

towards the native population of her Australian colonies. It was true that no provision for this had been made in the Constitution Act of the other colonies, but it was now acknowledged by Imperial statesmen that a great mistake had been committed in not making this or some other provision in the interest of the aboriginal race. As to the native population dying out, there were thousands upon thousands of natives in the interior of our territory who had never seen a white man and this clause was intended for the benefit of all these natives hereafter. It must be remembered that we had only settled about one-fourth of our territory yet, and that three-fourths of it was almost unknown. He thought the Home Government, if he might be allowed to say so, was only doing its duty, and doing what was right, towards the aborigines, when it insisted upon some provision being made for their future welfare and protection. He thought there was every necessity for making such a provision, for, although the treatment of the natives in this colony, as a rule, had been a humane treatment, there were exceptions to that rule, and he believed there were many cases of great cruelty towards natives. [Mr. RICHARDSON: By the Government?] No; by individual settlers, pioneer settlers. He had never, himself, been one who admitted that the natives had been treated with uniform kindness; and he thought it was very desirable that there should be an Aboriginal Protection Board, to watch over their interests, especially on the outskirts of civilisation. As to its being a slur upon the colony, he considered it no slur at all, but a very reasonable provision on the part of the Home Government, when handing over this vast territory to us. Although the Board would be a statutory body, and, in a sense, independent of Parliament and of the Government, practically it would not be so. We might depend upon it, the Board would act in concert with the Ministry of the day and the Governor of the colony; and it was preposterous to suppose that it would work contrary to the interests of the colony. He was sorry that any opposition had been shown to this clause, as it might lead the Home Government to imagine that we really did intend to act

unfairly towards the natives, if we got our own way.

MR. MARMION thought the Legislature might be always trusted to vote what was necessary for this Board, in the event of the unexpended balance in any year reverting to the consolidated revenue. He did not think there need be any apprehension on that score, and that it would be only justice to ourselves to insert these words.

Question put—that the words proposed by Mr. Scott be inserted:

The committee divided, with the following result:—

| | | | | |
|------|-----|-----|-----|----|
| Ayes | ... | ... | ... | 10 |
| Noes | ... | ... | ... | 12 |

Majority against ... 2

| AYES. | NOES. |
|---------------------|--|
| Mr. De Hamel | Mr. Congdon |
| Mr. A. Forrest | Hon. J. Forrest |
| Mr. Grant | Mr. Keane |
| Mr. Loton | Mr. Morrison |
| Mr. Marmion | Mr. Pearce |
| Mr. Parker | Mr. Randall |
| Mr. Paterson | Mr. Shenton |
| Mr. Richardson | Hon. Sir J. G. Les Steere, Kt. |
| Mr. Skoll | Mr. Venn |
| Mr. Scott (Teller.) | Hon. C. N. Warton |
| | Hon. J. A. Wright |
| | Hon. Sir M. Fraser, <i>s.c.m.c.</i> (Teller.) |

Clause 70 was then agreed to.

Clause 71:

Adopted without comment.

Progress reported, and leave given to sit again.

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

LEGISLATIVE COUNCIL,

Thursday, 28th March, 1889.

Removal of Railway locomotive from Bunbury—Constitution Bill: further considered in committee—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

REMOVAL OF RAILWAY ENGINE FROM BUNBURY.

MR. VENN, by leave, without notice, asked the Commissioner of Railways if it was a fact that it was the intention of the Government to remove the only locomotive available for work on the Bunbury-Boyanup railway from Bunbury by the steamer leaving the following day. The hon. member read a telegram he had just received from Bunbury on the subject, and said that must be his excuse for moving in the matter without notice.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright) said it was the intention of the Government to do so, because it was required in Perth, and could do good work upon the Eastern railway; and a contract had been entered into with the contractor for the working of the railway between Bunbury and Boyanup, by horse power, for a term of three to five years.

MR. VENN said it was a well-known fact that there had been a recent discovery of tin in the Southern districts, which was likely to be developed almost immediately, and would absolutely necessitate the running of this locomotive. He would like, with permission, to move a resolution at once, as it would be too late if he moved it the following day.

