

mit to the colony the bill we have before us; therefore the bill that we have now before us is the result of a long series of despatches, and arguments, and careful consideration, between the Government at Home and His Excellency here; and—as hon. members know—His Excellency has done all he possibly could to carry out all the wishes of this House.

MR. MARMION: Not this House. This is a different House.

THE ATTORNEY GENERAL (Hon. C. N. Warton): I have not forgotten that it is a different House; I am speaking of the bill. Whether it is the same House or not, this bill has come from Home, and it is what the Home Government intend to give us,—excepting, as I have said, as to the third part of the bill; and the reason why the third part of the bill is not so is that it is the result of a compromise arrived at since what I may call the Draft Bill was before the House on a former occasion, with reference to the constitution of the Upper House. Therefore I would press upon the attention of the House, with all the earnestness I am capable of, that it is not likely to tend to facilitate the passing of this bill through its ulterior stages, if any material alterations are made in the bill at all, except in "Part III.," which necessarily has not received so full a consideration as the other parts of the bill, which have met with the sanction of the Home authorities. If members, therefore, are really anxious to pass this bill—I say it with the greatest submission; the questions referred to this evening and in the course of this debate, questions with regard to which there appears to be considerable divergence of opinion, the qualification of members, the duration of Parliament, the franchise, the native question, and the still more important question approached in a very light-hearted manner by the hon. member for Fremantle,—if all these questions are to involve alterations in the bill now before us, and especially if the land question is to be introduced into this bill—a question that will excite more opposition on the part of the House of Commons than probably any other question; I say, sir, with the greatest submission, if all these questions are to be re-opened and introduced into the bill, then good-bye to the passing of the bill this session.

The proposal to go into committee on the bill next day was then agreed to.

The House adjourned at a quarter to eleven o'clock, p.m.

LEGISLATIVE COUNCIL,

Thursday, 21st March, 1889.

Appointment of Chairman of Committees (Sir T. Cockburn-Campbell)—Constitution Bill: in committee—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

APPOINTMENT OF CHAIRMAN OF COMMITTEES.

On the order of the day for the consideration of the Constitution Bill in committee,

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) rose to move that Sir Thomas Cockburn-Campbell do take the chair.

THE SPEAKER: Would it not be the proper course to move that he be appointed Chairman of Committees? The mere moving of an hon. member into the chair to-day would not confer upon him the appointment of Chairman of Committees.

SIR T. COCKBURN-CAMPBELL: I believe the course proposed by the Colonial Secretary is the course followed in the House of Commons. The question of appointment is never put there; it does not even appear on the Minutes.

MR. SHENTON: I think the vote of the House should be taken, as to the appointment of an officer drawing a salary, and that it should appear on the Minutes.

SIR T. COCKBURN-CAMPBELL: It is never done in the House of Commons.

MR. SHENTON: It has always been done here, and I think that a motion should be put to the House.

SIR T. COCKBURN-CAMPBELL: The practice of the House of Commons is this—we very often have had practices here that have been irregular—but the practice in the House of Commons is this: the first time the House has occasion to go into committee, the House so resolves itself, and a motion is made that so-and-so takes the chair; that is seconded, and the chair is taken as a matter of course. If there is any opposition, or another member is proposed, then the Speaker takes the chair until the House makes its choice of the rival candidates.

MR. VENN: That has not been the procedure here.

MR. SHENTON: I shall move that the course we have adopted in the past be adhered to, and that the question of the appointment of the Chairman be formally put by the Speaker, and entered on the Minutes.

THE SPEAKER: I may say that in our Rules there is no particular form of procedure given as to the way in which a Chairman of Committees should be elected. Heretofore it has always been proposed at the first session of any new Parliament that so-and-so be appointed Chairman of Committees, and, if that was agreed to, it was always understood that the member so appointed should retain that position during the existence of that Parliament. I do not think it is necessary that the question should be proposed with the Speaker in the chair; for the Chairman of Committees may be selected in the same way as the Speaker of the House, who, of course, is appointed without the Speaker being in the chair.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I rise, sir, to fall back upon the practice we have always adopted heretofore, and which I should myself have adopted on this occasion, only I was informed that it was not altogether in accordance with Parliamentary practice. I move, sir, that Sir Thomas Campbell be appointed Chairman of Committees.

MR. SHENTON: I second it.

SIR T. COCKBURN-CAMPBELL: I am very sorry this has arisen. Members are aware that in cases where our own Standing Orders do not provide any course

of procedure, we always fall back upon Parliamentary practice; and, seeing that our Standing Orders do not provide for the election of a Chairman, some of us looked the other day into the procedure of the House of Commons, and we found that we had been proceeding in a wrong way; so, I thought, as our own Standing Orders provided no form of procedure, we ought to be guided by the usage of the House of Commons, and do this thing in accordance with Parliamentary practice.

THE ATTORNEY GENERAL (Hon. C. N. Warton): As to the precise form to be resorted to, there is no doubt that our Standing Orders provide that in all cases where those Standing Orders do not prescribe the procedure, resort should be had to the rules, forms, and usages of Parliament. But it strikes me that the motion which has just been made and seconded should have a rider or addition made to it, to the effect that Sir Thomas Campbell be also appointed Deputy Speaker; so that, in the event of Your Honor's unavoidable absence, the Chairman of Committees may take your place. The practice, on such occasions, in the House of Commons, has been to put anybody in the chair for the occasion, so to speak, but I remember a long discussion in the Commons, between Lord Randolph Churchill and Mr. Gladstone, as to what Lord Randolph called the "casual Chair." The usual practice was to slip in anybody, but Lord Randolph Churchill objected to it, and a pledge was given by Mr. Gladstone—which pledge was never kept—that something should be done in the matter. I think it is very desirable that we should appoint a Deputy Speaker. At present, any member may, in the absence of Your Honor, occupy your chair, and I do not know that he could be dispossessed of it.

MR. SHENTON: That shows the wisdom of the course followed in this House with regard to the appointment of a Chairman of Committees—that the appointment should be formally made at the commencement of each session.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): Then I will move, sir, that Sir Thomas Cockburn-Campbell be appointed Chairman of Committees and Deputy Speaker of this Council.

MR. SHENTON: I second that.

Motion put and passed.

CONSTITUTION BILL.

The House went into committee for the consideration of this bill.

Clauses 1 to 5:

Agreed to, *sub silentio*.

Appointment of Members of Council.

Clause 6.—“Before the first meeting of the Legislative Council and Legislative Assembly, the Governor in Council may, in Her Majesty’s name, by instruments under the Public Seal of the Colony, summon to the Legislative Council such persons, not being fewer than fifteen, as he shall think fit, and thereafter may from time to time in like manner summon to the Legislative Council such other persons as he shall think fit, and every person so summoned shall thereby become a member of the Legislative Council.

“Four-fifths at least of the members of the Legislative Council shall be persons not holding any office of profit under the Crown other than that of an officer of Her Majesty’s sea or land forces on full, half, or retired pay.

“One at least of the five executive offices mentioned in the twenty-eighth section of this Act shall always be held by a member of the Legislative Council.”

MR. BURT said there was a notice of his on the paper with regard to an amendment in this section. Before moving his amendment he should like to point out that this clause provided for the nomination of the members of the Legislative Council for the first six years of the new Constitution; and this nomination was to be by the “Governor in Council.” He should like to ask whether the committee quite understood what “Council” this meant? The “Governor in Council”—did it mean the present Executive Council? Would not the present Executive Council cease to exercise any functions when the new Constitution came into force? Who, then, was to advise the Governor in nominating the members of this Upper House? What was meant by the “Governor in Council,” in this clause?

