

Chapter 2: Committees and the Rejection of Responsible Government (1870–1875 with Governors Weld and Robinson)

There were no early direct references in the record of Western Australian parliamentary debates of ‘home’ at the Westminster Parliament. However, in 1870 the new 24-member Legislative Council, with Frederick Weld as Governor, soon took steps to establish select committees which employed a large degree of Westminster terminology. A select committee was a number of members appointed from the whole of the Legislative Council, bearing in mind that two-thirds of the Council were elected and the remainder were non-elected. Four of the first five select committees were focussed upon foundation matters: recommending an Opening Prayer, the Standing Orders of the Legislative Council, the Representation of the People Bill and the Local Boards Bill.³² Typically, seven members were appointed, with ‘the mover’ assuming the role of Chairman.³³ They were required to inquire into and report on specific matters, sometimes ‘as soon as possible.’³⁴ A select committee to investigate the possibility of the implementation of responsible government at the time of Governor Weld’s in the second half of 1874 never reported. Instead it resulted in a series of despatches between the new Governor and the Secretary of State for the Colonies to reject responsible government as the pre-requisites of population and finances could not be satisfied.

2.1 Opening of Council by Prayer Select Committee

On the Legislative Council’s second day of sitting, Tuesday, 6 December 1870, the Colonial Secretary, the Hon. Frederick Barlee, ‘moved for a select committee to consider and report on the question of opening each sitting of the Council by Prayer.’³⁵ The committee was to consist of the Speaker (Luke Leake), James Steere, James Drummond, William Marmion, George Shenton, William Moore, and in the Westminster language of the time, ‘the mover’ (the Colonial Secretary). The question on the establishment of the committee was duly put and passed.³⁶ Indeed, within two days the Speaker tabled the report of the committee and it was adopted without being debated in the Legislative Council.³⁷ A perusal of the history of prayers in the Legislative Council undertaken much later in 1975 ‘discovered that a form of prayer for the Legislative Council was prepared by the Reverend J.B. Wittenoom,’ the Colonial Chaplain in 1840. The Minutes of the Colony under Captain James Stirling’s

³² RGPD (Representative Government—Parliamentary Debates), 6 December 1870, p.8; RGPD, Legislative Council, 7 December 1870, p.11; and RGPD, Legislative Council, 14 December 1870, pp.40–41. On the same day a select committee was appointed to report on the Local Boards Bill and another select committee was appointed to consider the matter of trespass by herds of wild horses and cattle.

³³ ‘Chairman’ is the terminology used in the Legislative Assembly Standing Orders, while ‘Chair’ is used in the Legislative Council Standing Orders. The words ‘Chair,’ ‘Chairman’ and ‘Chairperson’ are used throughout this text, with all terms taken to mean the person who chairs the committee meetings and ensures that the committee’s decisions are put into effect.

³⁴ RGPD, Legislative Council, 6 December 1870, p.11.

³⁵ RGPD, Legislative Council, 6 December 1870, p.8.

³⁶ RGPD, Legislative Council, 6 December 1870, p.8.

³⁷ RGPD, Legislative Council, 8 December 1870, p.12.

Government ‘make no reference to prayers being read between the years 1832 and 1834.’³⁸ As prayers were seemingly read from 1840 onwards, the speed of the tabling of the 1870 report suggests that there was immediate consensus on the adoption of the Wittenoom prayer.

2.2 Standing Rules and Orders Select Committee

Immediately following the motion to establish the select committee pertaining to the opening prayer, Colonial Secretary Barlee also moved a motion to establish a select committee to frame Standing Rules and Orders for the Council to regulate its business. Members elected to this committee were the Speaker (Luke Leake), Robert Walcott, James Steere, Julian Carr, Edward Newman, James Drummond and the mover, Frederick Barlee. With this question put and passed on 6 December 1870,³⁹ it was apparent that prior attention had already been given to the need for a set of Standing Orders, since, a day later, on 7 December, the Speaker introduced the report and the Clerk read the rules. These rules exhibited a similarity to those earlier approved for the Legislative Assembly in New South Wales. Following the reading, the Colonial Secretary successfully moved that the report be adopted.⁴⁰ Just one day later, to emphasise the significance of the Standing Rules and Orders, the Speaker presented to the Council the following Message from His Excellency the Governor:

*Mr. Speaker, and Honourable Gentlemen of the Legislative Council.—The Governor has been pleased to approve the Standing Orders which have been passed by the Legislative Council.*⁴¹

As the provisions under the heading “SELECT COMMITTEES” were very important to the evolution of the committee system of the Western Australian Parliament they are reproduced below in full, beginning at Section 66:

66. That no Select Committee shall consist of less than three or more than five Members, unless by leave from the Council.

67. That it shall not be compulsory for the Speaker to serve on any Select Committee.

68. That the notice of Motion for the appointment of any Select Committee shall contain the names of the Members whom the mover intends shall serve on such Committee.

69. That if upon any motion for a Select Committee any Member shall require it, such Committee shall be formed in the manner following, viz: Each member shall give to the Clerk a list, duly signed, of the names of such Members as he may think fit and proper to be upon such Committee; and when all the lists are collected, the Clerk shall ascertain and report to the Speaker the names of the Members having the greatest number of votes, which Members shall compose such Committee. In the

³⁸ WAPD (Western Australian Parliamentary Debates), Legislative Council, 25 March 1975, p.305.

³⁹ RGPD, Legislative Council, 6 December 1870, p.8.

⁴⁰ RGPD, Legislative Council, 7 December 1870, p.11.

⁴¹ RGPD, Legislative Council, 8 December 1870, p.12.

case of a tie between two or more Members, the Speaker shall determine which shall be chosen. If any such list contain a larger or lesser number of names than that proposed by the mover, it shall be void and rejected.

70. That no member shall sit on a Select Committee who shall be directly interested in the inquiry before such Committee.

71. That whenever it may be considered necessary to examine witnesses, special application shall be made to the Council for power to call for papers, persons and reports, and for leave to report the opinion of the Committee from time to time.

72. That any notice of Motion for discharging, adding, or substituting Members of Select Committees, shall contain the names of such Members.

73. That lists of all Select Committees shall be affixed in some conspicuous place in the lobby of the Council Chamber.

74. That in all Select Committees three shall be a quorum.

75 That every Committee, previous to the commencement of business, shall elect one of its Members to be Chairman, who shall only have a casting vote.

76. That every report of a Committee shall be signed by the Chairman thereof.

77. That on the appointment of every Committee, a day shall be fixed for the reporting of their Proceedings to the Council, and on such day the final Report of the Committee shall be brought up by the Chairman, unless further time shall have been previously moved for and granted.

