

## WESTERN AUSTRALIA.

# PARLIAMENTARY DEBATES.

### FIFTH SESSION OF THE FIRST PARLIAMENT.

#### OPENING OF PARLIAMENT.

*The Fourth Session of the First Parliament was prorogued by His Excellency the Governor on the 13th October, 1893, to the 28th March, 1894; but Parliament was summoned, by Proclamation, to meet, for the despatch of business, on the 20th December, 1893; and the Fifth Session commenced on that day.*

*Parliament was opened by His Excellency the Governor.*

#### Legislative Council,

Wednesday, 20th December, 1893.

Opening of Council—The Governor's Speech—Address in Reply—Absence of Responsible Minister—Adjournment.

#### OPENING OF COUNCIL.

The Council met at three o'clock, pursuant to a Proclamation, which was read by the Clerk of Parliaments.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair.

#### THE GOVERNOR'S SPEECH.

His Excellency Sir William C. F. Robinson, G.C.M.G., entered the Chamber, and the members of the Legislative Assembly, in obedience to His Excellency's command, having attended, His Excellency delivered the following Speech:—

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

"MR. SPEAKER AND GENTLEMEN OF THE  
"LEGISLATIVE ASSEMBLY,—

"I have summoned you for the special purpose of providing for the preparation of the Electoral Rolls under the Act of last session amending the Constitution, no provision having been

"made in the Electoral Act for their compilation prior to the dissolution of the  
"Legislative Assembly.

"2. As the law now stands, in order to proceed at once with the preparation of the Electoral Rolls, the Legislative Assembly would have to be dissolved; but as an immediate dissolution would result in there being no Parliament in existence for about six months, inasmuch as the Rolls cannot be completed under the Electoral Act before the first of June, it is necessary that provision should be made for their preparation prior to the dissolution.

"3. A Bill will therefore at once be submitted to you for this purpose.

"4. The prospects of the colony are in every way satisfactory; the goldfields are attracting great attention, and the yield of gold is rapidly increasing. The public works authorised by you, throughout the colony, are being constructed as quickly as possible.

"5. As this session has been specially convened for the consideration of a particular question, my Government do not propose to bring forward any measures of a general character, and, therefore, I hope your attendance on this occasion will not be necessary for more than a few days.

"6. I now declare this session open."

His Excellency the Governor and the members of the Legislative Assembly then withdrew from the Chamber, and the President (Hon. Sir G. Shenton) resumed the chair.

#### ADDRESS-IN-REPLY.

THE HON. G. W. LEAKE: I venture to propose, sir, an Address-in-Reply to the Governor's Speech, and, in doing so, I feel myself expressly fortunate in having so little to remark on. We are called together for no other purpose than to remedy a mere slip in our legislation. There are no allusions in the Speech to reconstructions of banks, or depressions of any kind. Everything is splendid, and it is, therefore, difficult to find a topic to speak on. Fortunately the gentleman who will second my motion is more used to this sort of work than I am, and he will doubtless be listened to with delight. All I can say is that I hope we shall be dismissed from our labours with promptitude. I move that the following address be presented in reply to His Excellency's Speech:—

*"To His Excellency Sir William Cleaver  
"Francis Robinson, Knight Grand Cross  
"of the Most Distinguished Order of  
"St. Michael and St. George, Governor  
"and Commander-in-Chief in and over  
"the Colony of Western Australia and  
"its Dependencies, &c., &c., &c."*

"MAY IT PLEASE YOUR EXCELLENCY,—  
"We, Her Majesty's loyal and dutiful  
"subjects, the members of the Legislative  
"Council of Western Australia, in Par-  
"liament assembled, beg to assure Your  
"Excellency of our loyalty and affection  
"to our Most Gracious Sovereign.

"We thank Your Excellency for the  
"Speech you have been good enough to  
"address to us, and shall give it our most  
"careful consideration and attention."