THE SPEAKER said the hon. member must give notice.

CONSTITUTION BILL.

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

Consolidated Revenue to be appropriated by Act of the Legislature. Debenture or any other charges on Consolidated Revenue Fund not to be affected by such consolidation. Rights of Civil Servants reserved.

Clause 72.—“After and subject to the charges hereinbefore mentioned, all the Consolidated Revenue Fund shall be appropriated to such purposes as any Act of the Legislature shall prescribe. Provided that nothing in this Act shall affect the payment of the annual interest or the principal sums mentioned in any outstanding debentures, or of any other charge upon the public revenue, as such interest, principal, or charge becomes due. Nor shall anything in this Act affect any pensions or superannuation allowances which at the commencement of this Act are by law

“chargeable upon the public revenue of the colony, but all such pensions and superannuation allowances shall remain and be so chargeable, and shall be paid out of the Consolidated Revenue Fund, and all rights and benefits which at the commencement of this Act are by law claimable by, or accruing, to any civil servant of the Government are hereby reserved and maintained.”

MR. BURT said there was a notice in his name, to strike out the following words at the end of the clause: “and all rights and benefits which at the commencement of this Act are by law claimable by, or accruing to, any civil servant of the Government, are hereby reserved and maintained.” This proposed amendment, he said, had been in print for some time, and he had been thinking over it somewhat since he had tabled it. The last thing he would desire to do was to interfere in any way with the claim of any public servant, under the Superannuation Act, or with any other claim he might have. What he desired was to get rid of those intricate Colonial Office Regulations, which at present seemed to guide the action of the Government in respect of their public officers. As he stated on a former occasion, these regulations tended to hamper the Government, in a great measure, in dealing with the case of any public officer who was in receipt of a salary of £100 and upwards; and what he wanted to get at was some way of getting rid of these regulations, so as to give the new Government greater freedom of action in dealing with their officers. But he had not had time to consider the matter since, and he was not at all sure whether this amendment, if carried, would not affect the superannuation claim of civil servants; therefore—as he had not the slightest desire to affect any man’s superannuation claim—he was inclined to withdraw it, and introduce something else, when the bill was recommitted.

THE CHAIRMAN: The hon. member does not propose to go on with it?

MR. BURT: No.

Clause put and passed.

Legislature as constituted by this Act empowered to alter any of its provisions.

Clause 73.—“The Legislature of the colony shall have full power and

"authority, from time to time, by any Act, to repeal or alter any of the provisions of this Act. Provided always, that it shall not be lawful to present to the Governor for Her Majesty's assent any Bill by which any change in the Constitution of the Legislative Council or of the Legislative Assembly shall be effected, unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly respectively. Provided also, that every Bill which shall be so passed for the election of a Legislative Council at any date earlier than by Part III. of this Act provided, shall be reserved by the Governor for the signification of Her Majesty's pleasure thereon."

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said he had an amendment to move in this clause. It would be seen that the clause gave the Legislature full power to repeal or alter any of the provisions of this Act, but that there must be an absolute majority of the two Houses in favor of any measure affecting the Constitution itself before such measure could be assented to. There was also a proviso at the end of the clause that any bill passed dealing with the election of a Legislative Council, at any date earlier than the time fixed under the bill, shall be reserved by the Governor for the signification of Her Majesty's pleasure thereon. He proposed to include in this proviso any bill dealing with the Civil List, ministerial salaries, retiring pensions, the grant to the Aborigines Board, and other charges upon the Consolidated Revenue Fund. He thought the committee would be with him in that; and the amendment he had to move would, he believed, be unobjectionable. It was to insert the following words, between the word "provided" and "shall" in the last line but two of the clause: "and every bill which shall interfere with the operation of sections 69, 70, 71, or 72 of this Act, or of Schedules B, C, or D, or of this section."

MR. MARMION said he should decidedly oppose this amendment. He thought, at any rate, they ought to have

ample time to consider the effect of it, before they accepted it. It deals with some very important clauses of the bill, and among them the clause dealing with the amount payable to the Aborigines Protection Board, and also the clause dealing with the salaries of Ministers. He did not mean to say that there had been any intention to spring this amendment upon them, but it had been brought forward without any notice whatever. [The COLONIAL SECRETARY: It was an omission.] It was a very important omission—so important that he hoped the committee would absolutely refuse to deal with it at this stage.

