

(No. 104.)



1878.

---

TASMANIA.

LEGISLATIVE COUNCIL.

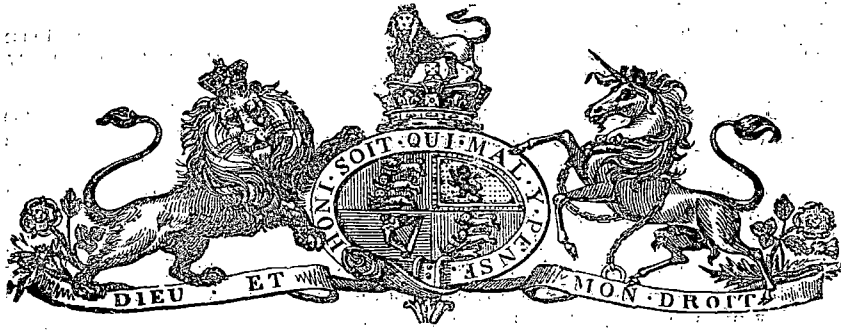
---

PRIVILEGE:

MINISTERIAL MEMORANDUM.

---

Laid upon the Table by Mr. Crowther, and ordered by the Council to be printed,  
February 6, 1879.



## MEMORANDUM.

ON taking office on the 20th December last, Ministers asked for Three Months Supplies for the months of January, February, and March, 1879, which, on the motion of the outgoing Premier, the House of Assembly unanimously granted on the basis of the Estimates for 1878,—the Resolution fixing the amount of such Supplies at £50,000.

On receiving this Resolution the Honorable the Legislative Council deferred the consideration of it until the 28th January last, and both branches of the Legislature adjourned till that day. The House of Assembly on the 29th January last received the following Message from the Council; viz.—

MR. SPEAKER,

The Legislative Council having taken into consideration the Resolution communicated to it by the House of Assembly on the 19th December last; namely,—

“That a sum not exceeding £50,000 be appropriated to pay the Salaries of the Civil Servants and Public Officers of the Colony, and other expenses of Government, for the months of January, February, and March, 1879, in accordance with the provisions made in the Estimates for 1878 as the same have passed both branches of the Legislature;”

has agreed to the following Resolution in reference thereto:—

“That this House is prepared to deal with an Appropriation Bill for 1879, in accordance with law, and with all due despatch, so soon as such Bill is submitted to it.

J. M. WILSON, *President.*

“January 28, 1879.”

Ministers considering that the Message was tantamount to a direction to the House of Assembly to adopt a certain course of action, and so a contravention of the privileges of the Assembly, felt it to be their duty to at once assert the privileges of the House, without at all entering upon the question whether or not they were prepared to take Supplies by way of an Appropriation Bill instead of Resolution.

A Resolution that—

MR. PRESIDENT.

The House of Assembly having agreed to the following Resolution, begs now to present the same to the Legislative Council, and to request its concurrence therein:—

*Resolved*, That the Message of the Honorable the Legislative Council, intimating that it is prepared to deal with the Appropriation Bill for 1879 in accordance with Law and with all due despatch, is unnecessary, and tantamount to a direction to the House of Assembly to send up a Resolution for Supply on the basis of 1879, and so is a contravention of the privileges of this House; and this House requests the Honorable the Legislative Council to reconsider its Message.

HENRY BUTLER, *Speaker.*

29 January, 1879.

was then passed by the Assembly and transmitted to the Council, who have replied in the following way:—

*Resolved*, That the Legislative Council having taken into consideration the Message of the House of Assembly in reply to the Council's Message dated January 29th instant, on the subject of the payment of Salaries and other expenses for the months of January, February, and March, disclaims any intention of dictating to the House of Assembly or contravening its privileges by the tenor of its Message, but on the contrary desired to evince its readiness to co-operate with the House of Assembly in providing in accordance with the existing law for the immediate exigencies of the Public Service, and to obviate the grave disaster of suspending payments to public creditors and departments. The Council considered that the resolution of the House of Assembly would not have effected that object, inasmuch as it was based on the Estimates of 1878. The Council had reason to believe those Estimates were insufficient for the requirements of the present year; and inasmuch as it was understood that the Appropriation Bill was then before the House of Assembly, and might shortly be expected to be transmitted to the Council, it appeared to the Council to be more convenient for the Public Service, and in accordance with law, to wait the transmission of that Bill.

The Council cannot admit that its Message was a contravention of the privileges of the House of Assembly, but asserts its constitutional right to take the course it did, which was not in any way intended as an invasion of the privileges of that House.

The Honorable Legislative Council having disclaimed any desire to dictate to the House of Assembly, or to contravene or invade its privileges, Ministers accept with pleasure the disclaimer; and as the Legislative Council have expressed so strong a desire that Supplies should be granted by way of an Appropriation Bill instead of a Resolution of Supply, the Government are prepared to take Supplies for the Months of January, February, and March, 1879, in that way, on the distinct understanding that the insertion by Ministers of any items in the Estimates for 1879 is not to be taken as an indorsation or otherwise of the policy of the late Government, or an outline of that of the present one.

FROM MINISTERS.