

Legislative Assembly,

Tuesday, 4th June, 1895.

Meeting of the Assembly—Message from the Commissioner—New Members—Royal Mail Steamers not entering Princess Royal Harbour at Albany—Seat of the Member for the De Grey declared vacant—Reason why Parliament had been summoned—Proposed three weeks' adjournment of the House, pending the Election of a Member for the De Grey—Adjournment.

MEETING OF THE ASSEMBLY.

The House met at 3 p.m., pursuant to Proclamation of His Excellency the Administrator.

THE CLERK read the Proclamation.

MESSAGE FROM THE COMMISSIONER.

A message from the Commissioner appointed by His Excellency the Administrator was delivered by the Usher of the Black Rod, requesting the attendance of members of the Legislative Assembly in the Legislative Council Chamber to hear the Commission read. Accordingly hon. members repaired to the Legislative Council, where the Commissioner read a Speech declaring the reasons for calling Parliament together.

NEW MEMBERS.

The following new members were introduced, and took the oath of allegiance, and their seats:—Mr. Moss (introduced by Mr. Solomon), member for North Fremantle, *vice* Mr. Pearse, resigned; and Mr. George (introduced by Mr. Randell), member for the Murray, *vice* Mr. Paterson, resigned.

ROYAL MAIL STEAMERS AT ALBANY.

MR. RANDELL: I wish to ask a question without notice. If it is not convenient for the Premier to answer it now, I will put it at the next meeting of the House, but I think he will be able to reply to the question now. I wish to ask him whether he is aware of the fact that the P. & O. Royal Mail Steamer *Victoria*, on her homeward voyage from Adelaide, on her last trip, did not enter Princess Royal Harbor? If so, whether he can furnish the reason why the steamer did not enter the harbor; or, if he is not aware of the reason, will he cause strict enquiries to be made?

THE PREMIER (Hon. Sir J. Forrest): I think I am in a position to answer the hon. member. I did hear that the steamer referred to did not enter Princess Royal Harbor, but at the same time I am aware it is not an ex-

ceptional thing, as they very often do not enter it on their homeward voyage. In fact, I believe the Orient steamers scarcely ever do. The Government have made the strongest representations they possibly can to the Imperial authorities on the subject, both through the Governor and through the Agent-General, pointing out the treatment that this colony receives from the P. & O. and the Orient steamers, in this respect, more particularly when the steamers are on their homeward voyage. No reply has yet been received from the Imperial Government in regard to these representations.

MR. RANDELL: Will the hon. gentleman make enquiries as to the reason why the steamer did not call, on the occasion I have referred to?

THE PREMIER (Hon. Sir J. Forrest): I shall be very glad to make enquiry, but the reason they give for not entering the harbor is that it is difficult to turn the vessels when they get in, and that the captains consider it unsafe, and all such nonsense as that. Members are aware that we have provided a channel, 400ft. wide and 30ft. deep and have done everything we could, and at great expense, for the very purpose of inducing these steamers to enter Princess Royal Harbor; and, in any future contract that is made, the Government will do all they can to insist upon the colony being treated in a different way from the way they are treated at present by these steamers. I myself was thoroughly disgusted, when in Albany the other day, at the refusal of the *Oruba* to go into the inner harbor. It was a beautiful calm day, and there was no reason whatever why she should not have entered. The vessel was not drawing any large draught of water; still the captain refused to come in. I have since been assured by the Orient Company, verbally, that it won't happen again, and I hope it won't.

RESIGNATION OF THE MEMBER FOR THE DE GREY.

THE SPEAKER informed the House that he had received from Mr. A. R. Richardson the resignation of his seat for the De Grey.

THE PREMIER (Hon. Sir J. Forrest) moved that the seat be now declared vacant.

Agreed to.

THE COMMISSIONER'S SPEECH.

THE SPEAKER reported to the House that His Excellency's Commissioner had made a communication to both Houses, declaring

the reason for calling Parliament together, as follows :

MR. PRESIDENT AND HONOURABLE GENTLEMEN
OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I have it in command from His Excellency the Administrator to inform you that a vacancy having occurred in the Legislative Assembly, owing to the acceptance of an office of profit from the Crown by the member for De Grey, it is His Excellency's pleasure that an opportunity may be given to issue a writ for supplying the vacancy so occasioned, and after a suitable recess you may proceed to the consideration of such matters as will then be laid before you.

ADJOURNMENT OF THE HOUSE FOR THREE WEEKS.