MR. PARKER said he understood the Attorney General the other day to say that the whole of this bill, except Part III.—which was not the part they were now dealing with—had been seen and approved by the Secretary of State for the Colonies; therefore this clause, as it now stood, had been approved by the Secretary of State, and, that being so, there appeared to him (Mr. Parker) to be no reason why they should be now called upon to alter it and to make it more stringent. He took it that, as regards Clauses 69 and 70 (dealing with the Civil List and the sum payable to the Aborigines Protection Board), and also as regards Clause 71 (dealing with the retiring compensation to certain officers) no Governor would assent to any bill making alterations in those clauses, without reserving the bills for the signification of Her Majesty's pleasure thereon; in fact no Ministry, he should imagine, would ever suggest such a thing. But he certainly strongly objected to Clause 72 being included in the same category. Why should the Legislature not have power to alter that clause, if it thought proper, and apply such regulations as the Government of the day might consider advisable in the interests of the country, for dealing with its civil servants? The Secretary of State had made no objection to this clause, and why should the Government come forward and seek to hamper, unnecessarily hamper, the action of a future Parliament in this way?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said members must be aware that this had been caused by communication between this Government

and the Home authorities since the bill was first framed; and he thought it was understood and agreed to by the House, generally, that all such matters as were not clearly defined in this bill should be held among those which should not become law without the Royal Assent. The Government were doing this under instructions, and he was quite sure that the feeling among members, generally, was to make the bill as perfect as possible, and at the same time as much in accord as possible with the desire of Her Majesty's Government; and in a friendly way he might be allowed to say that, in his opinion, it would be well to concur in this amendment, and not to obstruct the insertion of these few words, which were not likely to interfere with the utility of the bill in any way. It would show good faith, and a desire on the part of the House to agree as far as possible with Her Majesty's Government; and that it would be impolitic to resist it. He believed it would facilitate the passage of the bill, if this amendment were agreed to. He had not been in a position to have given notice of it before, otherwise he would have willingly done so. He must, therefore, rely upon the good feeling of the House in the matter.

MR. PARKER said the hon. gentleman informed them that it had been brought forward under instructions. Might he ask whether those instructions had been laid on the table of the House, with the other papers? He understood His Excellency had forwarded to the House all the despatches that had passed between him and the Secretary of State on the subject, but he did not remember seeing anything about inserting this provision in the bill. [THE COLONIAL SECRETARY: By telegraph.] He thought the Governor had laid all the telegrams also on the table; if not, he thought it might facilitate the passage of this amendment if the Colonial Secretary were to lay any telegrams relating to this matter before the committee.

MR. MARMION said if the Colonial Secretary was in a position to show him personally that such a provision as this existed in the Constitution Acts of any of the other colonies, there would be no great opposition on his part to it. But he did not see why the Constitution Bill of this colony should be saddled with

conditions which did not find a place in the Constitution Acts of any other colonies. Why should it be so? Were we less to be trusted than the other colonies, that it should be considered necessary to have this exceptional legislation in the case of this colony? Had it ever been heard of the Government or Parliament of any British colony ever suggesting a reduction in the Civil List granted to Her Majesty? Why should such a slur be cast upon this colony, as this suggestion that we were not to be trusted in such matters? If he stood there alone, he should divide the House upon it, unless it could be shown to him that a similar provision existed in the Constitution Bills of the other colonies, when they took upon themselves Responsible Government.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) did not see why the hon. member for Fremantle should show so much warmth about this matter. What did these clauses and schedules referred to in the amendment deal with? Clause 69 provided that a certain sum should be payable to Her Majesty out of the consolidated revenue, in the shape of a Civil List. He thought there was nothing very exceptional in requiring that any bill intended to interfere with that undertaking should receive the Royal Assent before it became law. There was nothing very singular about that, no more so than the provision already contained in the clause that no bill seeking to effect any change in the Constitution shall become law before it received the assent of Her Majesty. He thought it was in every way desirable that these matters, such as the salaries of the Governor, the Judges, and the Ministers of the Crown, should be surrounded with every safeguard, to protect them from any undue interference on the part of Parliament hereafter. He thought the sooner the better hon. members understood that these were matters that were not to be interfered with, without grave consideration. There was nothing to prevent—nor was it intended to prevent—that House hereafter passing a bill to alter the salaries specified in Schedule B, or to alter the amount of the contribution towards the natives, or the pensions or retiring allowances in Schedule D; all that was asked was that before such a change