MR. MARMION said he had an amendment to propose in an earlier part of the clause than that of which the hon. member for the North (Mr. Burt) had given notice. He wished to ascertain the

sense of the House as to the words “not being fewer.” The Governor in Council was to have power to summon to the Legislative Council such persons, “not being fewer than fifteen, as he shall think fit.” Not fewer than fifteen might mean any number above fifteen, and the Governor would be at liberty to nominate as many members as he liked, so long as he did not nominate less than 15. He thought that was not the desire of the committee. At any rate, in order to ascertain the views of hon. members, he would move that the word “fewer” in the 7th line be struck out, and the word “more” put in. That would enable the Governor in Council to nominate such persons “not being more than fifteen.” If the clause passed as it stood, the Ministry of the day would be able to swamp the Upper House with their own nominees, and so thwart what might be the wish of the country as represented in the Lower House. That appeared to him a very dangerous power to place in the hands of the Governor in Council, or, in other words, in the hands of the Ministry. He hoped the committee would pause before agreeing to such a dangerous provision. He really thought they were dealing too hurriedly with this important measure; it was only a few minutes ago that he had seen the amendment now on the Notice Paper. He did not think it was giving them fair play, nor giving the bill fair play, to call upon them to deal with this important bill in this very hurried way.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said he might draw attention to the fact that the intention of the bill was that there should be fifteen members in the Upper House. If members would look at Clause 52 they would see that provision was made—after the lapse of six years, and the Upper House became an elected chamber—for the return of fifteen members, and no more. The colony was to be divided into five electoral divisions, each returning three members.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said he wanted at this early stage of the bill to say something, what he conceived to be his duty to say, with reference to the bill. His hon. friend on his left, his leader, who was in charge of the bill, was of course responsible for all questions of policy, or change

of policy, advocated on the part of the Government, as regards the bill—he had nothing to do with that; but he thought it was his humble duty to assist the committee in every way he could, and to show the effect of any amendments which struck him as materially affecting the bill. Without offering any opinion at all as to the verbal alteration now proposed, and which, though merely verbal, was of far-reaching importance, he wished to point out to the committee that the proposed change would entail several consequential amendments, one of which would have to be in the latter part of this very clause. The clause provided that “four-fifths” at least of the members of the Upper House should be persons not holding certain offices under the Crown; so that, in altering the number of members to form an Upper House it would be necessary either to provide that the number shall be divisible by five, or to amend the latter part of the clause. He hoped hon. members, when moving amendments in the bill, would bear in mind the consequential amendments which their action entailed.

MR. PARKER thought, if the committee would carefully consider the subject, they would see it was most desirable that this clause should remain as it stood. He thought if members would look at the Constitutions of the other colonies possessing nominated Upper Houses, in none of them would they find that the number of members constituting the Upper House was limited, as was proposed by the hon. member for Fremantle. One could easily see why it was necessary that they should not be limited. They all knew that even in the House of Lords the number of persons was not only unlimited, but that on several occasions threats had been made use of to create fresh peers, with the view of overawing the House of Lords to pass a popular measure which that assembly was opposing; and that the mere threat of appointing an additional number of peers had had the desired effect, and prevented a good deal of friction and bad feeling between the two chambers. Not only had threats been made, but in some instances Ministries had deemed it necessary to go so far as actually to create additional peers,—the “Twelve Apostles” being a case in point. They also knew that in these

colonies it had been necessary on several occasions, in order to prevent an absolute deadlock, to nominate additional members to the Upper House. It appeared to him that there was a great deal to be said in favor of this provision. In any case, it must be borne in mind that this power of nomination would only remain in force here for six years. After that, the Upper House would be an elected House. He thought they might take it for granted that the members of this nominated Upper House would be men of conservative views—and, he thought, very properly so—and if their number were rigidly fixed at 15, and no more, the result would be that in the event of a deadlock there would be no means of putting an end to it. Very possibly a deadlock might arise very shortly after the initiation of the new Constitution. Take, for instance, the question of manhood suffrage, or the question of triennial Parliaments. Although the whole body of electors throughout the colony, and all the members of the Lower House, might be in favor of manhood suffrage and of triennial Parliaments, it was quite possible that a Conservative Upper House, nominated only for six years, would strenuously oppose any measure of the kind, and the Upper House would be completely master of the situation, the members being independent entirely of any constituents, and responsible to no one for their action. What would be the result? An absolute block of all public business, and the Ministry would probably have to resign, although entirely in accord with the country; and the Governor, in such a position, would probably find himself unable to get another Ministry to attempt to carry on the Government, in view of the attitude taken up by the Upper House. He could not think that this power of nominating additional members in cases of grave emergency was likely to be abused. It must be borne in mind that these nominations would be made by the Ministry, representing the country, and responsible to the country. This was not a conservative measure at all—this provision contained in the clause before the committee; it was a liberal provision, intended for the purpose of enabling a liberal representative chamber to carry out the wishes of the country, as against a conservative and unyielding

Upper Chamber. It appeared to him it would be a conservative action on their part if they were to agree to the proposal of the hon. member for Fremantle; it would simply be playing into the hands of an ultra-conservative chamber, by making it complete master of the situation, and enabling it to thwart the passage of any liberal or progressive measure which these fifteen nominated gentlemen might take it into their heads to oppose; and the country might have to wait six years, or until it had an elected Upper House, before any liberal measure passed into law, however much the people of the colony might wish to see it become law. Therefore, he hoped the hon. member for Fremantle would not press his amendment. Allusion had been made in the course of the debate on the second reading, to the recent action of a New South Wales Ministry in nominating fresh members to the Upper House in that colony for party purposes. No doubt this power, like every other power, was liable to abuse; but he took it that no Ministry would exercise such a power unless it felt that it was in harmony with public opinion, and that the country really wished to have a measure become law. He noticed, in reference to the New South Wales Constitution, that the nominated Upper House in that colony was first appointed for a term of six years, as was proposed here, and that the power of nominating members was unlimited.

MR. SHENTON said there was certainly the contingency of a deadlock, which they had to guard against, and he did not see how they would be able to get over it except by reserving this power to appoint two or three additional members to the Upper House, when that House should prove obstructive. Seeing that this nominated Upper House would only continue in existence for six years, he thought there was not likely to be much harm done within that time, by leaving this power in the hands of the Governor in Council. He thought the clause might be allowed to remain as it now stood.