78. That upon the presentation of a Report no discussion shall take place; but the Report may, on motion put and passed, be printed, together with the Appendix and reported Evidence.

79. That if any measure or proceeding be necessary upon the Report of a Committee, such measure or proceeding shall be brought under consideration of the Council, by a specific Motion, of which notice must be given in the usual manner.⁴²

2.3 Select Committee: Representation of the People Bill

The third select committee report was focussed on the 1870 Representation of the People Bill. It could not be copied so readily from another jurisdiction. It raised contentious issues in the history of the colonial franchise and representation. The original Bill had been read a first time after it was moved by Colonial Secretary Barlee, immediately after Governor Weld's speech opening the new Representative Council of Western Australia.⁴³ It was 'a Bill to amend the representation of the People, and to abolish the Property Qualifications of Members.'⁴⁴ In his second reading speech the Colonial Secretary explained that the Bill 'was

⁴² *Standing Orders of the Legislative Council of Western Australia*, Perth: Government Printer, 7 December 1870.

⁴³ RGPD, Legislative Council, 5 December 1870, pp.2–4.

⁴⁴ RGPD, Legislative Council, 5 December 1870, p.4.

intended to allow persons who held land to the extent of £10 to vote, and also to allow conditional-pardon men to vote, many of whom could not now do so.’⁴⁵

Regarding the property qualification of members, it was revealed that after careful consideration the government had come ‘to the conclusion not only to reduce the qualification, but to abolish it altogether.’⁴⁶ Elected member and pastoralist James Steere stated that he believed ‘that it was never intended that conditional-pardon men should be excluded from voting,’ and he was pleased with the intention to do away with that discrimination.⁴⁷ He thought that extending ‘the franchise to landholders of the land value of £10 a very necessary alteration.’⁴⁸ Specifically, he was prepared ‘to do away with the very high property qualification required for members’ at a capital value of £2,000 pounds, or an annual value of £100 pounds, ‘but he was surprised at the Government proposal to abolish it altogether.’⁴⁹ One member, Edward Newman (Fremantle) feared that the abolition of a property qualification for members would mean that ‘the House would be soon full of “stump orators” as the colony was not sufficiently advanced to abolish the property qualification’ for members.⁵⁰ With an assertion that there had ‘been no expression of public opinion’ in favour of the move to abolish the property qualification, it was narrowly defeated by the casting vote of the Chairman of Committees.⁵¹

As historian John Mackenzie observed, despite general support for constitutional change within the colony and the press, there was still considerable opposition from the official nominees of the old pre-1870 Council who feared that representative government was a prelude to responsible government, with attendant rashness in public affairs and, moreover, loss of employment for official nominees.⁵² Given the significance of the issue, James Steere was able to successfully move that the Bill be referred to a select committee, consisting of Julien Carr, William Moore, James Drummond, Edward Newman, George Shenton and himself, as mover.⁵³

A few weeks later, in the new year of 1871, Colonial Secretary Barlee asked what progress had been made by the select committee on the seemingly contentious Bill. In response, Mr Steere said that:

*in consequence of the large amount of committee business he had to perform, he found it impossible to consider that question at present, but at the next meeting of the Council he would present the report of the committee, without fail.*⁵⁴

⁴⁵ RGPD, Legislative Council, 14 December 1870, p.40.

⁴⁶ RGPD, Legislative Council, 14 December 1870, p.40.

⁴⁷ RGPD, Legislative Council, 14 December 1870, p.40.

⁴⁸ RGPD, Legislative Council, 14 December 1870, p.40.

⁴⁹ RGPD, Legislative Council, 14 December 1870, p.41.

⁵⁰ RGPD, Legislative Council, 11 January 1871, p.104.

⁵¹ RGPD, Legislative Council, 11 January 1871, p.101 and p.105.

⁵² John Mackenzie (1936), *Survey of Western Australian Politics in the Period of Representative Government, 1870–1890*, Unpublished BA Honours Thesis, University of Western Australia, p.11.

⁵³ RGPD, Legislative Council, 14 December 1870, p.41.

⁵⁴ RGPD, Legislative Council, 4 January 1871, p.77.

Steere's response gave a clear signal that committee work, for at least some of the members, was exacting at the beginning of representative government. He did not remind members that in addition to membership of the select committees that were formed on prayers, standing orders and the Representation of the People Bill, he was also on the committee obliged 'to prepare a respectful Address in Reply to the Speech that his Excellency the Governor had been pleased to deliver to the Council.'⁵⁵

The select committee report on the Bill to amend the Representation of the People, and to abolish the Property Qualification of Members Bill was recorded in the Votes and Proceedings. Although tabled as early 11 January 1871, less than a month following the appointment of the committee, it was over 100 pages in length. At the same time its recommendations were relatively brief (less than one page). Debate on the report aired the contentious issues. It obviously had direct relevance to the members of the legislature themselves and was characterised by references to the other colonies (with the preamble referring to New South Wales), providing fertile basis for comparison. Its preface to members was that:

'Your Committee having duly considered this Bill, have to report to your Honourable House as follows:-

'That the Property Qualification of Members should not be abolished, but that it should be reduced to one half its present amount.'

Your Committee are further of opinion 'That any person who has been attainted or convicted of Treason, Felony, or other Infamous Offence in any part of Her Majesty's Dominions shall be incapable of being elected as a Member, or of sitting or voting in the Legislative Council.'

Your Committee are also of the opinion that the independence of this Council would be endangered, were officers holding appointments under the Government permitted to be elected as Members of this Council; and they therefore recommend 'That no person holding any office of emolument under the Crown shall be capable of being elected a Member, or of sitting and voting in the Legislative Council as an elected Member.'

Your Committee would also recommend that the occupant of a lodging paying for board and lodging £40 a year, and having occupied a lodging of such value for a period of six months previous to any election, should be permitted to vote in the election of a Member for the district in which such lodging is situated.

Your Committee think that it would be advisable to amend that provision of the Act 13 & 14 Vic. cap. 59 which enacts 'That a householder claiming to vote in any district shall occupy a dwelling house of the clear annual value of £10, and shall have resided therein six calendar months previous to issue of Writ or date of Registration,' and that the qualification should be as follows:-'Being a householder within such district occupying a dwelling house of the clear annual value of ten pounds sterling, and who

⁵⁵ RGPD, Legislative Council, 5 December 1870, p.4.

shall in such district have occupied a dwelling house of the value aforesaid for a period of six calendar months next before such Writ or Requisition as aforesaid.'

Should the foregoing recommendations of your Committee be adopted, it will be necessary to alter the preamble of the Bill, which relates to the abolition of the Property Qualification of Members.

