

LANDS (Hon. C. Sommers) read a first time.

The Standing Orders having been suspended, the Bill was passed through the remaining stages without debate, and returned to the Legislative Assembly without amendment.

SUSPENSION.

THE MINISTER FOR LANDS: As I understand the Hon. M. L. Moss will accept office in the new Ministry, and as I believe he is now absent from the House for the purpose of being sworn-in by His Excellency the Governor, I would suggest that, in order that we may be able during this sitting to declare the seat vacant and have the necessary writ issued, the President do leave the Chair for a short time.

The PRESIDENT again left the Chair, and resumed it at 6:25 o'clock.

MINISTER (NEW)—SEAT VACATED.

THE PRESIDENT: I have received the following communication:—

Colonial Secretary's Office, Perth,
21st November, 1901.

Sir,—In compliance with Section 30, Sub-section 3, of "The Constitution Act Amendment Act 1899," I beg to notify you that His Excellency the Governor has been pleased to appoint the Hon. Matthew Lewis Moss, M.L.C., to be Colonial Secretary.

I have the honour to be, sir,

Your obedient servant,

M. L. Moss, Colonial Secretary.

The Hon. the President
of the Legislative Council, Perth.

HON. C. SOMMERS (ex-Minister): The Hon. M. L. Moss, one of the members for the West Province, having accepted one of the principal executive offices of the Government, I beg to move:

That the seat of the Hon. M. L. Moss be declared vacant, he having accepted an office of profit under the Crown.

HON. G. RANDELL: I second the motion.

Question put and passed.

HON. C. SOMMERS: I beg to farther move:

That the President cause a writ to be issued for the election of one member for the West Province, to supply the vacancy so caused.

Question put and passed.

LEAVE OF ABSENCE.

HON. R. S. HAYNES (Central), by leave without notice, moved:

That seven days' farther leave of absence be granted to the Hon. J. M. Drew, on the ground of urgent private business.

The Standing Orders provided that a member absenting himself for more than 14 days without leave should be liable to a penalty for contempt. Mr. Drew was in Geraldton; and there had been no necessity for his attendance this week, the business having been purely formal.

HON. C. SOMMERS (North-East) seconded the motion.

Question put and passed.

ADJOURNMENT.

On motion by HON. C. SOMMERS, the House adjourned at half past six o'clock until Tuesday, the 17th December.

Legislative Assembly,

Thursday, 21st November, 1901.

Paper presented—Message: Prince of Wales, Acknowledgment—Leave of Absence—Supply (temporary): Statement by Retiring Premier, Ministers-elect—Select Committees, Farther Extension—Supply Bill, all stages—Ministers Sworn-in; Seats Vacated—Adjournment (re-elections).

The SPEAKER took the Chair at 4:30 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By the COMMISSIONER OF RAILWAYS: Railways Report (annual), 1901.

Ordered to lie on the table.

MESSAGE—PRINCE OF WALES, ACKNOWLEDGMENT.

THE SPEAKER read the following Message from the Governor:—

ARTHUR LAWLEY,
Governor.

The Governor has the honour to inform the Legislative Assembly that, on the 19th instant,

he received the following telegram from the Right Honourable the Secretary of State for the Colonies:—

"The Prince and Princess of Wales request you to convey to Members of the Legislative Council and Legislative Assembly sincere thanks for kind congratulations, which are highly valued."

Government House, Perth,
20th November, 1901.

LEAVE OF ABSENCE.

On motion by MR. RASON, by leave without notice, leave of absence for one fortnight was granted to the member for West Kimberley (Mr. Pigott), on the ground of urgent private business.

On motion by MR. GEORGE, by leave without notice, farther leave for one fortnight was granted to the member for North Fremantle (Mr. Doherty), on the ground of urgent private business.

SUPPLY (TEMPORARY)—STATEMENT BY RETIRING PREMIER.

MINISTERS-ELECT.

THE PREMIER (Hon. G. Leake) rose and said: The House will be asked this afternoon to pass a Supply Bill for £600,000; that is to enable the incoming Ministry to discharge their duties during the coming recess (re-elections). I have an assurance from the member for Coolgardie (Mr. Morgans), who is the Premier-elect, that he has formed his Ministry; and I have also a communication from His Excellency the Governor, in these words:—

The following is the list of the Ministers whose names have been submitted to me for approval, whom I propose to swear in this afternoon, namely:—

Mr. A. E. Morgans, Premier and Colonial Treasurer.