MR. RICHARDSON thought the hon. member for the Vasse had raised a ghost for the simple purpose of fighting it. He thought the hon. member was the victim of a phantom conjured up in his own mind, when he talked about a conservative Upper House obstructing every liberal

measure submitted to it, in the teeth of public opinion. He thought the state of things conjured up by the hon. member was not likely to have any existence in fact. He should like to know what the elements were that this Upper House was going to be composed of, if it was going to act the part which the hon. member had referred to. Were the members of that House going to be men who had no interest in the welfare of the colony? Were they to be men whose whole and sole idea was to obstruct the progress of the colony? Were they to be men who would, out of sheer mischief, do all they could to block the business of the country, and to thwart the wishes of the people? The hon. member instanced the question of manhood suffrage. Was this question likely to become such a burning question within the next six years, and its adoption a matter of such dire necessity of our existence? We proposed to have a very low franchise, and it was proposed to widen it; and was it likely we should be called upon to go in for manhood suffrage within the next six years? Even if we had to do it, and the voice of the country declared with no uncertain sound in favor of it, was this nominated Upper House going to be so obstructive, so obstinate, so deaf to the voice of the country, as to stand in the way of such legislation? He thought the hon. member had raised a false alarm altogether. There was another view of this question which he would like to put. A lot of these ultra-radical measures were often brought forward, and members were elected on them, not because they, really, in their hearts, believed in them, but because they were driven into them by outside pressure, and they assented to them simply in order to secure their seats; and they would only be too glad if this ultra-conservative Council would veto them. He thought we should have a much greater element of danger if we had a Council that the Ministry of the day could swamp, and so compel it to carry out every ultra-radical measure, than we should have in having a Council of 15 good men and true, who were independent of such pressure, and who had been selected for their intelligence, their honesty, their integrity, and sound sense, as we might hope they would be selected. He thought we should pause before we refused any amendment

put forward in connection with this clause. As to preventing deadlocks, he thought a reasonable safeguard against that might be found if the clause were so amended as to admit of the number of members being no fewer than 15, but no more than 20. He thought that would be a compromise which might fairly be accepted.

MR. MARMION could not understand the arguments of some hon. members at all. It was said that we wanted a conservative second chamber to stem the stream of ultra-radicalism; and now it was argued that if this conservative chamber *did* stem the stream of radicalism, power should be given to swamp it and make it give way to the radical stream, and to radical cries, and radical measures. What would become of their conservatism then? The result might be that we might in time have an Upper Chamber so saturated with radicalism as to become more radical than the Lower House itself. Was that the intention of the hon. member? Was that the object of having a second chamber? Was that the wish of the country? It appeared to him, unless it was so, that we ought to limit this power of nominating members to this Upper House. It must be borne in mind that once these extra members got into the Upper House they would remain there; and the same process of renewing might be resorted to on every occasion when that chamber showed any sign of independence or opposition to the Ministry of the day. He thought it was very doubtful whether it would be advisable even to go so far as to give power to increase the number to 20. Why 20 more than 30? Why 30 more than 50? Where were they going to stop, once they admitted the principle? Possibly the measure which it was desired to pass might not be a popular measure at all, but some fad of the Ministry. This power of swamping the Upper House and carrying the measure would be wielded just the same, notwithstanding the fact that the country might not want the measure. He could see a great element of danger in it, and he considered it a most objectionable feature in the bill. He hoped the committee would consider the matter very carefully before passing the clause as it now stood.

MR. SCOTT said he must protest against the suggestion which had fallen

from the hon. member for the North (Mr. Richardson), that members came there—the hon. member evidently hinted at the representatives of the towns—to espouse measures which they really did not believe in, but simply did so because of outside pressure. He could speak for himself, and say that he had never done so, nor would he ever be driven to do so. He thought there was a good deal in what the hon. member for Fremantle had said, and that it might lead to much evil if Ministries could put as many members as they liked in the Upper House, to turn the scale in favor of any measure they had set their hearts upon. On the other hand it might be awkward, perhaps, if the number of members were fixed at 15—no more and no less. He should be rather inclined to favor the suggestion thrown out by the hon. member for the North—not fewer than 15 nor more than 20.

MR. VENN thought that both the hon. member for Fremantle and the hon. member for the North had forgotten one great principle that should guide us in legislation of this kind—the principle of precedent. It was all very well to argue from our own local prejudices and local feelings, but in an important constitutional question like this it would be well for us if we looked to the experience of other countries, and if we took precedent as our guide, especially if we found that precedent a well-established one, and one that had stood the test of many years and been found to work well. He thought we should not be too eager to run after innovations in building up our Constitution. He cordially endorsed the remarks of the hon. member for Sussex in this matter. Perhaps that hon. member was not very happy in referring to manhood suffrage as an illustration of the force of his argument; but the same chain of reasoning would apply to any other measure, which, in the interest of the country, it might be desirable to pass. He thought it would be a mistake to take away altogether this power of nomination—though he would not object to limiting the number to, say, 20. But in doing that we admitted the principle that there ought to be this power of nominating additional members to meet the exigencies of the situation. He suggested it the other evening as a sort of

compromise; but he thought, if the principle in itself was good, it ought to remain as it now stood in the clause. The abuse of a principle did not destroy its value as a principle. Allusion had been made to New South Wales, and a case in point was cited. But that did not destroy the value of the principle as a principle. He thought it would be a dangerous innovation to introduce into our new Constitution, that we should have a nominated Upper House of fifteen members, however honest and however intelligent they might be, in whom we should centre the supreme power as regards legislation, which would virtually be the case if the amendment of the hon. member for Fremantle were adopted. These fifteen nominees of the Crown would be in a position to defy the representatives of the people in the Assembly, and to set at defiance the wishes and aspirations even of the people themselves, although in no way responsible to the people for their actions, nor indebted to the people for their position. They would simply be the supreme rulers of the destinies of the country for the next six years, so far as legislation was concerned. He thought the committee could not do better than let the clause stand as it now stood.

Mr. SHOLL thought the object of having two Houses was in order that the Upper House should be a check upon the Lower; but, if the Ministry of the day were to be allowed to persuade the Governor of the day to nominate as many members as they liked, so as to carry any measure they liked through the Upper House, he failed to see where the check came in. They all knew that in New South Wales, only the other day, the Ministry there, for party purposes and to serve their own ends, took advantage of this power, although the Press of the colony cried against it; and they were now considering whether it would not be desirable to do away with the nomination principle altogether, and adopt the elective system for their Upper House. For his own part, he thought it would be desirable for us to limit the number of members to be nominated for this Upper House, to prevent such abuses as he had referred to in the other colony. It must be borne in mind that a great responsibility rested upon the Governor of the day in nominating the members of

this Upper House, and he did not suppose any Governor, whoever he might be, would be likely to appoint men to such a position who would be likely to oppose all useful legislation.

Mr. RASON said he must confess his inability to see the force of the amendment of the hon. member for Fremantle, which was simply to substitute "more" for "fewer." Even if the amendment were carried it would not have the effect of meeting the evil of which he was apprehensive, for the clause went on to say that the Governor in Council, after summoning no fewer than fifteen members for the first meeting of the Legislative Council, might thereafter, from time to time, in like manner summon such other persons as he might think fit, and every person so summoned would become a member of the Upper House. The amendment would have to go further than at present proposed to meet the evil which the hon. member apprehended. He thought the difficulty might be met by providing that in no case should the number of members nominated exceed 20.

Mr. LOTON thought the subject was rather a difficult one to decide; but, to his mind, after a careful perusal and consideration of the clause—unless he heard any arguments to the contrary—he thought it would be better to have a fixed number of members in this nominated Upper House. He would limit it to 20 as the maximum number. As to deadlocks, it appeared to him no matter how many members we had, or what measures we took to prevent deadlocks, we must place some amount of confidence in these members, and they must have a certain amount of power. After all, it appeared to him that a deadlock between the two Houses was not likely to occur very often; for, by the 10th Clause, it would be seen that all questions in the Council were to be decided by a majority of votes; two or three members would not be able to cause a deadlock. There must be an absolute majority, and he should be sorry to think that the majority of the men whom they hoped to see occupying seats in this Upper House would be men who would wilfully obstruct the business of the country. He would limit the maximum number to 20, if it was necessary to give this power at all of nominating additional members.