THE PREMIER (Hon. Sir J. Forrest) : Mr. Speaker—Sir, I beg to move that the House at its rising do adjourn until Tuesday, the 25th June, instant, at 3 o'clock, p.m. I desire to make one or two observations, for the information of hon. members in regard to the action of the Government in asking Parliament to meet to-day and then to adjourn for three weeks, before proceeding to business. I may at once say that the only object the Government have in view in regard to this arrangement is the public convenience. We have no other object or motive in our minds. Under ordinary circumstances we would have met somewhere about the date I propose the House should now adjourn to; and I am very glad, on looking around me, as members will notice, to find that country members, living in distant parts of the colony have not inconvenienced themselves by attending here to-day, there being no necessity for it. It was not my desire that they should be put to the inconvenience of attending to-day; and I notice that, with very few exceptions, members residing long distances away have not attended this formal meeting. I am, therefore, glad that the arrangement proposed by the Government has not caused any great inconvenience to these hon. members. The chief reason why it is considered necessary that Parliament should formally meet to-day is on account of a northern member having accepted an office of profit from the Crown. If the member who had accepted that office had resided in Perth or Fremantle, or anywhere within railway communication, it would not have been

necessary to have taken this course, because the election could have been got over, without inconvenience, in a very few days, as it would have been easy to have communicated with the general run of electorates in a very short time, and there would have been no difficulty in fixing the election for an early date. But it so happens that the member who has joined the Government on this occasion represents an electorate that is far away in the Northern parts of the colony, and, being a scattered community also, it was necessary that some time should be allowed to elapse before the election took place, in order to enable the electors to know that there was to be an election. That is another reason—I may say it is the chief reason—why it has been necessary to have this formal meeting of Parliament to-day, and then to adjourn for three weeks before proceeding to business. Even as it is, I fear it will be some days after the reassembling of Parliament before the member for the De Grey will be able to take his seat in the House, whether he be my old friend and colleague (as I hope he will be) or some other member. Assuming for the moment that the electors of the De Grey will (as I believe they will) return their old member, I think it would be an advantage to this House, and certainly to the colony, that the Commissioner of Crown Lands should be in his place as soon as possible after the House meets. That is the only reason, as I have said before, why the Government have adopted the course which they have adopted, namely the public convenience. I do not suppose that anyone in this House would seriously accuse the Government of having adopted this course in order to secure an extra vote. When the time comes that the majority at the command of the Government is limited to one vote, I think it will be time for the Government to make up their accounts, and prepare to leave office, and make room for somebody else. But it is not a question of voting at all that has actuated the Government in this matter, but merely a desire that the Minister of Lands, who occupies a prominent position in this House and before the country, should be in his place when Parliament meets for business, so as to be able to give information to members with regard to matters connected with the important department over which he presides. It may be said—in fact, it has been said—that there would be nothing irregular or unusual in the Government calling Parliament together and

then adjourning for a few weeks, as now proposed, so long as the Governor's Speech were placed before members and before the country. All I can say in regard to that is, I believe such a course is unusual, and I think it would be most inconvenient. There is another good reason why it should not have been done in this instance; the Government are not yet ready with the Governor's Speech.

MR. JAMES: They have no policy then?

THE PREMIER (Hon. Sir J. Forrest): Quite as good a policy as you, at any rate.

MR. ILLINGWORTH: It is not our place to have a policy.

THE PREMIER (Hon. Sir J. Forrest): The Government did not intend to meet Parliament for the despatch of business before the 25th June, and I may say it is the desire of the Government that they should have up to the very last moment to place before this House and the country the programme, or policy if you like to call it, which they intend to carry out during the session.

MR. R. F. SHOLL: It is bound to be a loan.

THE PREMIER (Hon. Sir J. Forrest): Some members may think it is a very easy thing for a responsible Ministry to place the Governor's Speech before the country, that it only requires the Premier to sit down some evening to draft it, and present it next day for the Governor's approval, and then submit it to this House. But I can assure members who may think so, that when the time comes for them to assume that responsibility they will find it will take them a little more time than they seem to imagine, and a little more trouble and anxiety, to prepare their programme for the session. I say distinctly that I require to the very last moment possible, in order to prepare the Governor's Speech for the information of members. In regard to our policy, anyone would think from what has fallen from some hon. members that the Government have to manufacture a new policy every time they meet Parliament. All I can say is, that is not the view of their position taken by the present Government. Our idea is this: at the general election the Government of the day should bring forward the programme of public works or the general policy which they propose to carry out, and, having received the approval of Parliament to that programme or policy, a considerable time must necessarily elapse before they can carry out their programme or policy in its entirety, and it is no