should have the force of law it should receive the assent of Her Majesty. The Governor would simply be prohibited from giving his assent to such a measure at once, as a matter of course. He did not see any great hardship, or anything very exceptional about that. Even if a Governor gave his assent, there was a time allowed within which Her Majesty might, if she pleased, exercise her right to disallow the bill. It would only mean a few months' delay in any case; and a few months' delay in the history of this colony was not likely to be a matter of such momentous importance, even when we did get Responsible Government.

MR. MARMION said if members did not mind what they were about we would not have more power under Responsible Government than we had without it. We should be tied hand and foot, and have to refer everything to the Secretary of State for the Colonies. If that was going to be it, he thought we had better remain under the present form of Government, sooner than incur the larger responsibilities, and still be tied down hand and foot.

THE ATTORNEY GENERAL (HON. C. N. Warton) said they must bear in mind what this bill was, for, to the mind of some members—and among them the hon. member for Fremantle—it would appear as if it were merely a bill to confer a Constitution on the colony, whereas, as its title implied, it was a bill to confer a Constitution and also to grant a Civil List to Her Majesty. The bill had a twofold aspect. So far as constitutional matters were concerned—that was to say, what kind of an Upper House they should have, what the franchise should be, or what the qualification should be, the only restriction as regards future legislation affecting the bill was that such legislation should be passed with the concurrence of an absolute majority of both Houses. That was one aspect of the bill. Another aspect of the bill was the provision made in it for granting Her Majesty a Civil List. It was a kind of bargain. The Civil List, in one sense, was the price paid for what they might call constitutional liberty, and it was obvious that legislation affecting the Civil List should stand in a different position from that relating, say, to the franchise or to the qualification of members. It would

not be politically moral to seek to alter these pecuniary matters which constituted what was known as the Civil List, or, in other words, the price which the colony agreed to pay for the privilege of self-government. As he had already said, the whole of this bill except Part III. (relating to an elected Upper House) had been sent out from England, approved by the Secretary of State; and over and over again he had urged upon the House not to make any material amendments in the bill—except in Part III. which had not been sent from Home—if they wished the bill to become law without further delay. It had been asked, why this amendment by the Government in a clause which had already received the imprimatur of the Secretary of State? Well, there was nothing like the truth, and, if he was asked the question, he could only say he knew nothing about the matter himself, until his hon. friend, his leader, rose to move it. It took him as much by surprise as it had taken anybody else. Now, however, he did know something about it; for it appeared it had come in the form of a telegram from Home, requiring its insertion. That showed how closely our proceedings were watched at Home. He thought he might argue that from this one particular point. *Ex uno disce omnes*. And he would ask, was it not desirable that we should now know, while the bill was under consideration, what the points were which the Secretary of State would insist upon; so that no time should be lost. He could see the necessity for the amendment. It could not be desirable that any alteration of the Civil List should be effected by a simple majority of the two Houses—a majority of 16 to 14 in one House, and of 8 to 7 in another House. As he had said, this was a pecuniary arrangement between the colony and the Crown, in the nature of a bargain or contract; and he would ask, was it not fair, in the event of any alteration of that contract being proposed by one party to the contract, that the Crown (the other high contracting party) should have a voice in the matter? This was the distinction which was drawn between the constitutional part of the bill, and the Civil List or pecuniary part of the bill. Bills affecting the former could be assented to by

the Governor, if passed by a majority of the two branches of the Legislature; bills affecting the latter were to be reserved by the Governor for the signification of Her Majesty's pleasure thereon. Could it be said that there was anything unreasonable or exceptional about that?