*James G. Lee STEERE, Chairman.*⁵⁶

The actual statute, which the preamble stated was largely based on provisions in the legislation of the Colony of New South Wales (which had been based on the *Australian Colonies Government Act 1850*), was eventually to be titled 'An Act to amend the representation of the People and to alter the Property Qualification of Members of the Legislative Council.'

In essence, the select committee's recommendations were accepted, indicating that it had played a key role in achieving consensus for broadening the franchise and for the contentious property qualification for members. The latter was halved from a very substantial requirement of owning property with a capital value of £2,000 or productive of an annual income of £100. There was a recommendation 'that no person convicted of treason, or felony, could be a member of the House,' a provision which had been adopted in the other Australian colonies.⁵⁷

Keen debate, however, surrounded the third recommendation:

*that no person holding any office of emolument under the Crown shall be capable of being elected a member, or of sitting and voting in the Legislative Council as an elected member.*⁵⁸

This clause had also been passed in other Australian colonies and could apparently be traced back to the reign of Queen Anne, with extracts from Erskine May's *Parliamentary Practice*⁵⁹ cited. During the debate it was noted that a point of order had been raised in the select committee as to 'whether any member directly or indirectly engaged in any contract for or on account of the Public Service could vote on a division on clause 7' of the Bill.⁶⁰ Clause 7 related to the capability of those with direct or indirect interests in the public service being able to be elected to, or sit or vote in, the Legislative Council. The Speaker's ruling was that 'no member having a direct pecuniary interest in any question should be allowed to vote.'⁶¹ However, the Speaker also advised that 'as no member had a direct pecuniary interest in the

⁵⁶ *Report of the Select Committee of the Legislative Council on the Representation of the People Bill*, Legislative Council, Votes and Proceedings, December 1870, No. A3, p.174.

⁵⁷ RGPD, Legislative Council, 11 January 1871, p.102.

⁵⁸ RGPD, Legislative Council, 11 January 1871, p.102.

⁵⁹ Thomas Erskine May's *Parliamentary Practice: Treatise on the Law, Privileges, Proceedings and Usage of Parliament* is considered to be the most authoritative and influential work on parliamentary procedure and constitutional convention in British and other Westminster parliamentary systems. It was first published in 1844 and has been updated many times since then including changes to the title (the title used here is the current title). The 24th edition is the current edition, and is published by LexisNexisUK.

⁶⁰ RGPD, Legislative Council, 11 January 1871, p.105.

⁶¹ RGPD, Legislative Council, 11 January 1871, p.105.

question before the Committee the present rule did not apply.’⁶² Interestingly, Colonial Secretary Barlee ‘requested that his protest against the ruling of the Speaker be entered in the Minutes of the Council.’⁶³ Barlee was an appointed member with substantial experience in public affairs, whereas the Speaker, Luke Leake, was a newly elected member (for the seat of Wellington). To further highlight differences over the legislation and some resistance, Governor Weld, although a ‘passionate advocate of self government and self reliance in New Zealand’ was reportedly uneasy about some aspects of the legislation and initially reserved his signature for it.⁶⁴

2.4 Local Boards Select Committee

Another important item of legislation in terms of the foundation of representative government was the Local Boards Bill, and a select committee was also created to examine this issue. Chaired by James Steere, the seven-member committee reported within three weeks of its creation.⁶⁵ It is not surprising to read that the committee:

*had devoted many days to the consideration of this Bill, and have to report to the Council that in their opinion it would be a more workable and satisfactory measure with the addition of the definitions and amendments which they propose.*⁶⁶

The substantial task, which resulted in the division of the colony into 18 Roads Boards, operated ‘on the principle of including in each district all roads which it is the particular interest of that district to keep in repair.’⁶⁷ It was admitted that ‘some difficulty ha[d] been experienced in doing this, and combining with it the definition of such boundaries as would be necessary for the purpose of rating property under the Act.’⁶⁸ While the committee was confident that the boundaries as divided would ‘be such as will generally meet with approval,’ it also recommended that ‘the Act should contain a clause empowering The Governor, from time to time, by proclamation in the *Gazette*, to alter and amend the boundaries of the several districts as may be considered advisable.’⁶⁹

In the debate in the Legislative Council, other concerns were canvassed. These included: members of the select committee tendering for contracts; the allocation of money to pay for a stone crusher; ‘the right of placing gates across main lines and minor lines of road; the fine for not erecting gates, and the fine for leaving gates open; and the mode of election.’⁷⁰

⁶² RGPD, Legislative Council, 11 January 1871, p.105.

⁶³ RGPD, Legislative Council, 11 January 1871, p.105. See also: RGPD, Legislative Council, 12 January 1871, p.106. (Speaker’s Ruling: Correction of Minutes)

⁶⁴ RGPD, Legislative Council, 16 January 1871, pp.116–117 (Message from the Governor).

⁶⁵ RGPD, Legislative Council, 2 January 1871, p.62.

⁶⁶ *Report of the Select Committee of the Legislative Council on the Local Boards Bill*, Legislative Council, Votes and Proceedings, December 1870, no. A2, p.166. The Committee was ‘appointed to report on the “Bill to establish Local Boards for the conservation, improvement, and making of Roads in the several Districts of the Colony”’.

⁶⁷ *Report of the Select Committee of the Legislative Council on the Local Boards Bill*, December 1870, p.168.

⁶⁸ *Report of the Select Committee of the Legislative Council on the Local Boards Bill*, December 1870, p.168.

⁶⁹ *Report of the Select Committee of the Legislative Council on the Local Boards Bill*, December 1870, p.168.

⁷⁰ RGPD, Legislative Council, 4 January 1871, pp.80–81.

It should be noted that another select committee had addressed the nuisance caused by wild horses and cattle on land rented for pastoral purposes and, in a related policy area of concern, a select committee was formed to amend the *Public Pound Ordinance 1861*.⁷¹

2.5 Royal Assent to the Representation of the People Bill

On 18 January 1871 Governor Weld prorogued the first session of the Legislative Council. To celebrate this milestone each member was presented with a bound copy of the Council Minutes. The Governor indicated he had reserved for her Majesty's (Queen Victoria's) signature 'A Bill to amend the Representation of the People, and to alter the Property Qualification of Members of the Legislative Council' and 'A Bill to authorise the raising of Money for certain Public Purposes.'⁷² Whilst commending the establishment of a system of local government for local matters, Governor Weld expressed regret regarding provisions in the Representation of the People Bill, which limited the franchise, in his words, 'perpetuating for a time a disability to vote attaching to certain persons.'⁷³

In thanking members for their attendance and for the supplies (monies) they had 'voted for the public service,'⁷⁴ he probably had in mind the extensive debates in the committee stage devoted to the Estimates.⁷⁵ Perhaps it would have been appropriate for the Governor to commend the substantial work undertaken by select committees in this initial phase of representative government.