the duty of the Government to bring forward some new policy every time they come before the House. I do not know that the country requires a new policy just at present. So far as the colony is concerned it never was so prosperous, and I believe the people of the colony are fairly well satisfied. They are certainly well fed and well clothed, and the country generally is making rapid strides. I may tell members that our revenue for the year, up to the present date, exceeds a million of money. Whereas our estimated revenue for the whole year was only £873,000, we have already received over £1,000,000; so that we are thoroughly solvent as a community. Our finances were never in a more satisfactory condition. Our credit is better than the credit of any other colony in Australia—I might almost say in the world. Our financial position is certainly far better than that of any other Australian colony at the present moment. With regard to our meeting Parliament, all I can say for myself and for my colleagues is, we have nothing to fear in meeting Parliament. We are very glad indeed to meet our old friends and our supporters, and even those who do not always support us. It is a pleasant time of the year when Parliament comes round, and we have an opportunity of meeting one another, and of discussing the questions of the day; and, although we may not always agree in our views, I think I may say we always look back upon these Parliamentary gatherings with pleasure. So far as the Government are concerned we have nothing to hide. The present Government have nothing to be ashamed of. I may say that. We have a good record,—few Governments have had a better record to place before Parliament than the record which it will be my good fortune to place before this country in a few days. So that, looking all round, we have nothing whatever to fear in meeting Parliament, but every cause to be pleased and to rejoice at the satisfactory state of affairs that exist. That being so, I am sure that all my friends and co-members will acquit the Government of having any other reason or object in view in moving the adjournment of the House, as I now do, other than the convenience of Parliament and the public convenience.

MR. RANDELL: I do not suppose that any members of this House would for a moment entertain the idea that the Government have any other object in view than the public benefit in the course they have adopted; but I

think it is necessary and only right that we should draw the attention of the House and of the country to the inconvenience and I may say the danger of the course proposed to be followed on this occasion. Of course I am aware that it has to be adopted in consequence of what took place some time ago; but I desire to point out that it is a course which may possibly, sometimes, lead to a state of things we should all regret very much to see brought about. I suppose that the present occasion is almost unique, if not quite unique, in the history of Parliamentary Government, and it strikes me that, at the very outset, exception should be taken to it, and that it should be distinctly understood that it is not accepted by this House as a precedent to be followed on future occasions. I think it should also be stated that, if the proper course had been pursued some time ago, there would have been no necessity for the present action of the Government. If Mr. Richardson had resigned his seat in Parliament before he had accepted office, we should not have been called together at this early date, when the Government have no intention of proceeding to business until the 25th of June, and they are not prepared to give Parliament any information as to the measures they intend to bring forward. I think it is very desirable that we should have, at the opening of Parliament, an intimation as to the intention of the Government in respect of the business they propose to bring forward during the session. I did not anticipate myself that any new policy would be introduced, but certainly it would have been extremely convenient and helpful to members if we could have had at this moment an indication of the programme which the Government propose to carry out with regard to the conduct of the affairs of the country. I am pleased to hear that the leader of the Government is able to tell us, in his place to-day, that the condition of the finances of the colony is such that it will enable him to place a very satisfactory record before the House, when the time arrives for his doing so. We are all aware, I suppose, that the revenue of the country has been increasing almost by leaps and bounds, and that it has gone up considerably beyond the estimate framed by the Government last year—although perhaps there are two sides to that question. Yet we must rejoice in the fact that the Government are relieved from any anxiety on financial grounds as to the conduct of the affairs of the country. I do not know that it is

necessary for me to say very much on the question now before the House. We regret, and I believe the Government regret—I can understand their regretting it even more than members on this side of the House—that they have been compelled to adopt this course; and I am quite sure that those on this side of the House would not wish for one moment to throw any obstacle in the way of the business of the country, under the circumstances which have occurred. Members are aware that I have been absent from the colony for some time, and perhaps I am not possessed of all the facts of the case, though I think I have correctly indicated them. I can only say that I regret, myself, we are not able to proceed to business, or at any rate that the Government having called us together are not in a position to give us any indication of the business they intend to bring before us. Recognising as I do that it is most desirable—if not absolutely necessary—that the Commissioner of Crown Lands should be in his place, still I cannot shut my eyes to this fact that, should he not be returned at the coming election we shall be in no better position than we are in to-day, as the Ministry will still have the gap to fill up. I should like to say this, however: I hope the late member will be re-elected, for I look upon him as a very useful member, and one whose practical knowledge of farming life eminently fits him for the position he has accepted in the Ministry. I only wish he had adopted the better course of at once resigning his seat when he accepted office, and saved us from the dilemma we now find ourselves in. I think it is as well for us that we should put on record the feeling which we have that the course which has been adopted is one that is fraught with considerable importance to the cause of Parliamentary Government, and that it may in some cases lead to results which we would all regret and disapprove, and cause trouble and dissension. Therefore I propose to move an amendment upon the resolution submitted by the Premier. Perhaps it would be more convenient if we who are not prepared to endorse the action of the Government were to divide the House, and vote against the resolution, rather than I should propose a distinct amendment. Therefore I will not adopt the extreme step of proposing an amendment, but will ask those who are of the same opinion as myself to vote against the resolution of the Premier, so that we may have it on record that members on this side of the House at any rate

consider that the course adopted on this occasion should not be regarded as a precedent in the history of Parliamentary Government in this colony.

