

(No. 5.)



1877.

SESSION I.

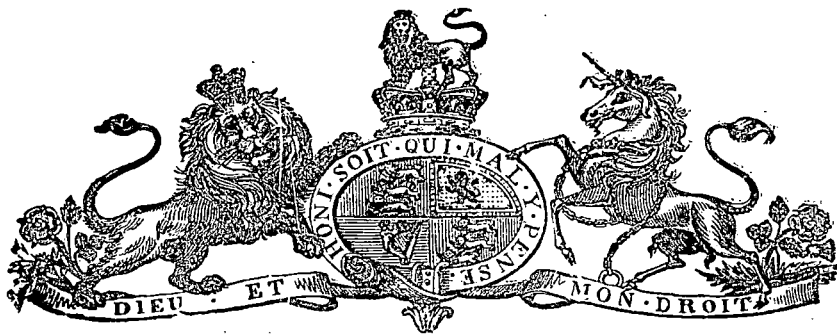
T A S M A N I A.

LEGISLATIVE COUNCIL.

**MODE OF PRINTING PAPERS FOR THE
LEGISLATIVE COUNCIL:**

REPORT OF SELECT COMMITTEE.

Brought up by Mr. Kennerley, and ordered by the Council to be printed, January
23, 1877.



REPORT from the Select Committee appointed to enquire into the mode of printing Papers for the Legislative Council ; with Minutes of the Proceedings of Committee, and Evidence.

MEMBERS OF THE COMMITTEE.

MR. CHAPMAN.
MR. GELLIBRAND.
MR. GRUBB.

MR. JOHN LORD.
MR. KENNERLEY.

DAYS OF MEETING.
19, 20, 22, 23 January, 1877.

R E P O R T.

Your Committee have examined two witnesses. Their evidence is appended hereto.

Your Committee are of opinion that the right of directing the printing of papers for the use of the Council is inherent in the President, and is absolutely necessary for the due discharge of public business.

That it is undesirable to disturb the practice of the public printing office,—established by long experience, and settled according to the requirements of the Legislature,—by any temporary political head of the Department ; and that if there are any abuses to be rectified, or alterations to be made, they should be carried into effect by an order of the Council.

The evidence appended hereto shows that the above right of the President has been attempted to be interfered with, and, in fact, denied by the Hon. the Colonial Treasurer ; and, from the Memos. signed by the Colonial Treasurer and by the Hon. the Colonial Secretary, such attempted interference and denial has not been in any way rectified or the right admitted, while authorities have been given to the Government Printer to print any papers sent to him by several Departments, officers, and clerks : such attempted interference cannot but be considered as a reflection and an insult both to the President and Council.

Your Committee consider that the Council should insist upon the undoubted right of the President, and that a permanent record be made of such right.

ALFRED KENNERLEY, *Chairman.*

23rd January, 1877.

MINUTES OF THE MEETINGS.

FRIDAY, 19TH JANUARY, 1877.

Committee met at 4:35 P.M.

Present—Messrs. Kennerley, Chapman, John Lord, Gellibrand, Grubb.

Mr. Kennerley was elected Chairman.

Mr. Barnard examined.

Adjourned at 6 P.M. until to-morrow at 11:30 A.M.

SATURDAY, 20TH JANUARY, 1877.

Committee met at 11:30 A.M.

Present—Messrs. Kennerley, Chapman, John Lord, Gellibrand, Grubb.

Mr. Nowell examined.

Adjourned at 12:4 P.M. until Monday at 2:30 P.M.

MONDAY, 22ND JANUARY, 1877.

Committee met at 2:30 P.M.

Present—Messrs. Kennerley, John Lord, Gellibrand, Grubb, Chapman.

Mr. Nowell further examined.

Committee adjourned at 2:55 P.M. until to-morrow at 11 A.M.

TUESDAY, 23RD JANUARY, 1877.

Committee met at 11 A.M.