Some months later a question was asked in the Legislative Council as to 'why the provisions of the Constitution Act had not been complied with in reference to the "Act to amend the Representation of the People Bill"' which had received Her Majesty's assent.⁷⁶ The response by the Colonial Secretary read as follows:

*the despatch conveying the notification of Her Majesty's assent to the Bill was, immediately upon its arrival, placed upon the Table of the House, and published in the local newspapers. As no immediate steps could be taken in regard of the provisions of the Act, His Excellency had intentionally postponed the necessary proclamation to the Council, deeming it would be more respectful to the House, in a matter of so much solemnity and importance as a change in the Constitution, that he should himself notify to the House, in person, the assent of Her Majesty to the Bill. This His Excellency would avail himself of an opportunity of doing before the close of the session.*⁷⁷

⁷¹ RGPD, Legislative Council, 19 December 1870, p.55; 12 January 1871, p.106 and p.109; and 13 January 1871, p.111.

⁷² RGPD, Legislative Council, 18 January 1871, p.125.

⁷³ RGPD, Legislative Council, 18 January 1871, p.125.

⁷⁴ RGPD, Legislative Council, 18 January 1871, p.125.

⁷⁵ Estimates refers to the process through which parliament scrutinises government expenditure.

⁷⁶ RGPD, Legislative Council, 9 August 1871, p.81.

⁷⁷ RGPD, Legislative Council, 9 August 1871, p.81.

Although there was to be a delay to the provisions in the legislation being carried out, Governor Weld indicated to the Legislative Council on 17 August 1871 that royal assent was given.⁷⁸

2.6 Other Select Committee Activity

One select committee initiative, again moved in the Legislative Council by James Steere, was aimed at considering and reporting to the Legislative Council what alterations should be made to the colony's land regulations. The Surveyor General, Malcolm Fraser (an official member, rather than elected member) called Mr Steere's attention to the existence of a memorandum of proposed regulations that had been submitted for the Council's consideration on Governor Weld's orders. Hon. Malcolm Fraser asked if it was Mr Steere's intention that the select committee 'should take that memorandum as the basis of their report.'⁷⁹

When Steere immediately responded with 'I do not,' the Surveyor General then moved an amendment that the select committee's considerations should be based upon what had been submitted for consideration in the Governor's memorandum.⁸⁰ A division was called, but was narrowly lost nine to seven. The Surveyor General expressed his 'regret' regarding the actions of the House, but was nevertheless appointed to the committee.⁸¹ The next day Steere clarified his stance by making it clear that while the select committee would not 'be compelled to support the principles of that memorandum,' it would 'carefully consider' the memorandum's proposed land regulations.⁸²

Less than a month later the select committee's report was considered by the whole of the Legislative Council. At the outset, Steere suggested that the land regulations were the ultimate decision of the executive rather than the Council.⁸³ Keen debate took place and several divisions were recorded on the three evenings the regulations were considered. Some of the key issues discussed were the desirability of reducing the price of land within agricultural areas, the acreage (particularly the minimum) of land blocks, land grants and public reserves.⁸⁴

As noted previously, the problems with wild horses and cattle nuisance was also directed to select committees, as was an assessment of whether the 1861 *Public Pound Ordinance* should be amended (with the outcome in that case being in the negative). Yet another was to examine the proposal to construct a railway line from Fremantle into the Canning Timber Ranges. Other issues given select committee focus fell within the important subject of public works. The Public Works Select Committee proposed a subsidised coastal shipping route between Albany and Champion Bay, a railway between Mangles Bay and Fremantle, a new gaol at Albany, dredging work on the Swan River between Fremantle and Guildford, and the

⁷⁸ RGPD, Legislative Council, 17 August 1871, p.105.

⁷⁹ RGPD, Legislative Council, 18 July 1871, p.19.

⁸⁰ RGPD, Legislative Council, 18 July 1871, p.19.

⁸¹ RGPD, Legislative Council, 18 July 1871, p.19.

⁸² RGPD, Legislative Council, 19 July 1871, p.26.

⁸³ RGPD, Legislative Council, 10 August 1871, p.82.

⁸⁴ RGPD, Legislative Council, 10 August 1871, pp.82–87.

construction of a number of jetties. The Government was not required by the Standing Orders to respond to any select committee recommendations.

One example of both the role of the Governor as well as the work of select committees took place in the context of the contentious issue of levying of tariffs. On 11 January 1871 the Legislative Council gave easy passage to a Tariff Bill, thus enacting the *Tariff Act 1871*, which was an Act to repeal certain duties on imported goods and impose others.⁸⁵ Then on 12 July Mr Major Logue ‘moved that a select committee be appointed to take the Customs Tariff of the colony into consideration, as soon as the Estimates for 1872 are placed in the hands of hon. Members,’ and that the committee members would be Mr Newman, Mr Gull, Mr Shenton, Mr Monger and himself as the mover.⁸⁶ Significantly, Mr Marmion ‘objected to the preponderance of the mercantile element introduced into the committee,’ and called for members to be appointed by ballot, which was pursuant to Standing Order 69.⁸⁷ The Speaker conducted a ballot and declared the result, as given to him by the Clerk of Council, to be in favour of a committee of different personnel, namely Mr Logue, Mr Shenton, Mr Newman, the Hon. F.P. Barlee, and the Hon. M. Fraser.⁸⁸ The issue of the appointment of the select committee charged with amending the tariff schedules had clearly arisen with the knowledge that Governor Weld had let it be known that he was opposed to some components of the tariff. In an address to the Legislative Council on 17 August 1871 Governor Weld used strong language to justify withholding the legislation. In part, he said:

*I have had under my consideration ‘An Act to Amend the Tariff Act’, the object of which is to impose a tax upon Flour—a tax which so presses unduly on the poorest class, which produces revenue utterly incommensurate with the tax laid upon the consumer, which benefits the speculator rather than the farmer, and which inaugurates a system of protection as opposed to free trade ...*⁸⁹

Interestingly there is no public record of the report in the Votes and Proceedings, but there may have been inputs in the Estimates process. Moving ahead to help address the situation, a successful move was made on 13 August 1872 by George Shenton to appoint a select committee of seven members, chaired by the Hon. Fredrick Barlee, to consider and report on the provisions of two Bills, namely:

- *A Bill to repeal an Act for imposing Duties on imported Goods, and for exemption of certain goods from Duties; and to make other provisions in lieu thereof; and*
- *A Bill for granting an additional duty of Twelve and a half per centum upon several Duties payable under and by virtue of ‘The Tariff Act, 1872’.*⁹⁰

⁸⁵ RGPD, Legislative Council, 11 January 1871 p.101.