MR. LEAKE: It is my intention to vote with the hon. member for Perth (Mr. Randall) on this occasion, and, in doing so, I shall express my reasons as briefly as I can. I understand the hon. the Premier to say that the adjournment is moved on the ground of public convenience,—that it is not convenient for them at the present moment to declare their policy or their programme. So far as my knowledge goes, such a course is unprecedented as to adjourn the House in the way it is proposed to adjourn to-day, merely for the convenience of one Minister. I fully recognise the admission which the Premier has practically made to this effect, namely, that the present Commissioner of Crown Lands is the most important member of the hon. gentleman's Ministry. That admission will not be gainsaid by any member. It is refreshing to know that the hon. gentleman has secured the services of so valuable a colleague; but, surely, it is hardly right that the country should be denied the privilege of knowing what the Ministerial programme is to be during the coming session, merely because they cannot have the assistance of the most important member of their Ministry, and the support they would have by his presence in the House. If the whole of the Ministry had to go to their constituents, then we could readily understand the necessity for the course it is proposed to adopt; but, if we vote silently upon the question now before the House we shall be placing on record a precedent which may be followed at any future time, that precedent being to establish this fact: that the Government can come down to this House and meet us without declaring what we are to consider, or what we are called together for. I submit that such a thing has never been done before.

THE PREMIER: We did the same thing in 1891.

MR. LEAKE: Not at all. The circumstances were different. The necessity for it arose then because the whole of the Ministry had to be re-elected. It would have been absurd to suppose that this House could meet for the trans-action of business without having a representative of the Government on the Treasury bench. But we have three members out of four present now, and surely that ought to be sufficient to enable them to carry on the business

of the House. But what we complain of on this occasion is that there is no programme placed before the country. It is only following out that policy of secrecy which has been the bane of politics in the past, which the country complained of under the old form of Government, and which the country complains of now. The country has a right to know, this House has a right to know, what measures are likely to be brought before it, and what schemes we are to be called upon to debate. If the Government have no policy—very well. Let us have an announcement to that effect, and we shall know how to meet it. The Premier says he has nothing to fear. No doubt he has nothing to fear. That, I suppose, means no fear of an adverse vote being carried against his Ministry. But surely it was an unfortunate admission to have to make this afternoon, on the assembling of Parliament, that they are not ready with their programme. If they are not ready now, how will they be more ready three weeks hence, seeing that they won't have the Commissioner of Crown Lands, the most important member of the Ministry, to assist them in the preparation and consideration of their policy?

THE PREMIER: I did not say anything about that.

MR. LEAKE: Everyone knows the Commissioner of Crown Lands is going away in the course of a few days, and will not be back until this House meets again, so that the Government will not in the meantime have the advantage of the ripe experience and valuable assistance of the most important man in the Ministry. I do not think there is anything further I need urge against the motion before the House, but I certainly intend to vote against it, and I shall ask members not to allow the Government to establish this precedent. Supposing the motion were negatived, as a protest against the action of the Government, it would lead to no serious inconvenience. It would simply mean that this House might meet again to-morrow, and we could then adjourn until the 25th, if necessary. But let us emphasise the fact that we object to the House being called together and the country kept in the dark as to the measures that Parliament is likely to be called upon to consider during the session.

MR. L'OTON: Mr. Speaker—Sir, we are not favoured on this occasion, I find, as we generally are, with a printed copy of His Excellency's Speech. I am rather sorry for that,

for if we are to proceed to business I should have liked to have had a copy of that document before me. But I think I am right in concluding that the Speech stated it was in order to give an opportunity for the re-election of a member who has accepted office under the Crown that this adjournment of the House for a period of three weeks has been necessitated. So far as I am personally concerned, occupying a seat as I do on the Opposition benches, I must say I am surprised that the Government have thought it necessary to put the country to this inconvenience. I say the "country," because I think it is recognised that those who sit in this chamber represent the country. I say I am surprised that members should be put to this inconvenience and trouble of being called here, and then sent back again for three weeks without being able to proceed to business. It seems to me an extraordinary thing that a mandate should go forth calling members together for the despatch of business on a certain date, and that a circular should accompany that mandate telling members in plain words—for that is what it amounted to—that their services would not be required until three weeks afterwards. Now, sir, with regard to this election business, surely the difficulty could have been got over easily enough without calling Parliament together to-day and then adjourning for a period of three weeks. If the hon. member who accepted office had sent in his resignation when he took office, the difficulty would have been obviated. Why did he not do so?

THE PREMIER: That would not have helped us in the matter at all. No action could have been taken on it. His seat became vacant as soon as he accepted office.

MR. LOTON: I do not pretend to understand the legal aspect of the case. The hon. gentleman may be right, but I am not prepared to admit that his views are always correct. Under the Constitution Act any member of the Legislative Assembly may resign his seat, by writing under his hand, and sending his resignation to the Speaker.

THE PREMIER: But when he accepts office he ceases to be a member.