MR. RANDELL desired to point out that the bill now before them was not an ordinary kind of bill, relating only to matters concerning this colony. It would be conceded that there were other parties outside this colony who, according to all accounts, were taking a very keen interest in this question, and that the Secretary of State had already had the bill under his careful consideration, and informed us pretty plainly how far the Home Government was inclined to go as regards this bill. That being conceded, he thought it would follow that we might land ourselves in difficulty if we interfered with the clauses of the bill, unless there was some real necessity for doing so. He was not satisfied that there was any reason for interfering with the provisions contained in this particular clause. An Upper House of 15 members seemed to him to bear a very fair proportion to a Lower House of 30 members; and no doubt the intention was that those nominated to seats in the Upper House should be men of intelligence, thoughtful men, who were not likely to sacrifice the interests of the colony in a spirit of mere factious opposition. In the earlier despatches of Governor Broome on this subject, His Excellency suggested a means of overcoming any deadlocks between the two Houses—he had not the despatch by him now; but the Secretary of State thought that this was a matter that might safely be allowed to work its own cure, by encouraging a spirit of compromise and moderation between the two Houses, and that it was not likely any serious harm would be done. He agreed with the view taken by the Secretary of State, and, although these deadlocks might possibly arise, they were not likely to arise without good and sufficient cause; and the good sense of the two Houses might be expected to discover a way out of the difficulty. It could not be supposed that the majority of the members of the Upper House would be men who would not listen to reason, or men who would be opposed to all progress and good government. It was not likely that these fifteen members would unanimously agree to oppose any measure which the Assembly and the country were desirous of passing. While on the one hand we should be anxious to pro-

vide all necessary checks against hasty legislation, we must on the other hand be prepared to put some trust in the good sense and moderation of this Upper House. Probably circumstances might arise where the Council would find itself in opposition to the Assembly, but we should have behind the Assembly the whole voice of the country, a consensus of public opinion, and the intermediary assistance of the Governor, who could in the exercise of his discretion either assent or refuse to assent to the proposals of the Assembly, and, as a last resource, he would be able, if necessary, to create additional members of the Council. He could not think that this was a power that would be lightly used by any Governor, or any Ministry, and it seemed to him we might safely leave the clause as it stood. He did not apprehend that any serious difficulty would ever arise between the two Houses except in questions of finance. He believed that it was only on one occasion that such a difficulty had arisen in Victoria, and that was in connection with Sir Charles Darling's grant. He thought it would be unwise to depart from the precedents of other countries, possessing nominated Upper Houses, and to interfere with the prerogatives of the responsible Ministry of the day. He had no fear himself of this Upper House showing itself factiously perverse or impracticable, or that it would not be amenable to reason. He thought the fears existing in the minds of the hon. member for Fremantle and the hon. member for the North (Mr. Richardson)—one looking at it from a Radical and the other from a Conservative point of view—were illusory. As had been pointed out by the Attorney General, other portions of the bill might be affected by injudicious alterations made in a clause; and he thought the committee should not make any alteration in the bill without good and sufficient reasons. No Ministry, he thought, would ever outrage public opinion in such a way as some hon. members seemed to fear; and, if they did, they would suffer for the consequences of their action in the condemnation of all right-thinking persons. He did not think that within the next six years the colony was likely to bud into all the evils which they were told were developing themselves in the other col-

onies. Perhaps, if we were seised of all the facts, we would not be so ready to condemn the actions of the Legislatures of those colonies. In any case, we had a very effective cure in the fact that within six years' time this nominated chamber would pass out of existence, and give way to an elected chamber; and, when that came to pass, we would have a very strong safeguard against any factious opposition on the part of that House in the fact that a certain number of its members had to vacate their seats every two years, and, in this way, would have to face their constituencies and be called to account, if they acted in a way which was regarded as inimical to the interests of the colony.

THE HON. SIR J. G. LEE STEERE:

As there is a very important principle involved in this clause I should like to say a few words before the committee decides upon the question now before it. In the first place, I regret very much having to disagree in this instance with the views enunciated by the hon. member who has just sat down (Mr. Randell), because, generally speaking, I am entirely in accordance with the views which that hon. member so ably expresses in this House. I cannot for the life of me understand why those who are in favor of a nominated Upper House should be opposed to restricting the number of its members. What is the object of establishing an Upper House? To a certain extent the object is to check hasty legislation on the part of the Lower House; but, if we give the Ministry an unlimited power to increase the number of the Upper House in order to compel it to agree to this objectionable legislation, what becomes of your safeguard then? The check you wish to provide is entirely destroyed. The hon. member, Mr. Randell, seems to think there would be some safeguard in the intervention of the Governor, and that the Governor might interfere between the Executive and the advice given to him as regards the appointment of additional members for party purposes. But I would remind the committee that according to a recent decision of the Secretary of State, Governors of colonies are bound to act in accordance with the advice tendered to them by their responsible Ministers. This has been prominently brought to

our notice in two notorious instances lately. One was the case of Sir Anthony Musgrave, in Queensland; the other occurred the other day in New South Wales, when Lord Carrington, contrary to his own personal opinion on the subject, acted upon the advice of his Ministers, and appointed additional members of the Upper House in that colony, for party purposes only. So far from the action of the Ministry in that case being in harmony with public feeling, their action was strongly condemned by the whole Press of the colony, as an unwarrantable thing to do, especially in view of the antecedents of the members whom the Ministry had nominated. The Governor was powerless in the matter, in view of the recent decision of the Secretary of State in the case of Sir Anthony Musgrave, who had refused to act upon the advice tendered to him by the Ministry in Queensland. Therefore it is useless to expect that any Governor would be likely to interpose in a case of this kind between his responsible Ministers and the Upper House. While on this subject, I should like to read an extract from a Parliamentary paper recently published in New South Wales, on the constitution and form of Government in that colony. The writer says: "It will be noticed that 'by the Constitution Act no limit is 'placed to the number of members of the 'Legislative Council other than a minimum limit of 21. In extreme cases 'the Governor might overcome the resistance of the Council by appointing a 'number of new members sufficiently 'large to turn the scale by their votes, 'or, as it is popularly termed, to 'swamp' 'the Council. Such a measure lies outside the ordinary working of the constitution; it amounts, in fact, to a change 'in the balance of power between the 'two Houses, only to be resorted to in 'cases of grave necessity.' That is my objection to the number of members of the Upper House being unlimited; the appointment of extra members might disturb the balance of power between the two Houses,—which I think ought to be maintained. "If a Ministry has a right "to advise the Governor to take such a "course, in order to obtain a majority in "the Upper House, it follows (to quote "the words of the Duke of Newcastle, in "a despatch of 4th February, 1861),