MR. SHENTON suggested that during the adjournment for luncheon the Colonial Secretary should obtain a copy of the telegraphic correspondence which had led to this amendment being introduced so suddenly.

MR. MARMION said, if this amendment were carried, the colony would not even increase the salary of the Governor, or the Judges, or its Ministers, without a reference to the Home authorities. If we wanted to give the Prime Minister an extra £100 a year, we could not do it without first obtaining the assent of the Secretary of State or Her Majesty's Government. That appeared to him an absurd position to place the colony in.

MR. PARKER said he found that in Victoria they reduced the salary of the Governor and of Ministers there, very shortly after the Constitution came into force; and he believed some of the other colonies had also reduced these salaries.

After the adjournment for lunch,

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said, as a desire had been expressed that the committee should be placed in possession of the telegraphic correspondence which had given rise to this amendment, he had during the adjournment obtained a copy of those telegrams. The first was from the Governor to the Secretary of State, dated 14th March, 1889, as follows: "Constitution of the Colony Bill. Should not legislation interfering with financial schedules or native affairs be reserved?" To this the Secretary of State replied on the 15th March: "Referring to your telegram of the 14th March, legislation should be reserved." He hoped the hon. member for Fremantle was satisfied now. He understood the principal objection was as regards the schedules. With regard to Schedule B. (salaries), as members were aware, it was perfectly competent for Parliament to move to increase any salaries, as it thought fit, in the same way as salaries had been increased by votes of that House under the

existing law; there was nothing to prevent them from proposing any addition or diminution in the sums specified in this Schedule. Then again as to Schedule C, dealing with the aboriginal grant; there was nothing in this bill to preclude Parliament from passing a bill increasing or decreasing the amount of that grant. It might be, as had been suggested by some hon. members, that the day would come when there would be no necessity for a native grant at all; the natives might all be civilised and able to look after themselves, setting up as farmers or squatters, or what not. As to the other schedule, dealing with the retiring allowances, he could hardly conceive that there would ever be a desire to take away from these sums, or to abolish them altogether, unless for some very grave misdeed on the part of the recipient. In any case, there was nothing in the bill to prevent a future Parliament from proposing any alterations it might deem fit in these schedules; all that was proposed was that any legislation of that kind, before it had the force of law, should receive the approval of Her Majesty's Government. He might add that it was an omission on the part of the Government not to include this provision in the bill; and the omission had been subsequently discovered. The committee were now in possession of all the facts. There was no desire to conceal anything. The Government wished to deal with the House with the utmost candour in all these matters.

MR. MARMION: If this telegram was received so long ago as the 15th March (this being the 28th) why was some notice not given of this amendment? Why should it—I do not wish to use the word in an offensive sense—why should it be sprung upon the House at this stage of the proceedings?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I thought I had already explained that it was overlooked. It was an omission. I confess it was an omission. But the notice of the Government has been brought specially to it. I really see no possible objection to it.

MR. SCOTT said he agreed with the hon. member for Fremantle that notice should have been given of an important amendment like this, for it appeared to him that it was an important amend-

ment. No one had been more persistent than the leader of the Government in insisting upon other members giving notice of intended amendments; and notice should, undoubtedly, have been given of this.

MR. SHOLL said it was strange, if the Government thought it was such an important matter as to necessitate a telegram to the Secretary of State, that they should not have thought it worth while to bring the matter before the House, and not spring it upon them in this way.

THE ATTORNEY GENERAL (Hon. C. N. Warton) thought it was hardly fair to accuse the Government of springing the amendment upon the committee. He agreed it would have been better if notice had been given; for, as he said before, it came as a surprise upon him as much as upon any member on the other side of the House. He really knew nothing at all about it until his leader got up to introduce it. But there could be no intention to spring anything upon the committee. The Government had acted frankly and candidly in all it had done in connection with this bill; no one could say otherwise.

MR. KEANE did not think any member could for one minute doubt the explanation given by the Colonial Secretary; but it was an extraordinary thing that a question which had been made the subject of a telegram to the Secretary of State, a fortnight since, had never been communicated to the House before now. There must have been two or three meetings of the Executive since that telegram was sent Home, and no one had heard of it—not even the Attorney General—until it was sprung upon the House a few minutes ago.