MR. LOTON: The Speaker had not the fact brought to his notice at all. I submit he would have been perfectly in order in sending his resignation to the Speaker.

THE PREMIER: If he had done so before taking office.

MR. LOTON: Or after he had taken office. If the acceptance of office prevented him, why did he not resign his office, and go for re-election? It seems to me he might have done that. I will not attempt to argue the question with the hon. gentleman, who is so very worldly wise, and who has the law at his finger ends. But it seems to me the hon. member for the De Grey might have sent his resignation to the Speaker first, and then accepted office, and go to his constituents for re-election. Or he might have resigned his office? Why did he not do that? We all know why some people are desirous of retaining office, but I do not think the late hon. member for the De Grey is a man of that sort. I regret very much that it has been necessary to establish this precedent.

THE PREMIER: So do we, too.

MR. LOTON: I submit it might have been avoided if, as I said, the hon. member had sent in his resignation to the Speaker. The Speaker would have taken notice of it at once. He generally does when a resignation is forwarded to him. I have no intention, so far as I am concerned, of in any way attempting to put any obstacle in the way of the Government, with the view of preventing them from proceeding with the public business as early as possible. Nor have I any idea at all of attempting to oppose the re-election of the hon. member for the De Grey. I shall be very glad to see him returned and take his seat in this House, and I trust he may do so, and that he may become a useful member of the Ministry. I feel satisfied he will devote his best abilities to the discharge of his duties. At the same time I cannot help regretting the necessity that has driven the Government to adopt the course they have done in this instance. At all events I must say, if the Government have found themselves driven into this corner they are not always so wise and far-seeing as they would wish us sometimes to think they are.

MR. A. FORREST: I think, after what has fallen from the hon. member who has last spoken, it would be as well perhaps if Mr. Speaker would inform the House whether the Government have not taken the proper course in calling this House together, and then adjourning it, or whether they could have had this election otherwise.

THE SPEAKER: I do not think it would be proper that I should express my opinion on that point.

MR. ILLINGWORTH: I have no desire to say one word in any way to embarrass the Government in their present dilemma, but I do think that upon an occasion like this, when a distinctly new departure has been taken, members on this side of the House at any rate should enter a protest against a course of action that is distinctly irregular, to say the least of it. We have been called upon, by proclamation, to meet here to-day for the transaction of business, but we have met practically without the Queen's Speech, and, in accordance with our Standing Orders, it is impossible for us to proceed to business until the Queen's Speech has been considered and disposed of. As a matter of fact, and according to Parliamentary practice, of which *May* is the exponent, until the reply to the Queen's Speech has been agreed to, neither House can proceed with any other business. I am aware that there has been an exceptional instance where Parliament has been called together as in this instance, and then adjourned; but that was where the whole Ministry had newly taken office, or had taken office between the date of the proclamation calling Parliament together and the date of the assembling of Parliament. The Ministry was sworn in on the 9th May and Parliament was supposed to meet on the 10th; and, in that case, a sort of precedent may be said to have been established for the course which our own Ministry have thought fit to pursue in this instance. But I contend that the circumstances are distinctly different, and that there was not sufficient cause in the present instance for calling Parliament together, and then adjourning it for three weeks, without giving us the Queen's Speech. Of course I can easily understand that the course adopted is adopted to remedy a blunder. We may just as well admit that fact. I think even the Ministry must be prepared to admit the fact that they committed a blunder, a distinct blunder.

THE PREMIER: Not at all.

MR. ILLINGWORTH: They must admit that they irregularly appointed the Minister of Lands, and that as a consequence of that irregularity, one constituency—and an important constituency too—has been without a member, for a matter of six months. However, all I wish to do on the present occasion is to enter my protest against this procedure on the part of the Government, and I shall do so by supporting the action of the hon. member for Perth.

THE ATTORNEY-GENERAL (Hon. S. Burt): I should like to say a word or two on this occasion, to point out exactly how this matter stands, and to state my opinion on the question of whether there has been any mistake or bungling in the matter. Of course it is easy to understand that members who have not studied the Constitution Act may assume with some show of justice that there has been some bungle or mistake somewhere; and, if they like to form that opinion without investigating the matter, of course they are welcome to their opinion. I will go even so far as to admit that it is an opinion that may be excused, unless you look into the subject. Under the 29th section of the Constitution Act, if any member accepts an office of profit from the Crown, his seat thereupon becomes vacant. Of course we know it is the constitutional practice, when a Government seeks another Minister, to appoint or nominate him from amongst the members of Parliament.

MR. ILLINGWORTH: What about the Minister of Mines?