"that, 'on every change of Ministry the same argument will be equally good, 'and the consequence may be that the 'first act of each administration may 'be to swamp the Council which has 'been previously swamped by their 'predecessors.'" That might happen here—no one can say it would not. "The experiment" (the writer continues) "has only been tried once in this colony, and then under peculiar circumstances, which could hardly occur again. "Under the Constitution Act, the members of the first Legislative Council were appointed for five years, a term which expired on Monday, the 13th May, 1861. "At that time there was a disagreement between the two Houses on the subject of the Land Bills, the Assembly rejecting by large majorities the amendments of the Council, which the latter, by larger majorities, insisted on maintaining. On Friday, the 10th of May, the Ministers advised the Governor, Sir John Young, to swamp the Council by appointing 21 new members"—the Council at the time only consisted of 21 members, and the proposal was to double the number—"the appointment practically being for a single night, as there would be no sitting on Saturday, and the Council would be dissolved by lapse of time on Tuesday. The Ministers were supported by six-sevenths of the Assembly, and by the people, in a cry which had proved all-powerful on the hustings at the last general election, in the previous December; and it was generally admitted that it would be impossible to form another Ministry. The Governor yielded to these considerations, and nominated the new members; but the intention of the Ministers was defeated by the resignation of the President of the Legislative Council." No doubt the President resigned purposely, as there would be no time to appoint another before the Council expired. "This prevented a House being formed on that evening, and in fact brought the session to a close. The action of the Governor did not meet with the approval of the Home authorities, and a despatch of the Duke of Newcastle, of the 26th July, 1861, while making full allowance for the difficulty of the Governor's position, administered to him a grave rebuke for the course he had deemed

"right to follow." We know that the Secretary of State now would never think of administering such a rebuke to any Governor for acting upon the advice of his Ministers, for, as I have already said, instructions have lately been issued instructing Governors to act upon the advice tendered to them by their responsible Ministers, and a Governor now becomes a mere cipher in their hands. "In consequence of these events, an understanding was come to between Sir John Young and the leading statesmen on each side that the number of the Legislative Council should be limited as a matter of convenience, to 27, and that any additions should be made for the convenience of legislation, and not to strengthen a party." That shows that the leading statesmen of the colony—and I believe there were statesmen in New South Wales in those days, which I don't think is the case now—believed that it would be advisable to fix a limit upon the number of members that could be nominated. I am of opinion myself it would be unwise to allow this clause to remain as it stands, and place this unlimited power in the hands of any Ministry. I should prefer to see the number fixed at 15, but if the committee considers it desirable to increase the limit to 20, that would, to a certain extent, meet the principal objection I have to the clause in its present shape. At the same time I should prefer to see the limit fixed at 15.

MR. KEANE said he had been very pleased to hear the remarks that had just fallen from His Honor the Speaker. He was quite in accord with what Sir James Steere had said. He failed to see why there should be any difference in this respect between a nominated and an elected Upper House. No one ventured to propose that this power of increasing the number of the members of the Upper House, should be allowed in the case of an elected chamber; and he saw no particular reason why a Ministry should be allowed to manipulate an Upper House whose members had been appointed by the Governor in Council, any more than they should be allowed to manipulate an elected Upper House. It must be borne in mind that although we might have a very good Ministry in power, we might also happen to have a partic-

ularly bad Ministry in office, and this power would be a very dangerous weapon in the hands of an unscrupulous Ministry. He hoped the committee would pause before placing such a power in the hands of any Ministry, a power that would enable it to over-ride the House which was supposed to be a check upon all hasty or improper legislation. If the power was wanted in the case of a nominated Upper House, it was wanted in the case of an Upper House whose members were elected for a term of years. He hoped the committee would fix the limit of the number of members; he did not care whether it was 15 or 20, so long as the number was fixed.

MR. MARMION said he had listened very carefully to all that had been said *pro* and *con.*, but he had heard nothing to change his opinion, that it would be unwise to let this clause pass as it stood. He thought that what His Honor the Speaker had just read to them was well worthy of attention and consideration. He did not care how this was done, whether by adding a proviso to the clause that the number of members shall not exceed a fixed number, or by substituting the word "more" for the word "fewer," as he now proposed. But he hoped the committee would do something to provide that the number of members to be nominated shall not exceed a fixed limit, whether it be 15 or 20. He should prefer the former number himself.

MR. RICHARDSON said a power to increase the number to 20 would certainly be a lesser form of the evil they dreaded. With regard to the historical reference that had been made by His Honor the Speaker to the action of the Upper House in New South Wales, many years ago, he believed that time had shown that the attitude taken up by the Upper House in that colony was a right attitude, and one which the subsequent action of Parliament had confirmed. The difficulty arose with regard to land legislation, and it had since been found that the result of the laws then passed had been to ruin one industry, while affording no advantage or encouragement whatever in the result to another.

Question put—That the word "fewer," proposed to be struck out, stand part of the clause.

Committee divided.

Ayes	...	...	11
Noes	...	...	12

Majority against ... 1

AYES.	NOES.
Mr. Burt*	Mr. Grant
Mr. Congdon	Mr. Harper
Mr. De Hamel	Mr. Keane
Hon. J. Forrest	Mr. Loton
Mr. A. Forrest	Mr. Paterson
Mr. Parker	Mr. Pearce
Mr. Randell	Mr. Rason
Mr. Shenton	Mr. Richardson
Mr. Venn	Mr. Scott
Hon. C. N. Warton	Mr. Sholl
Hon. Sir M. Fraser, <i>q.a.m.c.</i>	Hon. Sir J. G. Lee Steere, <i>Kt.</i>
(Teller.)	Mr. Marmion (Teller.)

* POINT OF ORDER.

MR. BURT intimated that his name had been included with the Noes, when he intended to vote with the Ayes.

THE CHAIRMAN said the hon. member should not have passed from one side to the other, before the numbers were made up.

MR. BURT said he had waited about five minutes, and thought the result of the division had been ascertained, and the proceedings at an end.

THE CHAIRMAN remarked that the proceedings upon a division were not at an end until the result of the division was announced. It was too late for an hon. member to object after the result had been declared.

THE ATTORNEY GENERAL (Hon. C. N. Warton) protested against the doctrine laid down that because a member shifted his place before the result of a division was announced, his vote must be counted contrary to his intention to vote. It was neither in accordance with the Standing Orders nor with constitutional usage that a member's vote should be taken on the side opposite to that on which he intended to record it.

THE CHAIRMAN: Will the hon. and learned gentleman point out anything in *May* in support of his view that a member's vote is not to be counted on the side on which it is given, or on the side on which he appears to give it?

THE ATTORNEY GENERAL (Hon. C. N. Warton): I know it has often been done in the House of Commons. When a member happens to go into the wrong lobby, by mistake, no advantage is taken of it. He is simply brought before the

House and asked which way he intended to vote, and, if there has been a mistake, it is rectified.

MR. BURT assured the Chairman that in this case his vote had been taken on the wrong side.

THE CHAIRMAN said he would, in this instance, allow the division list to be altered; but he hoped hon. members would watch the proceedings, and wait until the numbers were declared, before shifting from one side of the House to the other.

The word "fewer" was then struck out.

Question put—That the word "more" be inserted in lieu thereof.

Committee divided again, the numbers being—

Ayes ...	...	...	13
Noes ...	...	...	10

Majority for ... 3

AYES.	NOES.
Mr. De Hamel	Mr. Burt
Mr. Grant	Mr. Congdon
Mr. Harper	Hon. J. Forrest
Mr. Keane	Mr. A. Forrest
Mr. Loton	Mr. Parker
Mr. Paterson	Mr. Randall
Mr. Pearse	Mr. Shenton
Mr. Rason	Mr. Venn
Mr. Richardson	Hon. C. N. Warton
Mr. Scott	Hon. Sir M. Fraser, &c. &c.
Mr. Sholl	(Teller.)
Hon. Sir J. G. Lee Steers, Kt.	
Mr. Murmion (Teller.)	