⁸⁶ RGPD, Legislative Council, 12 July 1871, p.9.

⁸⁷ RGPD, Legislative Council, 12 July 1871, p.9; and *Standing Orders of the Legislative Council of Western Australia*, Government Printer, Perth, 7 December 1870, Section 69, p.13.

⁸⁸ Legislative Council, Votes and Proceedings, 12 July 1871, p.7.

⁸⁹ RGPD, Legislative Council, 17 August 1871, p.105.

⁹⁰ RGPD, Legislative Council, 13 August 1872, p.46. These Bills were introduced on 6 August 1872. See: RGPD, Legislative Council, 6 August 1872, p.26.

The select committee met on only one day and recommended alterations to duties on the goods listed in the first mentioned Bill, removing some items from the schedule 'Goods Free of Duty' and making them subject to an *ad valorem* of 10 per cent, with the exception of flour and meal, for which they proposed a specific duty. A majority of the committee desired to report that their decisions on the first Bill obviated the necessity to consider duties submitted in the second Bill. It appears that the appointment of a select committee had been an approach utilised to gain a measure of approval on the matter sufficient to satisfy Governor Weld.⁹¹

The second session of 1871 (July–December) of the Legislative Council was opened by His Excellency Governor Weld on 10 July. He immediately stated:

*it is my duty, whilst I note some signs of hope and progress, to call your attention to the financial position of this Colony, and to ask your assistance in reducing expenditure to meet a falling revenue.*⁹²

He also spoke of legislation 'to permit and regulate distillation in the colony', the 'licensing of Public Houses, and the sale of Fermented and Spirituous Liquors,' the pearl and timber industries, and land regulations.⁹³ Governor Weld's speech also gave a special focus to the introduction of an Education Bill.⁹⁴ A select committee was again established to quickly operate 'behind the Speaker's Chair' to prepare an Address in Reply, which was then read by the Clerk.⁹⁵

The Governor indicated that the Education Bill was intended to bring the education system:

*into a more complete conformity with the spirit of representative institutions by committing to an elected board the chief control of educational matters, by confining the direct action of the state to secular instruction, and at the same time by assisting voluntary efforts and affording facilities for religious education.*⁹⁶

Importantly, the Elementary Education Bill was referred to a seven-member select committee chaired by Colonial Secretary Barlee, an official member.⁹⁷ This Bill contained some major reforms. The committee recommended 'that Central and Local Boards of Education should be established.'⁹⁸ It sought an amount of 'government grants to both assisted and government schools.'⁹⁹ Moreover, it specified that 'no religious catechism or

⁹¹ *Report of the Select Committee of the Legislative Council on 'The Tariff Act, 1872,' Bill*, Legislative Council, Votes and Proceedings, August 1872, No. A2, p.213.

⁹² RGPD, Legislative Council, 10 July 1871, p.1.

⁹³ RGPD, Legislative Council, 10 July 1871, p.2.

⁹⁴ RGPD, Legislative Council, 10 July 1871, p.2.

⁹⁵ RGPD, Legislative Council, 10 July 1871, p.6.

⁹⁶ RGPD, Legislative Council, 10 July 1871, p.2.

⁹⁷ RGPD, Legislative Council, 18 July, 1871, p.26.

⁹⁸ Elmar Zalums and Helen Stafford (1980), *A Bibliography of Western Australian Royal Commissions, Select Committees of Parliament, and Boards of Inquiry, 1870–1979*, Bedford Park: University Relations Unit, Flinders University, pp.1–2.

⁹⁹ Elmar Zalums and Helen Stafford (1980), *A Bibliography of Western Australian Royal Commissions, Select Committees of Parliament, and Boards of Inquiry, 1870–1979*, Bedford Park: University Relations Unit, Flinders University, pp.1–2.

instructions distinctive to any particular denomination be taught in any government school.’¹⁰⁰ In delivering his assent to the legislation, Governor Weld thanked the select committee for patiently and carefully considering the Education Bill. He noted that for the first time the state had, ‘by law, an Educational System with the assent of the Representatives of her People.’¹⁰¹ Ultimately, as Professor Bolton judged, the *Education Act 1871*:

*with a practical prudence encouraged by the Catholic Governor Weld, provided that private (mainly Catholic) schools as well as government schools would be funded from the public purse. Thus the colony avoided a cause of sectarian strife that troubled much of eastern Australia at that time.*¹⁰²

The select committee process was also extended to aspects of Aboriginal apprentice education.¹⁰³ Following a memorandum pertaining to Aboriginal peoples, as presented to the Legislative Council in January 1871, a six-member select committee was appointed.¹⁰⁴ The committee’s report ‘recommended the passing of an Act relating to Apprentices,’ and also that grants of land might be made to Aboriginal people ‘recommended by the principals of Aboriginal industrial institutions’ and ‘subject to certain conditions’.¹⁰⁵ These conditions specified that no Aboriginal person ‘should be permitted to sell, transfer’ or let such land without the recommendation of the principal’ of an Aboriginal industrial institution and ‘the consent of the Governor’.¹⁰⁶ If those granted land failed to ‘improve or cultivate the land so granted for three consecutive years,’ the Governor could resume the grants.¹⁰⁷ Despite the apparent strictness of the conditions of the land grants, the report was ‘adopted without amendment’ after only ‘a brief discussion.’¹⁰⁸

In the second half of 1874 another select committee was nominated by Colonial Secretary Barlee to consider the best course of action ‘to encourage immigration, and to provide for a periodical supply of labour’ as the colony was having great difficulty in this respect.¹⁰⁹ Following a ballot, a seven-member committee was appointed and reported within three weeks.¹¹⁰ When the report was first debated in the Legislative Council, James Steere

¹⁰⁰ Elmar Zalums and Helen Stafford (1980), *A Bibliography of Western Australian Royal Commissions, Select Committees of Parliament, and Boards of Inquiry, 1870–1979*, Bedford Park: University Relations Unit, Flinders University, p.2.

¹⁰¹ RGPD, Legislative Council, 17 August 1871, p.104.

¹⁰² Geoffrey Bolton (2008), *Land of Vision and Mirage: Western Australia Since 1826*, Crawley: University of Western Australia Press, pp.36–37.

¹⁰³ Elmar Zalums and Helen Stafford (1980), *A Bibliography of Western Australian Royal Commissions, Select Committees of Parliament, and Boards of Inquiry, 1870–1979*, Bedford Park: University Relations Unit, Flinders University, p.2.