THE ATTORNEY-GENERAL (Hon. S. Burt): I will tell you about that presently. You would not expect a Ministry to go outside the members of this House or the other House to seek a new Minister. Ministers, as a rule, are chosen from members of the Assembly, and this section of the Constitution Act distinctly recognises that fact, and provides that if a member accepts office his seat thereupon becomes vacant. It has been said, why not resign before you take office? I think it is not difficult to answer that. In the first place what guarantee has a member who resigns his seat got that he will be sure of obtaining an office of profit if he does resign? The Government cannot say to him "If you resign we will appoint you," or, if they do say so, he may want to know what guarantee he has that he will be appointed if he does resign? What the Act contemplates is that he shall be appointed while he holds a seat in the House, and that when he does accept office, his seat becomes vacant there and then. That is the course recognised by the Constitution Act. In the case of the Minister of Mines, it was not seen that there was any get out of this section or evasion of it, when he resigned his seat first and then accepted office; and no doubt when this second case arose everyone was puzzling their heads how they could get over this 29th section, which says that if "any member" accepts an

office of profit from the Crown, his seat shall thereupon become vacant. If he resigns his seat first, he is no longer a member, and it would be a distinct evasion of the Act, as it now stands. If the section is a bad one, it ought to be repealed. But if you ask a member whom you propose to appoint to vacate his seat first, this section becomes inoperative, and what is the use or meaning of it on the statute book? Surely it was intended to operate, and that is in this way: if a member accepts office, his seat becomes vacant. If you bargain with him to resign his seat first, and then accept office, you evade the clause. It may be an inconvenient clause. If it is, remove it. But there it is, and, so long as it remains, it should be acted upon. It is useless to ask a member to resign his seat after he has accepted office, because he has no seat to resign once he accepts office. The difficulty has been that we had not the power to acquaint the Speaker, under the Constitution Act, of the fact that a vacancy had occurred through the hon. member for the De Grey accepting office. There is no opportunity, under the Act, of acquainting the Speaker of that fact until Parliament meets, because under the 31st. section whenever a vacancy is caused the cause of the vacancy must be declared to the House before a writ can be issued. Therefore, Parliament must be called together for the purpose of declaring the vacancy. The question was this: Is it more convenient to call Parliament together three weeks before it is usual to call it together, or before it has ever in the history of the colony been called together, after a recess of only six months, or is it better to wait until the end of the month, and have the regular session, with the Minister of Lands in attendance? The leader of the Opposition admits it would be most unfortunate not to have the Minister of Lands here, and that was the opinion of the Government. Therefore, in order to have the seat declared vacant and a writ issued for supplying the vacancy, it was decided to call Parliament together, and to proceed in accordance with the Act. It is an utter mistake to say there has been any bungling at all. The statute has simply been followed in this instance, instead of being evaded. That is the most you can say: the Government did not evade it in the same way as they did in the other case.

MR. LEAKE: We want your programme.

THE ATTORNEY-GENERAL (Hon. S. Burt):

We don't bring in fresh programmes every six months. We are a stable Government, having a stable policy to work out. We did not part with our policy last November, that we should be asked to bring forward a new policy on the 1st June. If we changed about like that, and brought in a new policy every session, who would be the first to protest against it sooner than the hon. member for Albany? We are not seeking new programmes every year. Ours is a well-defined and continuous policy, and you will find when it has been worked out it will have been completed to the satisfaction of everyone. We have met to-day simply to avoid the inconvenience of not having the Minister of Lands here when we meet on the 25th for the despatch of business. If there are any members here who think it would not be inconvenient not to have the Minister of Lands in his place, I can understand these members (if there are any) protesting against the action of the Government. But I think most of us feel that it would be very inconvenient. That being admitted, we have adopted the only course open to us, and called you here to-day in order to report the seat vacant and to enable the Speaker to issue a writ for supplying the vacancy by the time this House meets again, which will be about the usual time of Parliament meeting.

MR. R. F. SHOLL: The Attorney-General asks us what do we want with a programme, when we had a programme last year? I suppose we shall have a programme when we meet here again on the 25th of this month. Seeing that the new Minister of Lands was going before his constituents, I think he ought at any rate to have been supplied with some programme to place before them. Ministers do not generally go to their constituents or to the country without some programme or policy. There may be some measures brought in by the Government during the present session which may be opposed to the interests of the electors of the Northern constituency before whom the Minister of Lands is going; and I think the least these electors could expect, and in fact are entitled to, is a declaration of the policy or programme of the Ministry of which their representative is a member. I think this House might have been called together a month ago to do what we are doing at present. In all the other colonies, although their financial year, like ours, does not close until the 30th June, their Parliaments have been in session for some time, and the Budget has been

delivered in one, if not more of those Parliaments. Why should our own Government not act in the same way, and call Parliament together earlier, and get a supply vote before the financial year closes. Why should they spend money illegally? I am still harping on the same old string—the illegal expenditure of the Government in not obtaining supplies before the end of the financial year. I know it is argued by the Government, or by the Premier, that because they do not pay away the money until the end of July they are not illegally expending the money, so long as they get a vote before that date.