MR. VENN admitted that when he first heard the amendment read he was very much like the hon. member for Fremantle—he felt rather indignant at what appeared on the first blush a most important amendment being brought forward without any notice whatever. Our great object in seeking Responsible Government was to obtain some finality in our legislation, and to obviate the necessity of having to refer everything Home before it became law; and it struck him at first, when he heard this amendment read, that this would do away with a good deal of that finality in

legislation which we were aiming at, and considerably curtail our powers under Responsible Government. But looking at the question from a broader point of view, and remembering so long as we formed an integral portion of that great British Empire of which we were all proud, there was always a power reserved by Her Majesty to veto any legislation affecting all matters of Imperial concern—looking at the matter from this point of view, he really did not see that there was anything to be gained by omitting these words from the bill. Whether we introduced them or not, we knew that this power existed, and that it would be quite competent for the Imperial Government to issue instructions to the Governors of this colony to reserve all bills dealing with these questions for Her Majesty's pleasure. It might be said that it was a different thing to instruct a Governor to do so, if he thought necessary, and to compel him by statute to do so. But, practically, the result would be exactly the same. Looking at the matter calmly, he did not see any great objection to the insertion of these words, or that it would practically alter our position as a legislative body or derogate from our independence or dignity in any way.

MR. MARMION said there was a wide difference in a Governor having a discretionary power of reserving a bill and compelling him to reserve it, even, possibly, against the advice of his responsible Ministers. Why should not the Governor be allowed to exercise this discretionary power in respect of legislation affecting these particular clauses? He could not help expressing his regret that the suggestion, apparently, had emanated from His Excellency himself in this case, as it had done in the case of native legislation. He regarded both as very objectionable features in the bill, and he was sorry to find that His Excellency the Governor, who had done so much, as they thought, to expedite the introduction of Responsible Government, should have been the one who suggested these objectionable features of the bill to the Secretary of State—objectionable from the point of the elected side of the House. There might have been some excuse if they had emanated from the Home authorities in the first instance, knowing

as we did the ignorance which, apparently, prevailed at Home as to colonial matters. But His Excellency could plead no such excuse. Therefore it was that he unmistakably thought it was a subject of the greatest regret that the suggestion should have come from the Governor himself. So far as he could, he should feel it his duty to oppose the introduction of this amendment at the present stage of the bill. If necessary, let it be brought forward again when the bill was re-committed.

MR. VENN would like to point out to the hon. member for Fremantle, who had been casting some imputations upon the Governor for his share in this matter—he would like to remind the hon. member that His Excellency was an Imperial officer, a servant of Her Majesty, as well as the Governor of the colony. [MR. MARMION: I am aware of that.] It was therefore His Excellency's duty, if he saw any matter of Imperial concern affected by this bill, to call the attention of the Imperial Government to it. He was the servant of the Crown as well as the administrator of the affairs of this colony; and, as had been pointed out, this bill was a bill not only to confer a constitution upon the colony, but also to grant a Civil List to Her Majesty.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said it must be remembered that the necessity for introducing these words had been brought to their attention since the present bill was framed and introduced; and it was merely an inadvertence that the subject had not been brought before the committee at an earlier stage of the bill. It simply extended the provisions of the clause to matters which, to a certain extent, were matters of Imperial concern as much as of colonial concern; and he was at a loss to understand why there should be the slightest objection to it.

MR. LOTON said it appeared to him that the Government were beginning to think that they had been a little too liberal—[THE ATTORNEY GENERAL: Too lax, rather]—that they had been a little too liberal in framing this bill, and that they were now anxious to make it a little more conservative. For his own part he should have preferred to have seen these matters settled in a different way than reserving them for the Imperial authori-

ties; he should have preferred to have seen them settled, not by a bare majority of the two Houses, but by a larger majority—say a two-thirds majority. The question then would be settled on the spot, without this reference to the Home Government, and, at the same time, there would be every protection afforded against hasty or inconsiderate or unfair action on the part of the colonial Parliament.