¹⁰⁴ RGPD, Legislative Council, 21 July 1871, p.27. The memorandum was presented by Mr Shenton on 16 January 1871. See: RGPD, Legislative Council, 16 January 1871, p.119.

¹⁰⁵ Elmar Zalums and Helen Stafford (1980), *A Bibliography of Western Australian Royal Commissions, Select Committees of Parliament, and Boards of Inquiry, 1870–1979*, Bedford Park: University Relations Unit, Flinders University, p.2.

¹⁰⁶ RGPD, Legislative Council, 11 August 1871, p.90.

¹⁰⁷ RGPD, Legislative Council, 11 August 1871, p.90.

¹⁰⁸ RGPD, Legislative Council, 11 August 1871, p.90.

¹⁰⁹ RGPD, Legislative Council, 2 July 1874, p.6.

¹¹⁰ RGPD, Legislative Council, 20 July 1874, p.45.

expressed his 'disappointment' that it 'contained no recommendation for providing an immediate supply of labour, and suggested that the Government be empowered at once to import, say, 150 Chinese or Javanese labourers.'¹¹¹ On the other hand, pastoralist and elected member for Murray and Williams, Samuel Hamersley, 'considered that the importation of Chinese and Javanese was a matter for private enterprise, and he saw no reason for State interference except in cases where the settlers themselves could not succeed in obtaining the class of labor (sic) they required.'¹¹²

Following extensive debate, the Colonial Secretary successfully moved eight resolutions, which led to the select committee report being amended and agreed to. The Governor was requested to take immediate measures to secure from England the supply of up to 400 'statute adults.'¹¹³ The Governor was asked to sanction assisting colonists to procure Chinese or Javanese labour if English labourers could not be found in time for harvest, with the sum of up to £1,000 to be provided for this purpose. The Governor was also humbly asked to draw the colony's great need for labour to the Secretary of State for the Colonies. The 'clause relating to the encouragement to be offered to Europeans to proceed to this colony from the Eastern colonies' specified that this 'be confined to immigrants introduced by private persons and be not intended to apply to any system of immigration to be carried out by the Government.'¹¹⁴ It was further resolved that the proposed refund of 10 shillings a month 'to be recovered from European immigrants should not be made,' as it would have a negative effect on potential immigrants, and 'that no greater amount of land than 150 acres be allotted to any one family.'¹¹⁵

It should be recognised that in the second half of 1871 some important and contentious items of legislation were the subject of lengthy debates and not allocated to select committees. In this category, before the Council was prorogued on 17 August 1871, was the Superannuation Bill for civil servants as well as the Estimates of government expenditure. When, on 14 December 1870, the Superannuation Bill was moved by the Colonial Secretary, he said 'it was simply a copy of the English Act.'¹¹⁶ Then James Steere immediately and successfully moved for a six-month adjournment. At the same time he said 'in every clause of the Bill everything was to be done by the Governor in Executive Council' and that he 'would not agree to delegate any power belonging to the House to the Executive Council.'¹¹⁷ When the legislation was finally debated at length, it was clear that the depressed state of the economy was forcing cutbacks. There were suggestions that even the salary of the Speaker (who, like other members, did not receive payment as a member of the Legislative Council) may involve discontinuance, as was also the case with his hospitality expenses. Another suggestion was the abolition of all payments to jurors. This was not adopted, suggesting that some of the executive expenditure reductions were not adopted, although

¹¹¹ RGPD, Legislative Council, 23 July 1874, p.56.

¹¹² RGPD, Legislative Council, 23 July 1874, p.56.

¹¹³ RGPD, Legislative Council, 27 July 1871, p.64.

¹¹⁴ RGPD, Legislative Council, 27 July 1871, p.64.

¹¹⁵ RGPD, Legislative Council, 27 July 1871, p.64.

¹¹⁶ RGPA, Legislative Council, 14 December 1870, p.44.

¹¹⁷ RGPA, Legislative Council, 14 December 1870, p.44.

the record of the parliamentary debate does not indicate the fate of many of the specific proposals. Importantly, the re-introduction of the legislation was accompanied by an observation that the constitution of the executive had been altered, which helped overcome assertions of executive dominance of the agenda.¹¹⁸

One signal for the future was the successful motion to appoint a select committee to ‘consider and report upon the necessity for reducing Government departmental expenditure.’¹¹⁹ The mover, Mr Major Logue, a pastoralist and the member for Geraldton, said that:

*he was by no means prepared to say that the labours of the committee would result in any reduction of public expenditure being made; but there was an idea prevalent that in many cases the public does not get a fair equivalent for the salaries it pays. If such was not the case the committee he moved for would be able to satisfy the House and the country on the point.*¹²⁰

The motion included that the committee should consist of members Steere, Padbury, Carey, Dempster and Logue (as the mover). During the debate on the motion there was an allegation made that these ‘were gentlemen who had more or less pledged themselves to a reduction in public expenditure,’ thus rendering the committee biased at the outset.¹²¹ Therefore, members were chosen instead by the process specified in Section 69 of the Standing Orders, and the result was declared by the Clerk as being the Hon. F.P. Barlee, Mr Steere, Mr Logue, Mr Marmion, and Mr Bickley.¹²²

Eventually various recommendations were made to reduce expenditure, ‘including a suggestion that new entrants to the Public Service should not be entitled to pension or superannuation allowances.’¹²³ Colonial Secretary Barlee disagreed with this proposal as he judged it ‘would lower the calibre of those entering the public service.’¹²⁴ The committee also noted that ‘the money voted for supporting a number of native children in a school might be more judiciously expended.’¹²⁵

Select committees were also established pertaining to the administration of the Legislative Council. Reference has already been made to committees on prayers and the Standing Orders. The prominent member, George Shenton, moved on 14 July 1871 that a select

¹¹⁸ RGPD, Legislative Council, 28 July 1871, pp.43–48.

¹¹⁹ RGPD, Legislative Council, 4 July 1873, p.17.

¹²⁰ RGPD, Legislative Council, 4 July 1873, p.17.

¹²¹ RGPD, Legislative Council, 4 July 1873, pp.17–18.

¹²² RGPD, Legislative Council, 4 July 1873, p.18.

¹²³ Elmar Zalums and Helen Stafford (1980), *A Bibliography of Western Australian Royal Commissions, Select Committees of Parliament, and Boards of Inquiry, 1870–1979*, Bedford Park: University Relations Unit, Flinders University, p.3.

¹²⁴ Elmar Zalums and Helen Stafford (1980), *A Bibliography of Western Australian Royal Commissions, Select Committees of Parliament, and Boards of Inquiry, 1870–1979*, Bedford Park: University Relations Unit, Flinders University, p.3.