Present—Messrs. Kennerley, John Lord, Gellibrand, Grubb.

Draft Report read and agreed to with amendments.

Adjourned at 11:20 A.M.

EVIDENCE.

FRIDAY, JANUARY 19, 1877.

MR. BARNARD *examined*.

By Mr. Grubb.—1. What is your name? My name is James Barnard. I am Government Printer of Tasmania.

2. Whom is your Department under? The Honorable the Colonial Treasurer is the Ministerial head of my Department.

3. For the printing of papers other than Parliamentary do you require the authority of the Colonial Treasurer? Yes, or of some other Minister, as a rule.

4. What is the mode as to the printing of papers for the Legislative Council? All papers are printed upon the instruction of the Clerk on the order of the Council.

5. Do you recognise the authority of the President of the Council alone, through the Clerk, for the printing of papers? I did, as a matter of course, until last session.

6. You state you did; has that practice been altered since last session? The authority has been modified since last session by the Colonial Treasurer.

7. In what way? By instructions produced, dated 15th November, 1876, as follows:—

Colonial Treasury, 15th November, 1876.

MEMO.

THE present distribution of Government Departments under the several Ministers of the Crown places the Government Printing Establishment in the Department of the Colonial Treasurer.

Irregularity and unnecessary expense has resulted from unauthorised persons demanding the services of the Government Printer, who for the future (save in urgent cases, the nature of which his large experience, and known and recognised discretion, will enable him to be a judge of) will receive instructions only from the Colonial Treasurer, or such Minister as may sign on his behalf.

CHARLES MEREDITH, *Colonial Treasurer*.

JAMES BARNARD, *Esq., Government Printer*.

8. In what way do you consider these instructions modify the practice as to the right of the President to order papers to be printed? In consequence of the dissatisfaction expressed by the Colonial Treasurer at a certain Bill having been printed on the authority of the President.

9. From the conversation you had with the Colonial Treasurer did you gather that the President was one of the "unauthorised persons" referred to in the Instructions? Yes, if acting independently and without the order of the Council.

10. Have you received any subsequent instructions? I have; the former one, being considered impracticable in the case of several Departments, had to be subsequently modified. Instructions of 21st, 24th, and 25th November, and 22nd December, 1876, handed in, and read as follows:—

Colonial Treasury, 21st November, 1876.

MEMO.

THE Government Printer is instructed to print all and every paper that may be sent to the Government Printing Establishment for printing by the Lands and Works Department, provided the instructions emanate from the Minister of that Department.

CHARLES MEREDITH, *Colonial Treasurer.*

J. BARNARD, *Esq., Government Printer.*

Lands and Works Office, Hobart Town, 24th November, 1876.

MEMO.

THE Government Printer will be kind enough to cause any printing required by the Deputy Commissioner of Crown Lands to be executed.

C. O'REILLY, *Minister of Lands and Works.*

The Government Printer.

Colonial Treasury, 25th November, 1876.

MEMO.

THE Government Printer is instructed to print all and every paper that may be sent to the Government Printing Establishment for printing by the Hon. Colonial Secretary, the Hon. Attorney-General, Mr. B. T. Solly, or Mr. F. Stops.

CHARLES MEREDITH, *Colonial Treasurer.*

The Government Printer.

Colonial Secretary's Office, Hobart Town, 22nd December, 1876.

MEMO.

THE Government Printer is authorised to execute all necessary printing and other work for the under-mentioned offices on the application of the head of each department respectively, who have been informed accordingly, and at the same time requested to keep the amount of printing, &c. within the narrowest possible limits:—

- The Statistician.
- The Clerk of the Legislative Council.
- The Clerk of the House of Assembly.
- The Chief Inspector of Sheep.
- The Chairman of the Board of Education.
- The President of the Council of Education.

THOS. REIBEY.

The Government Printer.

11. The Instruction of the 24th November, being from the Minister of Lands, have you had any instruction from the Colonial Treasurer to give effect to this Instruction? Yes, a verbal one.