THE ATTORNEY GENERAL (Hon. C. N. Warton) thought the wording of a subsequent portion of the clause was a little ambiguous. It provided that after summoning 15 members to serve in the Legislative Council, the Governor in Council may, thereafter from time to time summon such other persons as he may think fit. Of course the intention was that these fresh members were to be summoned to fill up any vacancies in the number originally summoned, and not in addition to that number. In order to make the meaning more clear he moved that after the words "from time to time" the words "as vacancies occur" should be inserted.

Agreed to.

MR. BURT, in accordance with notice, moved that the first subsection be struck out, and the following inserted in lieu thereof:—"No member of the Legislative Council shall hold any office of profit under the Crown, other than such as is liable to be vacated on political grounds

or than that of an officer of Her Majesty's sea or land forces on full, half, or retired pay."

THE ATTORNEY GENERAL (Hon. C. N. Warton): I think I may say there is no objection on the part of the Government to the amendment.

MR. BURT: Then I will not enter into any statement in support of it.

Amendment put and passed.

MR. BURT, in pursuance of notice, also moved that the second subsection be struck out, and the following inserted in lieu thereof:—"One at least of the members of the Ministry for the time being shall have a seat in the Legislative Council."

THE ATTORNEY GENERAL (Hon. C. N. Warton) said he did not quarrel very much with the way in which the hon. member had expressed his amendment, but he did most strongly to a word being introduced into the bill, which, so far as his limited experience went, had never yet occurred in any Act of the Imperial Parliament. In common parlance, in common phraseology, one talked about a "Ministry," but he did not think they would find the word in any Act of Parliament. The word was unknown to the British Constitution. Certain executive offices were known to the Constitution, but the word "Ministers" or "Ministry" was not; nor was there anything to define what a Ministry should consist of. Therefore he would much prefer if the hon. and learned member would leave the words as they appeared in the bill—"executive offices."

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) presumed that the only object of the amendment was on account of some dislike of the titles given in the 28th Clause to the officers to whom this subsection applied. The hon. member, he presumed, did not wish to have these officers specifically designated.

MR. BURT said that was his object, and he proposed when they came to that clause to strike out those names. They might wish to give them some other titles than those specified in that clause. He admitted he did not like the word "Ministry," and, upon second consideration, he would alter his amendment, so as to read thus: "One at least of the executive offices liable to be vacated on political grounds shall always be held by a member

of the Legislative Council." That would meet the Attorney General's objection.

THE ATTORNEY GENERAL (Hon. C. N. Warton) did not know whether the hon. and learned member had also considered the possibility that some of these executive officers might not be an officer whose office was "liable to be vacated on political grounds." They might have an excellent Engineer-in-Chief or Director of Public Works who would not belong to any party or the other, but who would always remain in office, by universal consent, as the right man in the right place.

THE HON. SIR J. G. LEE STEERE said he observed that in the Victorian Act these officers were alluded to as "responsible Ministers of the Crown," so that the Attorney General was not quite correct in saying that the word "Ministers" never occurred in any Act of Parliament.

The amendment was agreed to.

MR. BURT said he had not yet heard any expression of opinion as to the point he had raised when the clause was first read. It would be seen that the clause provided that the members of the Upper House should be summoned before the first meeting of the new Parliament, under the new Constitution, by the "Governor in Council." What Council? When this Constitution Act came into force, the present Executive Council, he presumed, would cease to exist. He did not know whether it was intended that the nominations to the Upper House should be postponed until the new Ministry was formed, and that the members of the Upper House would be appointed upon their advice.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said the difficulty referred to had not escaped his observation. The present Executive would, as the hon. member said, practically cease to exist when this bill became law, and what would be done, he believed, was this: the Governor would summon some gentleman or other to form a Ministry, and, when that was done, the Governor would take counsel with them as to the appointment of the members of this Upper House.

The clause, as amended, was then put and passed.

Clauses 7, 8, and 9:

Agreed to, *sub silentio*.

Quorum, division, casting vote.

Clause 10.—"The presence of at least five of the members of the Legislative Council, exclusive of the President or of the member presiding, shall be necessary to constitute a quorum for the despatch of business; and all questions in the said Council shall be decided by a majority of votes of the members present, other than the President or the member presiding, and when the votes are equal the President or the member presiding shall have the casting vote."

MR. BURT moved that the word "five" in the second line be struck out, and "seven" inserted in lieu thereof. He thought most members would agree to that. Five was a very small number to form a quorum in any legislative assembly.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said that, personally, he was opposed to this alteration; he did not know whether his leader was. The quorum in the House of Lords, which consisted of 520 peers capable of taking seats, was only three; and he had over and over again seen three peers, late in the session, sitting there discharging the functions of that august assembly. In the House of Commons, which numbered 670 members, the quorum was forty. He would ask his hon. and learned friend, who was also a good arithmetician, to compare the ratio of 3 to 520, and 40 to 670, with the ratio of 7 to 15—which was the quorum he proposed for the Upper House in this colony. By the same rule, the quorum in the House of Lords would be about 250 instead of three; while in the House of Commons they would require the presence of about 350 members, instead of forty to form a quorum. He thought a quorum of five out of fifteen members was a very high ratio, and he should not like to see it increased to seven. They must bear in mind that this Upper House would probably consist of quiet, easy-going, and perhaps infirm old gentlemen, chosen principally for their wealth, their long experience, and their age; and it might be a difficult thing sometimes to get together seven of these old gentlemen when there was only some formal business to be done. He would also point out that the clause provided there should be five members, exclusive of the President, so

that, if the amendment were carried, this Upper House could not discharge the most formal business unless there was an absolute majority of members present (including the presiding member).

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said that the present Legislative Council, when he first sat in it, consisted of 18 members, and the quorum then was six, or one-third. It now consisted of 24 members, and the quorum was still one-third; and he thought they might adopt the same ratio for this Upper House. He saw no necessity for compelling the presence of more than half the members on every possible occasion before any business could be transacted. There might be two or three vacancies, and the new writs not returned; and great inconvenience might arise if nothing could be done without the presence of seven members and the President.

MR. MARMION said if this Upper House was going to consist (as the Attorney General seemed to contemplate) of the "lame, the halt, and the blind," or at any rate of very infirm and decrepit old men, he should think it would be very advisable to get as many as possible of these old gentlemen together, before entrusting them with the discharge of, possibly, very important functions. It certainly seemed rather imprudent to entrust the task of revising the work of the Legislative Assembly to these five sleepy old gentlemen. He did not see any analogy between the House of Lords or the House of Commons and the Legislature of this colony. What we wanted was to ensure the attendance of a decent number of these easy-going old gentlemen, or that the business of the House should be suspended.

MR. SCOTT thought it would be well to make this nominated chamber as active as possible, and that it should be incumbent upon them to attend to their Parliamentary duties and take an interest in the politics of the day. He did not think it was asking too much to ask that seven of them should assemble together, before any business should be transacted.

MR. RICHARDSON thought that seven, exclusive of the President, would possibly be too large a proportion to require to form a quorum out of a House of fifteen. Why not compromise the

matter, and say a quorum of six, besides the presiding member.

Question put.—That "seven" be inserted in lieu of "five."

