

(No. 130.)



1882.

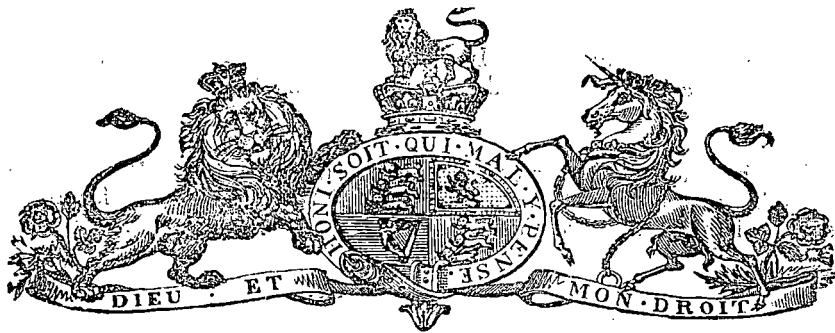
T A S M A N I A.

H O U S E O F A S S E M B L Y.

**PROPOSED INCREASES ON ESTIMATES
WITHOUT MESSAGE FROM GOVERNOR:**

**CORRESPONDENCE BETWEEN CLERKS OF LEGISLATIVE
ASSEMBLIES.**

Laid upon the Table by the Premier, October 20, 1882, and ordered by the
House to be printed.



House of Assembly, Friday, 13th October, 1882.

SIR,

I HAVE the honor of informing you that in order to ascertain the practice existing in the Australian Colonies and New Zealand with respect to the increases proposed on the Estimates submitted to Parliament, such increases not having been first recommended by Message from the Governor, I addressed the following circular letter to the Clerks of the several Houses of Assembly, which, together with the replies received, I now forward for the information of the Government.

I have, &c.

FRED. A. PACKER, *Clerk of the House.*

The Honorable the Premier.

House of Assembly, Tasmania, 7th August, 1882.

SIR;

I HAVE the honor to direct your attention to Entry 4 of the enclosed copy of the Votes and Proceedings of this House, and beg that you will kindly inform me what the practice is in such cases in the Parliament of your Colony.

I have, &c.

FRED. A. PACKER, *Clerk of the House.*

Addressed to—

*The Clerk of the Legislative Assembly, New South Wales.
The Clerk of the Legislative Assembly, Victoria.
The Clerk of the House of Assembly, South Australia.
The Clerk of the House of Representatives, New Zealand.
The Clerk of the Legislative Assembly, Queensland.*

Copy of the following sent with each letter:—

Entry 4.—The Honorable Member for Franklin, Mr. Bird, directing attention to Standing Order No. 307—"The House shall receive no Petition for any sum of Money relating to the Public Service, or proceed upon any Motion for granting any Money but what is recommended from the Governor"—asked the ruling of Mr. Speaker, whether it was competent for the Committee of Supply to make any increase in the amounts proposed by the Estimates submitted to Parliament unless such increases were first recommended by Message from the Governor?

Mr. Speaker ruled, *e.g.*:—"In the early days of Responsible Government the question was raised when Sir Francis Smith was Premier, and Mr. Innes Treasurer, and it was decided that the Minister as representing the Crown could propose increases without first having received a Message from the Governor. It is a precedent established of many years' standing, and the House acted in accordance with it in the course they had pursued."

Legislative Assembly Office, Sydney, 14th August, 1882.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 7th instant, asking for information as to the practice of the Parliament of this Colony in dealing with Estimates in Committee of Supply in certain cases.

In reply, I desire to inform you that, so far as I am aware, the invariable practice has been to adhere to the Rule laid down by "May," viz.—"A grant recommended by a Message from the Crown, or proposed in the annual Estimates presented by command of Her Majesty, cannot be increased."

A decision was given in this Colony by Mr. Speaker Hay, on 24th March, 1864, to the effect that only such amendments could be admitted as would not vary from the purpose nor exceed the amount in the Estimates.

It is also provided by the 54th Clause of our Constitution Act, that "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 Consolidated Revenue Fund which shall not have been first recommended by a Message of the Governor."

I have, &c.

STEPHEN W. JONES,
Clerk of Legislative Assembly.

F. A. PACKER, *Esquire, Clerk of the
House of Assembly, Tasmania.*

*Legislative Assembly Chambers, Melbourne,
6th October, 1882.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter asking me to inform you what the practice is in the Parliament of Victoria in reference to proposals to increase items in the annual Estimates.

In reply, I have the honor to direct your attention to the following extract from May's Parliamentary Practice, (8th Edition, p. 624); viz.—"A grant recommended by a Message from the Crown, or proposed in the annual Estimates presented by command of Her Majesty, cannot be increased;" and also to Section 57 of the Constitution Act of Victoria (18 & 19 Vict. c. 55), which enacts that "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 duty, rate, tax, rent, return, or impost, for any purpose which shall not have been first recommended by a Message of the Governor to the Legislative Assembly during the Session in which such Vote, Resolution, or Bill shall be passed."

Following the terms of that Section, and the principle referred to by May, the practice of the Legislative Assembly of Victoria is not to entertain, either in the House or in Committee, any proposal from a Minister or Member to increase any item in the Estimates transmitted to the House by His Excellency the Governor.

I have, &c.

G. H. JENKINS,
Clerk of the Legislative Assembly.

F. A. PACKER, *Esq., Clerk of the
House of Assembly, Tasmania.*

House of Assembly, Adelaide, 15th August, 1882.

SIR,

THE Rule in the House here is that no item or vote on the Estimates as recommended by the Governor can be increased.

It may be reduced or struck out altogether, except in the case of Salaries of classified Civil Service Officers, reductions in whose salaries must be *pro rata* in the whole Service.

We constantly have Messages from the Governor proposing increases to amounts already recommended.

I have, &c.

GEO. W. D. BERESFORD,
Clerk of Assembly.

F. A. PACKER, *Esq., Clerk of Assembly, Tasmania.*

House of Representatives, Wellington, N. Z., 23rd August, 1882.

SIR,

I HAVE to acknowledge receipt of your letter of the 7th instant, enclosing an Entry in your Votes, and asking whether, in this Colony, it is competent to the Committee of Supply to increase the amounts proposed in the Estimates.

In reply, I have the honor to inform you that such a proposal would not be entertained without a formal recommendation from the Crown to that effect.

I have, &c.

F. G. CAMPBELL,
Clerk House of Representatives.

The Clerk of the House of Assembly, Tasmania.

Brisbane, 17th August, 1882.

SIR,

I HAVE the honor to acknowledge receipt of your letter of date the 7th instant, drawing attention to Entry No. 4 of the Proceedings of the House of Assembly of Tasmania on the 3rd instant, and asking me to inform you what is the practice in such cases in the Parliament of Queensland.

In reply, I have to state that the power to vote moneys in excess of the Estimates submitted to the Legislative Assembly by the Governor has never been assumed either by the House or by Ministers.

Such a power is not only contrary to the Constitution of Queensland, but its exercise would be clearly opposed to the practice of the House of Commons.

I have, &c.

LEWIS A. BERNAY,
Clerk of the Legislative Assembly.

FRED. A. PACKER, *Esq.*,
Clerk of the House of Assembly of Tasmania.