Question put—that these words be inserted.

The committee divided, as follows:—

| | | | | |
|------|-----|-----|-----|----|
| Ayes | ... | ... | ... | 14 |
| Noes | ... | ... | ... | 9 |

Majority for ... 5

| AYES. | NOES. |
|------------------------------------|-----------------------|
| Mr. Bart | Mr. A. Forrest |
| Mr. Congdon | Mr. Grant |
| Mr. De Hamel | Mr. Harper |
| Hon. J. Forrest | Mr. Keane |
| Mr. Loton | Mr. Parker |
| Mr. Morrison | Mr. Pearce |
| Mr. Paterson | Mr. Scott |
| Mr. Randell | Mr. Sholl |
| Mr. Shenton | Mr. Marmion (Teller.) |
| Hon. Sir J. G. Lee Steere, Kt. | |
| Mr. Venn | |
| Hon. C. N. Warton | |
| Hon. J. A. Wright | |
| Hon. Sir M. Fraser, <i>ac.c.o.</i> | |
| (Teller.) | |

Clause 73, as amended, agreed to.

MR. MARMION moved that progress be reported. He thought members required a little time to consider whether they had acted wisely in agreeing to the amendment in the last clause.

Negatived.

Appointment to Offices under the Government of the colony to be vested in the Governor.

Clause 74—"The appointment to all "public offices under the Government "of the colony hereafter to become "vacant or to be created, whether such "offices be salaried or not, shall be vested "in the Governor in Council, with the "exception of the appointments of "officers liable to retire from office on "political grounds, which appointments "shall be vested in the Governor alone. "Provided always, that this enactment "shall not extend to minor appointments "which by Act of the Legislature or by "order of the Governor in Council may "be vested in heads of departments or "other officers or persons within the "colony."

MR. MARMION asked whether any of these appointments would vest in the Governor and the present Executive Council—the appointment of the members of the first Ministry, for instance?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said the clause referred to the Governor in Council under the new Constitution.

MR. MARMION: Then who is to carry on the Government during the interregnum, after the present Executive is defunct, and pending the appointment of a Ministry?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): That will be done by arrangement.

Clause agreed to.

Clause 75—Interpretation:

Agreed to, *sub silentio*.

Operation of Act deferred until following Imperial Acts repealed: 13 & 14 Vic., c. 59; 5 & 6 Vic., c. 76; 7 & 8 Vic., c. 74.

Clause 76.—“The foregoing provisions of this Act shall have no force or effect until so much and such part of the following Acts of the Parliament of the United Kingdom—that is to say, 13th and 14th Victoria, chapter 59, intituled *An Act for the better Government of Her Majesty's Australian Colonies*; 5th and 6th Victoria, chapter 76, intituled *An Act for the better Government of New South Wales and Van Dieman's Land*; 7th and 8th Victoria, chapter 74, intituled *An Act to explain and amend the Act for the Government of New South Wales and Van Dieman's Land*—as severally relate to the colony of Western Australia, and are repugnant to this Act, shall have been repealed:”

MR. BURT thought his proposed new clause might come in as part of this clause, postponing the coming into operation of the Constitution Act until certain things had been done. The amendment he wished to see introduced was one deferring the operation of the Act until the control of the lands of the colony was vested in the local Parliament. He therefore moved that the following words be added to the clause: “and the entire management and control of the waste lands belonging to the Crown in the South-West, Eucla, and Eastern Divisions of the said colony of Western Australia,