12. The Instruction of the 22nd December being from the Colonial Secretary, do you recognise that as binding? I do: the Colonial Secretary being the Premier, and *primus inter pares*, I considered his authority to be paramount.

13. Was the Paper containing the Case for the Opinion of the Judges, forwarded to you this day by the Clerk of the Council for printing, printed without reference to the Colonial Treasurer? Yes, it was.

14. Why was it so printed? In the exercise of the discretion vested in me, as being a work of urgency, and having been signed by the Clerk by order of the President.

15. *By Mr. Chapman.*—If you had received the draft of a Bill this day from the Clerk of the Council by order of the President, with directions for printing, would you have thought yourself justified in printing the same without reference to the Colonial Treasurer for specific orders for such printing? It is a hypothetical question; but I certainly should, on the ground of the higher position of the President to the Clerk of the Council, who had authority to sign requisitions for printing by order of the Colonial Secretary.

16. Do you recollect any instances in which Public Bills, introduced by Private Members, have been printed without the special order of a Minister? I cannot specify any particular Bills, but I believe it has occurred in several instances.

SATURDAY, JANUARY 20, 1877.

MR. NOWELL *examined.*

By Mr. Grubb.—17. You are Clerk of the Legislative Council? Yes.

18. What is the practice and mode of procuring papers to be printed for the Legislative Council? They are usually sent to the Printing Office by the Clerk to the Council, without any special instructions, unless such should be required. The Votes and Proceedings are all signed by me. Specific instructions are given with regard to all Bills.

19. What is the usual instruction given on the introduction of Bills? They are sent up by me with a direction for printing, in accordance with the Standing Order, No. 294:—"Every Bill read a first time shall be printed with as little delay as possible, and a copy shall be provided for each Member by the Clerk.")

20. Has it been the practice of the Legislative Council to have Bills, Resolutions, or Amendments printed previously to leave being given for their introduction or moving them in the Council? I have known several instances.

21. Have any and what specific instructions been given for the printing of those Bills, Resolutions, or Amendments? When they have been sent by me, they have generally been forwarded to the Printing Office in the usual manner.

22. When sent by you, did you state that you did so by any and what authority? I recollect doing so on one occasion, last Session; it was on the occasion of the introduction of a Bill by Mr. Grubb, which I forwarded to the Printing Office by the express instruction of the President in order to save time, in anticipation of the order of the Council.

23. Why did you, in obtaining the special instruction of the President, deviate in that particular case from your usual practice? If I remember rightly, the draft Bill was handed to me by the President with a special direction, to send it in his name to be printed and sent down to the Council by four o'clock.

By Mr. Chapman.—24. Is it not a common practice for blank sheets of paper, purporting to be Reports or Bills, to be laid on the table of the Council and such documents ordered to be printed, the manuscripts never coming into your hands? Such is frequently the case.

MONDAY, JANUARY 22, 1877.

MR. NOWELL *further examined.*

By Mr. Grubb.—25. Have any documents of any department of your duties been forwarded by you to the Government Printer for printing in the usual course, and your request not been complied with? I sent two forms of circulars to the Government Printer for the Statistics of 1876, and on this being returned with an intimation that the authority of a Minister was necessary before they could be printed, I forwarded the Government Printer's Minute to the Colonial Secretary; in consequence of which, some time afterwards, I received a Memorandum from him stating that the Government Printer had been authorised to execute any printing required by me without any special authority.

Colonial Secretary's Office, Hobart Town, 22nd December, 1876.

MEMO.—The Government Printer has been authorised to execute such Printing, &c. for the Clerk of the Legislative Council as may be necessary, without seeking in each case the authority of a Minister; but as the work of that Department is rapidly increasing, the Clerk of the Council is requested to use every effort to keep the amount of Printing, &c. within the narrowest practicable limits.

THOS. REIBEY.

The Clerk of the Legislative Council.