is out of order, but as it appeared to be the wish of the House that there should be some discussion, I refrained from further interference.

Mr. MILES said he must apologise to the honorable the Speaker and the honorable member for Port Curtis; he was not aware that notice of motion had been given.

Question put and passed.

#### POINT OF ORDER.

A point of order having arisen in Committee of Supply, it was proposed by Mr. PALMER that it be reported to the Speaker.

The CHAIRMAN, having been moved out of the chair, said: I have to report a point of order with regard to an item before the committee for the salary of a Solicitor-General, upon Supplementary Estimates No. 3, 76-7, and objection was taken by the honorable member for Port Curtis, under the 56th Standing Order, that it involved a question the same in substance as a question which had been decided in the negative in dealing with the Department of Justice Bill. My opinion was, and still is, subject to your ruling, that I cannot take cognisance of any action which has taken place in this House, otherwise than in Committee of Supply. I considered, from the way in which this item was placed, that it was my duty to bring it before the committee, but my ruling has been disagreed to, and that ruling is now before you.

The SPEAKER: There is no doubt the Chairman is perfectly correct. He cannot take cognisance of anything done except in Committee of Supply. With regard to whether the question could be properly put, that is a very different thing, and I am inclined to think that it is substantially the same as that which arose in the committee on the Judicature Bill on the 5th September, and according to that Standing Order, cannot be put a second time. But there is another subject to be considered, namely, that the item before the Committee of Supply came down by recommendation from His Excellency the Governor, and it is a question, therefore, whether the House, by treating the two questions as technically the same in substance within the meaning of the Standing Order, will be treating His Excellency's recommendation with due courtesy if the committee refuse to consider it. I have no doubt myself the question ought not to be submitted twice to the House, and that the question is the same as was submitted before. At the same time, I think His Excellency's message ought to be considered by the committee. It will therefore be better that the question should be put to the committee, and then the committee may deal with it as they think fit.

Mr. BELL said the decision of the House with regard to the Judicature Bill took place after His Excellency's message came down to the House.

The ATTORNEY-GENERAL said this was not so. As to the honorable Speaker's ruling he would say nothing, but he did think the difference had not been apprehended between the question now at issue and that connected with the Department of Justice Bill, which proposed to appoint an officer who should hold the same tenure as the Judges, and be removable only by Parliament, the only dispute being as to the matter of salary. The present question was entirely different, for it was concerning an officer who should hold his office at the will of the Governor.

The SPEAKER said the two questions were to his mind substantially the same, but he should not consider that he was doing his duty if he ruled that the House should receive with discourtesy the message of the Governor by refusing to consider it. He believed he should not be acting rightly if he decided that the message of His Excellency should be put.

Mr. PALMER said according to this ruling, if they negatived the amount, the Governor might send it down again next week. As to that portion of the Speaker's ruling, he believed the House had nothing to do with a question of courtesy or discourtesy to the Governor. These things were a mere matter of form with His Excellency, who, no doubt, sent them down without ever looking at them.

Mr. WALSH said he had often seen even a first reading refused of a Bill sent down by message from the Governor, but he had never heard it said that they were discourteous to His Excellency because they did so. The Governor acted under his advisers, and when the House disagreed, it was not with His Excellency, it was with his responsible advisers.

The SPEAKER: The discourtesy would be in refusing to consider the Governor's message.

Mr. WALSH: We did consider the Governor's message for two nights.

Mr. MACROSSAN said it seemed to him the honorable the Speaker had virtually decided that the Ministers of the Crown might practically annul the Standing Orders, because the Governor's action was the action of the Ministers.

The SPEAKER: I have given my ruling, and shall leave the chair unless some honorable member moves that it be disagreed with.

Mr. PALMER: No, sir, it is not worth while, else I should like to do it.

The committee accordingly resumed.