as defined in the Land Regulations of 1887, and of the proceeds thereof, including all royalties, mines, and minerals, shall have been vested in the Legislature of the said colony; subject, however, to all contracts, promises, or engagements made by or on behalf of Her Majesty with respect to any land situate within the said divisions, in all cases where such contracts, promises, or engagements shall have been lawfully made before the time at which this Act shall take effect within the said colony.” It would be observed that he did not propose to draw the line at any particular parallel of latitude, as regards the control of the land. Lord Knutsford himself, in his earlier despatches, said he had no desire to prejudice the question of the boundary line, in the event of a separation hereafter of the Northern portion of the colony. Since then, he believed, the tropic of Capricorn had been suggested; but he remembered distinctly that when he was in the House some two or three years ago it was considered inadvisable to suggest where the line of demarcation should be—and he thought wisely so—at the present time. For that reason he had refrained from making any specific reference to it in this amendment. He believed the divisions or districts here referred to would land them somewhere about the Murchison, and embraced that portion of the colony where the country was of about the same character, leaving that portion which was of a dissimilar character outside. At any rate, it did not prejudice the question of the line of separation. As to the necessity for this amendment, it did seem to him futile to go in for this new Constitution and have no land with it. It might be said that the Secretary of State had promised us the control of the land, and that no doubt he would fulfil his promise. But that promise, so far as he understood it, only went to this extent: that we should have power to make regulations dealing with the control of the lands. But we wanted something more than that. What we wanted was to have the entire management of the lands, and power to dispose of them, and of the proceeds. We did not wish to find ourselves limited hereafter—when we had got our Constitution—to a mere power to make land re-

gulations. We might find that the Secretary of State would only be able to get that limited power for us from the Imperial Government, and where should we be then? We ought to let them understand exactly, beforehand, what we wanted, and what we expected; and he thought the best way of doing so was to insert this in the bill.

MR. SHENTON thought it would be better to draw the line, as previously agreed upon, at the tropic of Capricorn. He therefore moved, as an amendment, that all the words between "Crown" and "1887" be struck out, and the following inserted in lieu thereof: "Southward of the tropic of Capricorn."

MR. A. FORREST said this was a very important amendment, and he would move that progress be reported.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): Is the object of the amendment to block the bill?

MR. MARMION: The object of the amendment is not to block the bill. The object of reporting progress, I take it, is to give the Government an opportunity of considering the situation. I presume it will be necessary also to make some provision for the management of the lands North of the tropic of Capricorn.

Motion to report progress agreed to.

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

LEGISLATIVE COUNCIL,

Friday, 29th March, 1889.

Irwin Coal Reserve: Concessions granted to Mr. Robyns—Wire used in construction of telegraph line from Derby to Wyndham—Mail service from Williams and Wandering to Albany-Beverley Railway—York as the terminus of the Great Southern Railway—Message (No. 7): Forwarding printed papers re Messrs. Harper and Hackett's Petition—Message (No. 8): Forwarding telegraphic correspondence with Secretary of State re Constitution Hill—Constitution Bill: further considered in committee—Adjournment.

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

PRAYERS.

IRWIN COAL RESERVE: CONCESSION TO MR. ROBYNS.

MR. GRANT: I wish to ask the Commissioner of Crown Lands whether or not any concessions of any portion of the Irwin Coal Reserve have been granted to Mr. Robyns or any other parties, and on what terms; also the reason for making such concessions?

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): A mineral lease, under the Land Regulations, of 400 acres, out of the Coal Seam Reserve has been promised to Messrs. Robyns and Maley. The conditions under which this lease has been promised are:—(a.) That the lease is not to issue till the 1st January, 1890. (b.) That before that date a sum of not less than £1,000 is to be expended in testing the ground, and if this is not done the lease will not issue and the transaction will come to an end. (c.) That the usual rent for mineral lands is to be paid from the date of application. Since this promise of a lease was made, the whole of the remainder of the Coal Seam Reserve, comprising 2,160 acres, has been granted on lease, under the Land Regulations, without any special conditions as to working.

WIRE USED FOR CONSTRUCTION OF DERBY-WYNDHAM TELEGRAPH LINE.

MR. A. FORREST: In accordance with notice, I beg to ask the Director of Public Works—

1. Who prepared the specification for the material used in the construction of the Telegraph Line from Derby to Wyndham?

2. Was said specification referred to the Telegraph Department?

3. When the telegram was received from Mr. Todd, were any steps taken to carry out the suggestion made by him last November by wire, as to having a heavier wire?

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) replied:—

1. A draft specification was made out in the Works Department.

2. The said specification was referred to Mr. Preece, F.R.S., Engineer and Electrician to the Post Office, London, and Consulting Engineer to the Colonies for telegraph business, who approved and saw after the execution of the indents.