THE PREMIER: We can get it from Parliament any day after the 25th, when we meet again. It is done everywhere else.

MR. R. F. SHOLL: I know it is, but it is a pernicious system, and I for one will not consent to make it a general thing. The Government may not require the money until the end of July, but the fact remains that they are committing the country to an expenditure that has not been sanctioned by this House, which I submit is contrary to the spirit and the letter of the Audit Act, and is therefore an illegal expenditure. With regard to the present motion, I think with other members it would have been more convenient to have opened the session with the Governor's Speech as usual. It is not my wish, nor the wish of members on this side, to hamper the Government, but it would have been much more convenient and more in accordance with practice if they had opened the session with some programme. I suppose they must have some Bills to introduce, or some works to bring before the House, and I think it is a pity they did not take us into their confidence.

MR. JAMES: It seems to me that, in addressing themselves to this motion, the Premier and the Attorney-General have simply been beating the air. What does it matter to us whether the Government have made a bungle or not in connection with the appointment of the Minister of Mines or of the Minister of Lands? They must admit they have made a bungle in one case or the other—that is a certainty. Whether it was in connection with one appointment or the other, the fact must ever remain that a bungle has been committed. But, bungle or no bungle, what we complain of is this: meeting as we have been called to meet here to-day, for the despatch of business why should we not have be-

fore us, as we always have, and have a right to have, Her Majesty's Speech, declaring the policy of Her Majesty's Ministers, as to the lines upon which they propose to run the country during the next few months? It is all very well for the Premier to get up and say that the revenue has increased £200,000 beyond his estimate, and that it already amounts to a million of money. We knew that before. We see it every day in the papers, and it has nothing whatever to do with the question at issue. If the revenue of the colony amounted to £5,000,000 what has that got to do with this question? The point at issue is—were the Government justified in calling us together on this occasion, and sending us away again, without giving us the slightest inkling of any line of policy which they propose to bring before us. I myself want to address the electors of East Perth, my constituency, and to ascertain their views as to the programme of the session. But how can I do so, when the Government do not provide us with their programme? Of course the members of the Government do not want to address their constituencies. They only represent about 500 votes between the whole five of them, and they do not know what it is to have to address a body of intelligent electors. But we who represent large constituencies, city constituencies, men of progress and intelligence,—we are placed in a different position. We are told we are very desirous of pleasing the electors and showing our energy when there is an election about, but we are twitted with neglecting them afterwards when our seats are secured, and do not care to address them. But how are we going to address them when the programme of the Government for the coming session is kept back from us, and we have no other means of ascertaining what the views or intentions of the Ministry are? That is the ground of our complaint against the Government. To talk about the revenue or about the Constitution Act is beside the question. We want to know whether the Government have a policy or not. If they have, surely they do not leave it until the last moment to decide upon the lines of that policy. The Commissioner of Crown Lands will not be in a position to assist them with their policy, between this and the 25th of the month. Why then should they not give this House and the country an outline of their policy? Surely we have a right to protest against this secrecy on the part of the Government. If they have

a policy let them declare it to the world, and not have these meetings of Parliament an empty farce, due solely to their own negligence.

THE PREMIER (Hon. Sir J. Forrest): I am very sorry, sir, that exception has been taken to the action of the Government on this occasion. All I can say is, as I said at the beginning, that our action has been prompted solely with the view of consulting the convenience of the House and of the country. The section of the Act, as pointed out by my friend the Attorney-General, is perfectly clear, and no other course was open to us without evading the Act. The section provides that when a member of the House accepts an office from the Crown his seat shall there and then become vacant, and you cannot supply that vacancy until it is declared to the House, and you cannot declare it to the House without calling Parliament together. There is no doubt about that. I may say at once that neither the Government nor anyone else were aware that a writ could not be issued, without resorting to the machinery which we have had to put in motion by calling Parliament together. We found ourselves in this difficulty: either we would have to meet Parliament without the Minister of Lands being in his place—which members admit would be very inconvenient—or we would have to call Parliament together for the purpose of enabling a writ to be issued, or we would have to commit another evasion of the Act.

MR. LOTON: Then you admit that the Minister of Mines was illegally appointed?

THE PREMIER (Hon. Sir J. Forrest): I do not admit that.

MR. ILLINGWORTH: It is the Governor's Speech we want.