¹²⁵ Elmar Zalums and Helen Stafford (1980), *A Bibliography of Western Australian Royal Commissions, Select Committees of Parliament, and Boards of Inquiry, 1870–1979*, Bedford Park: University Relations Unit, Flinders University, p.3.

committee of the Council be appointed to report on the advisability of a parliamentary library.¹²⁶ A week later the select committee recommended:

*that an humble address be presented to His Excellency requesting that the sum of £50 be placed on the Estimates for the purpose of forming the nucleus of a Library, and that applications be made for copies of all parliamentary reports and papers published by Legislatures of all Australian colonies, to be placed in the proposed Library.*¹²⁷

No report was published, but progress was made leading to the passage of the *Law and Parliamentary Library Act 1873* with provision for a Library Committee and additional monies. The initial motion from the Attorney General (Hon. H.H. Hocking) was for a law library, with a claim by the Attorney that 'since his arrival here he had experienced much difficulty in discharging the duties of his profession consequent upon the scanty supply of standard legal volumes for reference and research.'¹²⁸ This led to the proposal being changed to a Law and Parliamentary Library Committee, which was soon established, with the Chief Justice as a member.¹²⁹ Finally, on 2 August 1873 the House was advised that an 'Act to make provision for the establishment of a Law and Parliamentary Library,' had been assented to.¹³⁰

Just as the select committee process was the avenue for the creation of a library, George Shenton also successfully moved for a select committee to assess whether a refreshment room should 'be provided for the convenience of hon. members attending the House,' an arrangement that 'would be rendered imperatively necessary during the afternoon sittings.'¹³¹ Within two days the report was moved, read and adopted,¹³² but never published. Nevertheless, the Refreshment Committee could be considered the forerunner of the parliamentary dining room and even the Strangers' Bar, as well as the self-service coffee bar in the modern parliamentary library.

Another appointment of a parliamentary committee was made 'to consider the question of the better arrangement of the House, with a view to members sitting in a more compact body.' Following a debate a division was called with the result being 13 for the Ayes and 4 for the Noes. The committee was to consist of Mr Carr, Mr Shenton, Mr Monger and the Mover (Mr Bickley).¹³³ Within a week a report was quickly made on the rearrangement of the Council chamber.¹³⁴

With reference to select committees more broadly, a move was made to alter the Standing Orders with a specific amendment to Section 69 to make it possible that upon any motion to

¹²⁶ RGPD, Legislative Council, 14 July 1871, p.11.

¹²⁷ RGPD, Legislative Council, 21 July 1871, p.27.

¹²⁸ RGPD, Legislative Council, 7 July 1873, p.19.

¹²⁹ RGPD, Legislative Council, 30 July 1873, pp.85–86.

¹³⁰ RGPD, Legislative Council, 2 August 1873, p.99.

¹³¹ RGPD, Legislative Council, 12 July 1871, p.9.

¹³² RGPD, Legislative Council, 14 July 1871, p.17.

¹³³ RGPD, Legislative Council, 31 July 1871, p.10.

¹³⁴ RGPD, Legislative Council, 6 August 1871, p.25. The Report was not published in the Votes and Proceedings.

establish a select committee, the committee could be appointed by ballot, rather than the existing Westminster method of each member giving a list of ‘fit and proper’ members to the Clerk to determine those with the greatest number of votes.¹³⁵ It is important to understand that the term ballot in that era meant a secret ballot (which in 1874 was to be introduced for general elections for the British House of Commons). Indeed, even in the Western Australian Legislative Council the use of a ballot had been discussed for use at general elections, but the Colonial Secretary (Hon. F.P. Barlee) indicated there was no present interest in such a measure.¹³⁶ In fact the secret ballot soon came before the Western Australian Legislative Council (for the election of those members chosen in this manner) for adoption at the 1880 Legislative Council elections. By that time the term secret ballot had become widely known as the Australian Ballot, as the Australian colonies were amongst the first elected jurisdictions in the world to legislate for the introduction of the secret ballot.¹³⁷

With regard to the use of the ballot in the early select committees in the Legislative Council, Governor Weld conveyed via a Message to the Council that he regretted that he could not assent to the amended Section 69 of the Standing Orders with respect to the use of the ballot (and other matters) for choosing members to select committees in the Parliament.¹³⁸ There is still adherence to the method specified in 1870 Standing Order 69 in today’s Standing Orders (similar to the Westminster method). It can be said that the Governor’s decision has stood the test of time.¹³⁹

One unusual topic sent for consideration by a select committee was the case of Thomas Hiden,¹⁴⁰ who ‘held a certificate from the Comptroller General’s Department’ which showed that he had been a ‘free man’ for more than two years.¹⁴¹ It was noted that Hiden ‘had obtained a clearance as such from the Collector of Customs at Fremantle, and under such a clearance had proceeded on a vessel [...] to Melbourne paying the owner for such passage the sum of £10; [and] that on arrival in the Port of Melbourne he was immediately apprehended and locked in jail, and ultimately was sent back to Albany.’¹⁴² Given these circumstances the select committee passed a motion praying as follows to the Governor:

*That Your Excellency will be pleased to bring to the special notice of Her Majesty’s Secretary of State for the Colonies the highly unconstitutional action of the Victorian (and South Australian) Legislature in the deprivation of the rights of a British Subject, as evidenced in the case of Thomas Hiden.*¹⁴³

¹³⁵ RGPD, Legislative Council, 2 August 1872, p.10

¹³⁶ RGPD, Legislative Council, 6 August 1872, p.26.

¹³⁷ Harry C.J. Phillips (2013), *Electoral Law in the State of Western Australia: An Overview*, 3rd edn., Perth: Western Australian Electoral Commission, p.6.

¹³⁸ RGPD, Legislative Council, 9 August 1872, p.42.

¹³⁹ See the current (2017) Standing Order 160 for the Legislative Council and Standing Order 253 for the Legislative Assembly.

¹⁴⁰ RGPD, Legislative Council, 9 August, 1872, p.9.

¹⁴¹ RGPD, Legislative Council Debates, 21 August 1872, p.61.

¹⁴² RGPD, Legislative Council Debates, 21 August 1872, p.61.

¹⁴³ RGPD, Legislative Council Debates, 21 August 1872, p.61.