THE HON. G. RANDELL: Having to take a somewhat minor part in this matter, it is not my intention to occupy the time of the Council with many remarks. The circumstances which have brought us together are certainly to be regretted; but it seems to me that no member of this Council can fail to remember that he shares the responsibilities with the leader of this House, inasmuch as the Bill was placed before us, and it was our duty almost as much as his to see that it was

correctly phrased and drafted. At the same time, I am sorry to find that the leader of the House is not here in his place to take a prominent part in introducing this Bill, which is to put right that which is wrong in the Act we passed only a short time since. I have recollections of many slips which have been made in the past, and I should be sorry now to reflect upon anyone for having made this one, although, of course, we expect more accuracy in these matters from legal gentlemen than we should from the laity. Under the circumstances, I think the best and wisest step has been taken by the Government, for it would be exceedingly unwise if the Assembly were dissolved, and the country thus left without a Parliament for six months. We do not know what contingencies might arise, and I think the Government deserve praise for what they have done. I am not aware of any injury that will be done by the course which has been pursued, but on the other hand, no doubt, considerable good will accrue. I notice that His Excellency speaks of the prospects of the country being very satisfactory, and I think we should be glad that such an authority has been able to make such a statement. Providence has blessed us with more than an average season, and there can be no question but that the goldfields are attracting much attention, not only in the other colonies, but throughout the world—and deservedly so. I have all along—since the discovery of the Southern Cross field—held the opinion that our goldfields are destined to become important factors in the future progress of the colony, and every day indicates this more and more. In fact, I may say that our future prosperity depends to a large extent upon our goldfields. I know of nothing else that will help us to such an extent. We may carry railways into our agricultural and pastoral districts, but these will have nothing like the effect which the development of the goldfields will give us. I have much pleasure in seconding the motion for the presentation of this Address.

Question—That the address be presented—put and passed.

#### ABSENCE OF RESPONSIBLE MINISTER.

THE HON. J. G. H. AMHERST: As a remark has fallen, from the seconder to

the motion which has just been passed, with reference to the unavoidable absence of the Colonial Secretary, I think it only right that I should at this stage explain to the House my position. I may say that I have been asked to take charge of any Government measures during the absence of the hon. gentleman. I have received a letter from the Hon. the Premier, asking me to take steps to carry through this House the Bill which will shortly come before us, and to take upon myself the duties of the representative of the Government. Before doing so, however, I must leave myself in the hands of the House, for it is for hon. members to decide whether the business shall be carried on without the presence of a responsible Minister.

THE HON. G. W. LEAKE: Oh Lord, yes!

THE HON. J. G. H. AMHERST: After that remark, I will say no more on that point. As regards what has fallen from the seconder of the Address-in-Reply, who regretted the unavoidable absence of the Colonial Secretary, I may read to hon. members a letter I have received from the Premier. Sir John Forrest says: "I shall be glad if you will explain to the Council that the Colonial Secretary is unavoidably absent, and that you have been requested to take charge of the Government business, provided your doing so would be agreeable to the House." I can only now leave myself in the hands of the House, being myself willing, with hon. members' consent, to assist the Government all I can.

THE HON. J. W. HACKETT: In view of the statement which the Hon. Mr. Amherst has just made, I think it essential on the part of this House to put on record some statement of its wish on this matter. It is as well that I should call attention to the peculiar position in which this House is placed. We are, I am sure, agreed that the hon. gentleman who has been asked by the Government to take charge of their business will do his work most satisfactorily, although the business, as far as quantity goes, is unimportant, consisting of only one Bill, which is simple in its character. Even if the work were larger and more considerable, I am convinced the hon. member would do justice to it; nevertheless, the appearance of the hon. gentle-