Mr. F. Moorhead, Attorney General.

Mr. F. Wilson, Commissioner of Railways.

Mr. T. F. Quinlan, Minister for Works.

Mr. Nanson, Minister for Lands.

In the Legislative Council:

Mr. Moss, Minister for Mines and Colonial Secretary.

I shall, in a few moments, find myself in the unique position of a Premier who has been asked on two occasions to supply funds for his opponents, to shoot him out of office. [MR. GEORGE: Hear, hear.] On a recent occasion I granted to the leader of the Opposition, Mr. Piesse, a Supply Bill; and now I find I am moving on behalf of the

member for Coolgardie (Mr. Morgans) for another Supply Bill, to enable him—to consider his position.

MR. GEORGE: To carry on the affairs of the country.

THE PREMIER: I congratulate the House that the member interjecting is not in the Ministry. I am glad to say that from this side of the House we have been able to contribute three members to the present Ministry; and I hope that there will be a certain degree of success during the recess, to the gentlemen who are offering themselves at the poll. I need hardly say that my sympathies are against the new Government. I do not think it necessary for me to do more than announce my intention this afternoon. I desire to ask my friends on this side of the House, at the proper moment, to pass this Supply Bill without any comment at all. The Government recognise the constitutional difficulty which would arise if any Ministry were in power without sufficient funds to administer the affairs of the State. This is a case where I think we are justified in rising above the level of party politics, and considering only the interests of the State.

HON. F. H. PIRSE: I am glad to hear that.

THE PREMIER: Therefore I make this announcement with some degree of pleasure, that I shall be relieved of the task which has been imposed on me during the last five months. Again I take the opportunity of thanking very cordially those hon. members who throughout this session have supported me in the performance of what have been somewhat arduous duties.

SELECT COMMITTEES—FARTHER EXTENSION.

THE PREMIER (Hon. G. Leake): There are several select committees' reports yet to come before the House; and it has been pointed out to me that it will be necessary to extend the time for the presentation of those reports. I understand the intention of the member for Coolgardie (Mr. Morgans) is that the House should adjourn until the 17th December. In view of this, I suggest to the House to support the motion I now move, that the time for bringing up the reports of select committees be extended

till the 20th December. Does that meet with the approval of hon. members?

HON. F. H. PIESSE: Yes.

Question put and passed.

SUPPLY BILL (£600,000).

Message from the Governor received and read, recommending a farther appropriation for the service of the year.

On motion by the PREMIER, Standing Orders suspended for the purpose of considering His Excellency's Message and passing the necessary Supply Bill through all stages.

In Committee of Supply and in Committee of Ways and Means, formal resolutions passed without debate.

Bill introduced by the PREMIER; passed through all stages without debate, and transmitted to the Legislative Council.

SUSPENSION.

THE PREMIER (Hon. G. Leake): My duties as leader of the Government are now concluded. I suggest that you, Mr. Speaker, should leave the Chair till half-past five, to enable the Supply Bill to be passed through all stages in the other House, and a Message returned to us. I understand that immediately the Council have passed the Bill, the new Ministers will be sworn in at Government House. Then when we resume, the only remaining duty will be to declare vacant the seats of those members who have accepted office in the Ministry, with the object of enabling you, Mr. Speaker, to issue new writs at once.

THE SPEAKER: Will not half-past five be rather soon? But, of course, I need not take the Chair if things are not ready. It has been suggested that I leave the Chair, and take the Chair again at half-past five.

THE SPEAKER left the Chair for a short time, and resumed it at 5:30 o'clock.

PREMIER-ELECT—STATEMENT.

MR. A. E. MORGANS (Coolgardie) rose in his place at this stage, being greeted with applause from both sides of the House, and said: I desire to convey my thanks to the hon. gentleman, the member for West Perth (Hon. G. Leake), for having brought in this Supply Bill;

and I desire to say that I think he has, in doing so, acted in an absolutely constitutional manner. He has given the position due consideration, and acting on true principles he brought in the Bill; and on behalf of myself and my colleagues I thank him for having done so. The only thing I regret in connection with it is the reference he made to my friends on the other side of the House who have joined my Ministry. I am sure he did not do it in any ungenerous spirit or with any ungenerous intention; but I suppose it was a passing tribute to their worth as members while sitting on his side of the House. [Hear, hear, and laughter.] However, I now beg to suggest that you, Mr. Speaker, leave the Chair for a short time, until we (Ministers-elect) attend before the Governor for the purpose of being sworn in, and the usual formalities in connection with the procedure in these cases will be fully carried out afterwards. If this be in accordance with your view, sir, I beg to suggest that you leave the Chair until 6 o'clock.