The committee divided, with the following result:—

Ayes	...	...	16
Noes	...	...	6

Majority for ... 10

AYES.	NOES.
Mr. De Hamel	Mr. Congdon
Mr. A. Forrest	Hon. J. Forrest
Mr. Grant	Hon. Sir M. Fraser, <i>ac. m. s.</i>
Mr. Harper	Mr. Randall
Mr. Keane	Hon. Sir J. G. Lee Steere, <i>Kt.</i>
Mr. Loton	Hon. C. N. Warton
Mr. Marmion	(Teller.)
Mr. Paterson	
Mr. Pearce	
Mr. Rason	
Mr. Richardson	
Mr. Scott	
Mr. Shenton	
Mr. Sholl	
Mr. Venn	
Mr. Burt (Teller.)	

Clause, as amended, put and passed.

Clauses 11, 12, and 13:

Agreed to, without comment.

Duration of Assembly.

Clause 14.—"Every Legislative Assembly shall continue for five years from the day of the return of the writs for choosing the same, and no longer; subject, nevertheless, to be sooner prorogued or dissolved by the Governor."

MR. PARKER moved to strike out the word "five" in the second line, and insert "four" in lieu thereof. They had already discussed this question of the duration of Parliament on the second reading of the bill, and he did not know that it was necessary for him to say much on the subject now. He believed most members were pledged to their constituents on this question, and nothing that he could say would probably affect their votes in any way. He believed there was a strong feeling in favor of shorter Parliaments than five years. A triennial Parliament had been made a plank in the platform of one political association, and he believed there were some members who were prepared to support the same view. In the other colonies they had triennial Parliaments, and no doubt the time would come when this colony would have to follow the same example. But he thought they might start under their new Constitution with four years. As it was proposed to have

a nominated Upper House for six years, and that afterwards one-third of the members should retire every two years, it seemed to him that a four-years Parliament would synchronise very conveniently with that arrangement.

MR. SHOLL intended to vote for the clause as it stood. He was of opinion—and it was an honest opinion—that if you wished to have good government you should try and get a stable Government; and they could not have a stable Government if they were changing their Ministries and changing their Parliament every two or three years. It would be impossible for any Ministry to carry out any policy of large public works. It would take some time to agree upon a scheme, then it would take some time to raise the money, and by the time a Ministry was ready to go on with the work, they might have to go out of office, with the dissolution of Parliament. It might be said that if the Ministry was a good Ministry and pledged to a scheme of public works they would be almost sure to be reinstated in office; but they all knew that very often an election turned upon some unimportant side issue, and members of the Ministry might find themselves out in the cold, and the whole thing would have to be gone over again. There would be nothing but changes, and no continuous policy could be carried out. It would take a Ministry pretty nearly twelve months before they got properly into harness, another twelve months before they could fairly enter upon any public works scheme, and by the time they raised a loan and were ready to go on with their scheme, there would be a general election. Besides the ordinary dissolution when the term of the Parliament expired, there might be a dissolution before that, and an appeal to the country. It was very seldom that a Government lived out its full term; and we should have the country in a state of continual turmoil. For these reasons, he was inclined to support a five-years Parliament in preference to a shorter one. But if we could not get a five-years Parliament, he would accept the amendment of the hon. member for Sussex, rather than vote for triennial Parliaments.

MR. A. FORREST did not intend to speak much on the subject; he had got

up simply to give a little advice. This question had already occupied the time of the House for two evenings, and every member must have made up his mind what way to vote; therefore, it appeared to him it was only waste of time to go on discussing the matter any further. Let the question be put to the vote, and decided one way or the other, without any further talking. The members for Perth and Fremantle might be pledged to vote for short Parliaments; but he thought country members were not fettered in any way.

MR. KEANE said he objected altogether to the gratuitous assumption—the cool assumption, he called it—of the hon. member for Kimberley, in stating that the members for Perth were pledged to this, that, and the other. What did the hon. member know what they were pledged to? He begged to state that for his own part he was in no way pledged, either to short or long Parliaments, and he was free to vote according to his own judgment.

MR. SCOTT wished to state that his position was exactly the same as that of his hon. colleague—he was in no way pledged on this subject. He was free to deal with it in an unbiassed spirit, and, unless he heard some stronger arguments than he had heard yet, he intended to adhere to the amendment which stood in his own name, in favor of triennial Parliaments. In the meantime he would support the present amendment, to strike out the word “five.” He thought a triennial Parliament was the best basis upon which we could start our new Constitution. They knew there was already a strong feeling in favor of that term, and that feeling was sure to grow as time went on. Why then should they not frame their Constitution so as to meet the wishes of the people? What ought to be aimed at, as had been very ably pointed out the other day by the hon. member, Sir Thomas Campbell, was to give some stability to this new Constitution, and to give the country a Constitution under which it would be content. If they did not go in for triennial Parliaments now, it would simply give rise for further agitation in that direction; and, what he wanted was to put an end to all this agitation, so far as they reasonably could, and endeavor to give the people of

the colony a Constitution with which they would be satisfied for some years to come. He thought three years was quite long enough for members to hold their seats without having to go to their constituents; and he could not see that it would prejudice a good Ministry a bit, as regards carrying out any scheme of public works which the country was in favor of.

Question put—That the word proposed to be struck out stand part of the clause. Committee divided—

Ayes 10

Noes 13

Majority against ... 3

AYES.	NOES.
Mr. Burt	Mr. De Hamel
Mr. Congdon	Mr. Grant
Hon. J. Forrest	Mr. Harper
Mr. A. Forrest	Mr. Keane
Mr. Randell	Mr. Loton
Mr. Sholl	Mr. Marmion
Hon. Sir J. G. Leo Steers, Kt.	Mr. Paterson
Mr. Venn	Mr. Pearse
Hon. C. N. Warton	Mr. Reason
Hon. Sir M. Fraser, <i>a.c.m.s.</i>	Mr. Richardson
(Teller.)	Mr. Scott
	Mr. Shenton
	Mr. Parker (Teller.)

The word "five" was therefore struck out.

Question put—That the word "four" be inserted in lieu thereof.

MR. MARMION said it was his intention to vote with the Noes. It was not necessary to re-enter upon the arguments already used in support of triennial Parliaments. The subject had been pretty well threshed out, and there was nothing left but to record their votes on the question one way or the other. It appeared to him that this amendment was simply an attempt to burke the question. It was neither one thing nor the other. It would neither satisfy the advocates of long Parliaments nor the advocates of short Parliaments. Why not boldly tackle the question, and decide in favor of either long or short? It could not be denied that there was a strong feeling outside in favor of triennial Parliaments, and, would it not be better to gratify the wishes of the public than to keep them in a continuous state of agitation and dissatisfaction. It was all very well to say that this feeling only existed in the towns. They all knew that all political activity took its rise in the towns and centres of population, but that feeling of activity soon reacted upon the country at large;

and the political activity and agitation which started to-day in the town would only require a little time longer before it radiated in every direction. Why not endeavor to satisfy the wants of the public, and give them a Constitution which they would be content with for some years to come. Why not take the present opportunity of gratifying the wishes of the electors in this and other matters, rather than have the whole thing re-opened again, as soon as we fairly entered upon a change of Government. It was generally conceded that the time must come when, like the other colonies, we shall have to adopt a triennial Parliament; why not take the bull by the horns now, and avoid further agitation?