THE PREMIER (Hon. Sir J. Forrest): As regards the Speech, I do not think there would have been any complaint on that score if the House had not been called together until the 25th June. I do not think it is an unnecessary long time to wait. From the 29th November to the 25th June is not an unduly long recess. We have generally been in recess for eight or nine months, and certainly never less than six months, except on the occasion when we changed the financial year from December to June. I am astonished that members should try to embarrass the Government in this way. I do not suppose this course that has been forced upon us will

ever occur again. Either the Constitution Act will be altered, or we shall be wise enough to evade it. I do not think it was a very serious offence the way we did it with the Minister for Mines. But in this case the difficulty was not found out until the appointment was made. I cannot understand members desiring to further the progress and welfare of the country, and at the same time trying to embarrass and hamper the Government—because it is nothing more nor less than that. We tried to do the best we could in the interests of the country and for the public convenience, in acting as we did, in the face of the dilemma that occurred. We were even advised by the hon. member for Albany to adopt this course. I thought I might just as well have the hon. member's opinion in black and white, but, when I wrote to him, he jumped back from his former position, and said, "We want the Speech." I do not think that in the history of Parliamentary procedure you will find any Government coming down with a Speech to have it drifting about the country for three weeks before Parliament had an opportunity of discussing it. It is a common practice, I believe, in England for adjournments to take place when there is a change of Ministry. Even before the Queen's Speech has been delivered, there are cases on record where a Ministry having resigned and a new Ministry having come into office, the new Ministry have had to ask for adjournments in order to enable them to get re-elected. In this particular instance, the whole Ministry of course has not to seek re-election, only one member of it, and it was simply for the public convenience that the course adopted was adopted. We had no other object or motive. Under the circumstances I must certainly express my great surprise at the hon. member for Perth (Mr. Randell) moving in the way he has done in regard to this matter. He knows very well—everyone here must know—that the Government have no object whatever except as I have said the public convenience. If we thought that any objection would have been taken, nothing would have been easier than for us to summon Parliament for the end of the month, in the usual way. I do not like the course myself at all. I think it is too big a proceeding altogether for such a very small matter. But having been influenced by my friend opposite (Mr. Leake) and others, I said to myself: "Well, if the Opposition do not

mind, and it will be a convenience to the Government and the country, we will do it." The result is we find ourselves here, in a thin House with nearly all our supporters away, being hampered in our efforts to carry on the business of the country and to consult the public convenience. I do not think members opposite are acting towards me in the way I should like to act towards others, under similar circumstances.

MR. BANDELL: I think I stated that my reason for taking the action I did was simply to record a protest, so that the course adopted on the present occasion should not be construed into a precedent.

Question put—That the House at its rising adjourn until Tuesday, 25th June, at 3 p.m.

A division being called for, the numbers were—

Ayes	...	...	...	10
Noes	...	...	...	8
Majority for ...	...	...	...	2
AYES.				NOES.

Mr. Burt	Mr. George
Mr. Connor	Mr. James
Mr. A. Forrest	Mr. Illingworth
Sir J. Forrest	Mr. Leake
Mr. Harper	Mr. Keep
Mr. Hassell	Mr. Lotou
Mr. Marmion	Mr. Moss
Mr. Piesse	Mr. Randell
Mr. Solomon	
Mr. Wood	

Motion put and passed.

ADJOURNMENT.

The House accordingly adjourned until Tuesday, 25th June.

Legislative Council,

Tuesday, 25th June, 1895.

Governor's Speech—Federal Council Reference Bill; first reading—Address-in-Reply—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 3 o'clock p.m.

THE GOVERNOR'S SPEECH.

Shortly after 3 o'clock His Excellency the Administrator (Sir A. C. Onslow) entered the Council Chamber, and the members of the Legislative Assembly, in obedience to command, attended the Chamber, whereupon His Excellency delivered the following Speech:—

MR. PRESIDENT AND HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL,—

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY,—

1. I meet you with pleasure, and am glad to be able to assure you of the continued progress and advancement of the Colony.

2. The finances are in a thoroughly satisfactory condition, and the Revenue for the year will far exceed the Estimate. The credit of the Colony at the present time is excellent.

3. The first moiety of the Loan for one million and a half, authorised last Session, has been successfully floated in London at 3½ per cent. interest, and realised a premium of £3 ls. 4d. per cent. As this was the first occasion on which this Colony has been able to place a Loan at 3½ per cent., the result is most gratifying.

4. The Federal Council met in Hobart in January last. The principal matter decided was that the Draft Commonwealth Bill, passed by the Sydney Convention in 1891, should be dealt with by the several Parliaments of Australasia. My Ministers, while fully admitting that the Federation of the Australasian Colonies is of vast importance to the Colonies themselves, as well as to the Empire, are still of opinion that, until the question has made some substantial progress in the Eastern Colonies, it cannot, under existing circumstances, become a pressing question for this Colony.

5. During the past year the numerous Public Works authorised by Parliament have been progressing. The Railways to Mullewa and to Busselton have been opened for traffic. The contract for the construction of the Railway from Southern Cross to Coolgardie has been let at a satisfactory price. The deviations for the improvement of the Eastern Railway are nearly finished. The Surveys for the Railway from Mullewa to Cue have been completed, and the contract for the construction of the line will be let at as early a date as possible. The Surveys for the Railway from Donnybrook to Bridgetown are in hand, and