man in his present position, in itself raises a question of a grave constitutional character, and we should be exceedingly careful how we establish a precedent. The hon. member submits himself to the judgment of the House, and I am satisfied that we shall unanimously accord him our confidence; but at the same time we cannot pass over the fact that the hon. member is only a representative of a representative. He is not the person we are entitled to have under the Constitution Act, he not being a responsible Minister of the Crown. I say we should be careful before we pass over this, because precedents in Parliamentary matters are of all importance. Liberties have been won by precedents, and they may be lost by precedents. It is a fact that in the other colonies the want of a responsible Minister has led to something more than friction and unpleasantness, so much so that the whole of the business has been adjourned until the want has been supplied. On another occasion, it is on record that when an Upper House disapproved of a Minister, a resolution was carried taking the conduct of the business out of his hands, and committing it to the care of a private member. I refer to this case particularly because it is the one my hon. friend invites us to conform to, that is, that the duty of conducting Government business shall be cast upon a private member. In consequence of the unpleasantness and friction which has prevailed in the other colonies, it was considered necessary, when framing our Constitution Act, to provide that a responsible member of the Government should hold a seat in this House. The sixth clause of the Constitution Act of 1889 says that one at least of the Executive officers liable to be vacated on political grounds shall always be held by a member of the Legislative Council. It is a remarkable fact that according to the terms of our Constitution Act it is not necessary for any Minister to be present in the Legislative Assembly; it is only the Legislative Council that has a right to claim that one of the chief officers of State should be a member of its body. Now it was never intended that such a person should be merely a sleeping member, or that he should be at liberty, except under special conditions, to absent himself from the meeting of the

Council; otherwise Sir Malcolm Fraser, who is in London, might be appointed a member, and then it might be insisted that the Act had been complied with. It was not intended, as I say, that he should be an honorary member, but a real, active member, who should be present in the Chamber. The Colonial Secretary is away, and any man may become ill, or find it impossible for private reasons to attend; but what is important to us is that a precedent may not be established by which the member representing the Government may be away during the whole of the session, and it matters not for the purpose of my argument whether the session lasts two or three days or a month. Nevertheless, at the present moment, I think we are all agreed that the Government should be assisted as much as possible, and the suggestion thrown out by the Premier that the Hon. Mr. Amherst should conduct the Government business will, therefore, I hope, be generally accepted. At the same time it is necessary to show the value we attach to the clause in the Constitution Act which gives us the right to have a Minister of the Crown with us, who can arrange the business and keep us in touch with the Government. With the permission of the House, and without notice, I will move, "That this House, while regretting and deprecating the absence for the present session of the Minister representing the Government in the Legislative Council, under the circumstances agrees to the Hon. Mr. Amherst taking charge of the Government business during the present session."

THE HON. J. MORRISON: After the extremely courteous manner in which the Colonial Secretary has always treated the members of this Council, his absence now is greatly to be regretted, but I think under the circumstances pointed out by the Hon. Mr. Hackett, such absence requires to be taken notice of, otherwise it will be setting a precedent that should not be allowed to pass without comment. I second this motion, and I am sorry to have to do it, because we were so well treated last session by the Colonial Secretary, and it looks somewhat as if we were taking advantage of his absence to ill-treat him, and I would be the last man in the House to do this. I simply second the motion because I think it is

necessary to maintain the dignity and privileges of the Council in the future. As for the latter part of the resolution, relating to the Hon. Mr. Amherst, I have much pleasure in supporting it.

THE HON. G. RANDELL: I am glad the Hon. Mr. Morrison has referred to the way in which the Colonial Secretary conducted the business of this Council last session. We all know that by his ability, courtesy, and painstaking, our business was very much facilitated. I am glad, however, that the Hon. Mr. Hackett has drawn attention to this matter. It strikes me that the Act does not prohibit the business of this Council being carried out without a representative of the Government being present, but it is extremely important, for the sake of the liberties and privileges of this House that this protest, if the hon. member designates it such—

THE HON. J. W. HACKETT: I did not give it a name; but we may call it that.

THE HON. G. RANDELL: As far as the hon. member deputed by the Government to conduct the business is concerned, I am sure he will do his best, and will carry the various matters through to our satisfaction.

THE HON. J. G. H. AMHERST: I cannot allow this matter to pass without rising to thank hon. members for the kind manner in which they have alluded to myself and the confidence they have reposed in me. I can only say that during the time I shall occupy this position I shall do my best to follow in the steps of my predecessor, whom we hope to see back amongst us very shortly.

THE HON. G. W. LEAKE: And restored in health.

Question, by leave, put and passed.

#### ADJOURNMENT.

The Council, at 3.40 o'clock, p.m., adjourned until Thursday, 21st December, at 2 o'clock, p.m.