MR. RICHARDSON would like to know what grounds there were for saying that the country generally favored triennial Parliaments? Where had the question been decided? Where had it been put to the electors in country districts, and where had the answer been given in favor of it? It was all very well for members to hazard a statement of that kind, but where was the proof? There was a certain association, calling itself, he believed, a Liberal Association, whose head quarters were about Fremantle or Perth, which had made triennial Parliaments one of the planks of its platforms; but he had yet to learn that this association had converted the country at large to its views, or that country constituencies were prepared to accept this association as their guide in matters political. He believed that a very large and important section of the country—the producing community—who were in no way favorable to triennial Parliaments. As to the proposed compromise, it was absurd to say that if we could not get a five-years Parliament, we would not accept a four-years Parliament. Even to the advocates of triennial Parliaments it was at any rate one year nearer their own idea than five years. It appeared to him that if the excellence of Parliamentary institutions depended upon their being short-lived, we had better at once go in for annual Parliaments. Possibly if we agreed to a triennial Parliament now, the next cry would be for a fresh Parliament every year. Where would they draw the line? There was no particular

virtue that he was aware of in the figure 3; and if members were going to try to frame a Constitution that would satisfy all kinds of popular demands, he was afraid the result would not be very advantageous to the country.

MR. KEANE said they had been told by the hon. member for Kimberley that it was no use talking any more upon this subject—that what they had to do was to vote. He was not going to be stifled in the expression of his views, even by the hon. member for Kimberley himself. The hon. and learned member for the Vasse told them that they had triennial Parliaments in the other colonies, and that it must come to that here. If so, why trifle with the matter in this way? If the public wanted triennial Parliaments what was the good of offering them a four-years Parliament, in lieu of five. It had been said that short Parliaments were against any Ministry carrying out any policy of its own, when the life of the Ministry was so short. It appeared to him that this was a very strong reason why Ministries would endeavor to do good work, knowing that they would soon be brought face to face with the country; whereas if they had a long lease of life they would become careless and indifferent. In a small House like ours, although perhaps the first Ministry under Responsible Government would not stand for six months, the probability was that afterwards the next Ministry that came into power would remain in power for the rest of the time, and, if they felt they had five years' lease of office, they would not care much what they did—whether they did good work or not. The hon. member for the North (Mr. Richardson) did not seem to think much of the political associations formed in towns, and the hon. member rather sneered at the work done by what was known as the Liberal Association. No doubt there were some people who did not like this organisation; others believed it had done good, and was still doing good, and he was one of those who believed that the association did do some good. It created an interest in political matters, which people did not take in them before, and that was the reason why they always had the same members in that House. People did not care who represented them; they took no interest at all in politics. But that sort of

feeling was beginning to disappear—and a very good thing too; and, if this association did nothing else, it would prove of some benefit to the country.

MR. PARKER said he might perhaps be allowed to remind hon. members who were enamored of short Parliaments that, as regards the greatest Republic of our time, the United States of America, the President of that great nation was elected for a term of four years, and the Government was absolutely immovable for that term. The Executive there remained in office absolutely during the term of the President, and was not removable at the will of the Legislature at all. It had been urged that four years was too long for a Ministry to remain in power without going to the country; but surely no Ministry would be able to retain power unless it also retained the confidence of the country, and the confidence of the majority of the representatives of the country in the Assembly, and was doing good work, with which the Assembly and the country at large was satisfied. If so, it appeared to him that was a very good reason why they should continue in office, so long as they did good work. What would be gained by turning them out of office? Was it not a fact that the curse of the other Australian colonies had been the instability of their Governments? When in Victoria last year, some of the leading statesmen of that colony told him, when talking of this constitutional question, that they considered it would be a very wise thing for us to frame our Constitution on the lines of the American Constitution, and endeavor to secure a stable Government, and so avoid the evils which the Australian colonies had suffered from the instability of their administrations. It had been said—and he had admitted it himself—that no doubt the time would come when, notwithstanding those evils, this colony would have to follow in the steps of the sister colonies, as regards its political institutions. But he hardly thought we ought to do so at one step. He thought it would be safer if the process were a gradual one. Those colonies had been twenty or thirty years working themselves into their present political position, and it was hardly to be expected that this colony on assuming a change of Constitution should find itself immediately, and at

one step, in the same position as those colonies who had been working for so many years under Responsible Government. Self-government with them now was a plant in full bloom. That could not be said to be the case in Western Australia; we must give it time to grow, and, in the meantime, endeavor to profit by the experience of our neighbors.

MR. GRANT said he was quite at variance with those who asked for long Parliaments in a young colony. They all knew what acts of tyranny had been committed under long Parliaments in other countries, because they felt that they had a long lease of life. In Victoria, at one time, before triennial Parliaments came into vogue, the Ministry felt itself so strong and independent that they actually carried a measure to grant themselves pensions, and he believed there was one of them still alive, drawing that pension to this day, which he had helped to vote for himself. He alluded to the present Sir Gavan Duffy. In a small House like ours this evil of long Parliaments would be more dangerous still; and we ought to be very careful indeed not to have our Parliaments fixed for too long a period. We should find our Ministries doing just what they liked if they felt they were secure in office for four or five years, and that there was no danger of their being to the "right-about" now and then, and have to face the country. This was an evil which would probably affect the Northern districts more than this part of the colony. It would encourage centralisation, and all power would be centred in the principal towns, and in those places where influence could be brought to bear upon the Ministry; whereas, if you had a Ministry that had the fear of the country at large before its eyes, the whole colony might expect to be treated with some show of justice and fairness. He should vote for short Parliaments himself, and would prefer three years to four.

The committee divided on the question of inserting "four" in lieu of "five," with the following result—

Ayes ...	...	...	16
Noes ...	...	...	7
—			
Majority for	...	...	9

AYES.
 Mr. Burt
 Mr. Congdon
 Hon. J. Forrest
 Mr. A. Forrest
 Hon. Sir M. Fraser, B.C.M.G.
 Mr. Harper
 Mr. Paterson
 Mr. Randell
 Mr. Rason
 Mr. Richardson
 Mr. Shenton
 Mr. Sholl
 Hon. Sir J. G. Lee Steere, Kt.
 Mr. Venn
 Hon. C. N. Warton
 Mr. Parker (Teller.)

NOES.
 Mr. De Hamel
 Mr. Grant
 Mr. Keane
 Mr. Leton
 Mr. Marmion
 Mr. Pearse
 Mr. Scott (Teller.)

MR. SCOTT said it would be useless for him, in the face of the division that had taken place, to press the amendment standing in his name, in favor of reducing the term to three years; therefore he did not propose to move it.

Clause 14, as amended, was then put and passed.

Clauses 15, 16, and 17:—

Agreed to, *sub silentio*.

Progress reported.

The House adjourned at a quarter past four o'clock, p.m.

LEGISLATIVE COUNCIL,

Friday, 22nd March, 1889.

Construction of railway platform at Chidlow's Well—
 Boring plant for Yilgarn goldfields—Clackline Reservoir and new railway platform at Chidlow's Well—
 Telegraph wire used in construction of Derby and Wyndham line—City of Perth (Mr. Horgan's) Election Petition—Constitution Bill: in committee—
 Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

PRAYERS.

CONSTRUCTION OF RAILWAY PLATFORM AT CHIDLOW'S WELL.

MR. SHENTON, in accordance with notice, asked the Honorable the Commissioner of Railways:—

1st. Whether tenders were called for the timber used in the construction of