The SPEAKER again left the Chair, and resumed it at 6:17 o'clock.

MINISTERS SWORN-IN—SEATS VACATED.

THE SPEAKER: I have to inform the House that I have received the following letter from the Colonial Secretary:—

Colonial Secretary's Office,
Perth, 21st November, 1901.

Sir,—In compliance with Section 30, Subsection (3), of "The Constitution Acts Amendment Act 1899," I beg to notify you that His Excellency the Governor has been pleased to make the following appointments:—

Alfred Edward Morgans, Esquire, M.L.A., to be Colonial Treasurer.

Frederick William Moorhead, Esquire, K.C., M.L.A., to be Attorney General.

Frank Wilson, Esquire, M.L.A., to be Commissioner of Railways and Minister for Mines.

Timothy Francis Quinlan, Esquire, M.L.A., to be Minister for Works.

John Leighton Nanson, Esq., M.L.A., to be Minister for Lands.

I have, etc.,

M. L. Moss, Colonial Secretary.

His Honour The Speaker,
Legislative Assembly, Perth.

Owing to these gentleman having accepted office, a resolution will have to

be passed by this House declaring their seats vacant.

MR. C. H. RASON (Guildford): In consequence of the information just given to the House, I beg to move that the seats of the hon. member for Coolgardie (Mr. Morgans), the hon. member for Toodyay (Mr. Quinlan), the hon. member for Perth (Mr. Wilson), the hon. member for North Murchison (Mr. Moorhead), and the hon. member for Murchison (Mr. Nanson) be declared vacant.

MR. W. B. GORDON (South Perth): I second the motion.

Question put and passed.

ADJOURNMENT (RE-ELECTIONS).

MR. RASON moved that the House at its rising do adjourn until Tuesday, the 17th of December.

Put and passed.

The House accordingly adjourned at 6-21 o'clock, until Tuesday, the 17th December.

Legislative Council,

Tuesday, 17th December, 1901.

New Member (West Province)—Privilege: Ministerial Vacancy (objection)—Adjournment.

The PRESIDENT took the Chair at 4-30 o'clock, p.m.

PRAYERS.

NEW MEMBER (WEST PROVINCE).

The PRESIDENT reported the return of election writ issued by him for the vacancy in the West Province (Hon. M. L. Moss having accepted the portfolio of Colonial Secretary), and that Mr. Robert Laurie had been duly elected to the vacancy.

MR. LAURIE (introduced by Hon. H. Briggs) having taken the oath and subscribed the members' roll, took his seat.

PRIVILEGE—MINISTERIAL VACANCY.

HON. R. S. HAYNES (Central) said: Before the business is proceeded with, I desire to draw the attention of the House, as a matter of urgency and privilege, to an existing breach of Section 43 of the Constitution Act. I may say at once that the matter is perfectly clear, and practically admits of no argument. The only question will be what course the House will adopt, if any of its rights or privileges are invaded. By Section 5 of the Constitution Act 1899, it is enacted:

'The Legislative Council shall consist of thirty elected members, who shall be returned and shall sit for electoral provinces as herein-after stated and defined.

At the present time there are thirty elected members of the Legislative Council. There is no vacancy. There was a vacancy, but that has been filled. By Section 43 it is enacted:

'There may be six principal Executive offices of the Government liable to be vacated on political grounds, and no more.

And by Sub-section 3 it is enacted:

One at least of such Executive offices shall always be held by a member of the Legislative Council.

At the present time there are thirty members, and one of the principal offices of the Executive is not held by a member of the Legislative Council; therefore directly the House met to-day there was a breach of Section 43 of the Constitution Act.

HON. J. M. SPEED: What is the meaning of "may be six principal Executive offices?"

HON. R. S. HAYNES: There may be six, or there may be less, but at all events one member of the Executive must be a member of this House. On that point there can be no doubt whatever. The words are too clear to admit of argument; consequently we have a House of thirty members, one member of which should be a member of the Executive; but to-day we have no member of the Executive amongst us, and that is a continuing breach of the Constitution Act. It will continue until the office is filled. I submit, with great respect, that the