In the opinion of the Legislative Council this constituted ‘a case of very peculiar hardship’ and a serious abrogation of ‘the inherent right of every British Subject to be admitted into any part of Her Majesty’s Dominions without demur.’¹⁴⁴ Nominated MLC Samuel Bickley moved that the address be adopted. James Steere successfully ‘moved that the words “highly unconstitutional” be struck out’ and the motion as amended was then agreed to.¹⁴⁵

By the time Governor Weld’s tenure expired in 1874, in the same year the Legislative Council had appointed 25 select committees, although it should be noted this tabulation does not include select committees on prayers or the Standing Orders.¹⁴⁶ In addition to those discussed above, there were select committees on tariff duties, scab laws (for animals), quarantine laws and even the efficiency of certain charitable institutions. In this period near the end of Governor Weld’s tenure the Government also appointed a Jetty Commission in relation to the proposed sea jetty at Fremantle. A Harbour Improvement Board report was also sought in conjunction with a report from the Admiralty Surveyor on some entrances to the Fremantle port. In addition, a seven-member board, four of whom were members of the Legislative Council, was established to report and advise upon the subject of quarantine laws and regulations in force in the colony.

With the establishment of representative government, the creation of select committees was an important component of the management of the Legislative Council and the formulation of policy on a breadth of issues. In accordance with the Standing Orders, the composition of a committee was normally a minimum of three to a maximum of five members, with seven members occasionally being sought as was permitted by the Standing Orders. There is also evidence that some members served on many committees, with some differences between the elected and nominated members. The latter carried the nomenclature of Hon. for Honourable.¹⁴⁷ The duration of a committee’s work was invariably about one month, but it did vary from a few days to six weeks. Many of the reports were substantial in length, which suggests that there was some access to the public service to assist with the preparation of reports.

In this era Governor Weld was also active in commenting on the findings of select committees, with the Legislative Council often, but not always, enacting the recommendations. Some writers judged Weld as one of the most progressive Western Australian governors. Phrases such as ‘skilful administrator’ and ‘clever statesman’ have been used to describe him.¹⁴⁸ As reflected in the committee activity of the Legislative Council, Weld won credit in the arenas of education, Fremantle harbour and public works, private railways, the land laws, exploration and immigration. On the eve of his departure

¹⁴⁴ RGPD, Legislative Council Debates, 21 August 1872, p.61.

¹⁴⁵ RGPD, Legislative Council Debates, 21 August 1872, p.61.

¹⁴⁶ Elmar Zalums and Helen Stafford (1980), *A Bibliography*. These committees are listed on pp.1–4. This detailed tabulation of committees and commissions was researched before the *Parliamentary Debates 1870 to 1876* was published in 1890.

¹⁴⁷ Honourable, abbreviated as Hon. was given to all members of the Legislative Council from the attainment of responsible government in 1890. Until that date elected members and nominee members of the Legislative Council did not have the title of Honorable. However, appointed Executive Members had the Hon. title.

¹⁴⁸ Malcolm Uren, “‘At Last She Moves’ A Pioneer Of Empire”, *The West Australian*, 1 July 1950, p.20.

from Western Australia he was so satisfied with the improvements in the colony that he employed the phrase ‘at last she moves.’¹⁴⁹ The phrase became etched in Western Australian history: take for example its use in the decorations in Perth commemorating the beginning of responsible government from 1890. As the colony and its legislature was to gradually move from representative to responsible government, the role of Legislative Council select committees was likely to remain significant. Ironically, a role for a select committee in 1874 to facilitate the drive towards responsible government was created, but the committee did not deliver a report.

2.7 The Responsible Government Question (1874 and 1875)

The departure of Sir Frederick Weld in January 1875 meant that the drive for responsible government was going to be uncertain. It was on Weld’s agenda, but in October 1874 he had received a telegram ‘that responsible government should be left in abeyance until his successor arrived.’¹⁵⁰ The legislative move for the introduction of responsible government took place on 22 July 1874 with the appointment of a select committee, via a motion in the name of James Steere.¹⁵¹ Although merely an elected member of the Legislative Council at the time, more than a decade later Sir James Steere would be appointed as Speaker of the Legislative Council on 21 June 1886. Then when responsible government was achieved in 1890 Steere was elected as Speaker of the new Legislative Assembly. It was he who would guide and interpret the procedures of the Legislative Assembly when responsible Government was implemented.

In moving the resolution for the establishment of the select committee in 1874 Steere said:

*That the time has now arrived when it would tend much to the future progress of the colony to establish here a system of Responsible Government; and that a select committee be appointed to draw up a Constitution and bring up a Bill to carry out that object; such committee to consist of the Colonial Secretary (Hon. F.P. Barlee), the Acting Attorney General (Hon. G.W. Leake), Mr Logue, Mr Birch, Mr Burt, Mr Dempster and the Mover [James Steere].*¹⁵²

James Steere believed ‘there were many reasons which induced him believe that the present was an opportune time for adopting the contemplated change.’¹⁵³ Firstly, it should be progressed whilst Governor Weld, who had experienced responsible Government in a previous appointment, was still in office. Moreover, Steere judged there was public support for the measure in keeping with the advances of the eastern colonies, although he did concede that those against the measure spoke of the absence of ‘men of ability and leisure to carry on such a system.’¹⁵⁴ Only a few years earlier Steere had warned his new colleagues

¹⁴⁹ Malcolm Uren, ‘“At Last She Moves” A Pioneer Of Empire’, *The West Australian*, 1 July 1950, p.20.

¹⁵⁰ RGPD, Legislative Council Debates, 22 July 1874, pp.49–53. See also Brian de Garis (1991), ‘Constitutional and Political Development, 1870–1890’, pp.41–62 in David Black (ed), *House on the Hill: A History of the Parliament of Western Australia 1832–1990*, Perth: Parliament of Western Australia, p.51.

¹⁵¹ James Lee Steere was generally known by the surname Steere.

¹⁵² RGPD, Legislative Council Debates, 22 July 1874, p.49.

¹⁵³ RGPD, Legislative Council Debates, 22 July 1874, p.49.

¹⁵⁴ RGPD, Legislative Council Debates, 22 July 1874, p.50.

in the Legislative Council that in his judgement the people of Western Australia 'would not be forced into it [responsible Government], until they felt they were fit for it.'¹⁵⁵ Clearly, though, by 1874 he believed that a select committee of the Legislative Council would probably be the best strategy to ascertain if responsible Government was a feasible constitutional advance, as he appeared to believe there had been a shift in public sentiment.

During the chamber debate on the select committee proposal one member, Charles Crowther (Greenough) stated that he thought 'it must be apparent to nearly every hon. member that the postponement of Responsible Government could not be for a longer period than one or two years' admitting 'that he was a fresh convert to the idea of Responsible Government.'¹⁵⁶ He suggested via an amendment that 'an Address should be presented to His Excellency the Governor praying that he will be pleased to introduce a Bill for that purpose, and to recommend Her Majesty to approve of the same.'¹⁵⁷ This suggestion was accompanied by 'Hear, Hear' from the chamber, but the following speaker, a new member called Edmund Birch (Perth), disagreed, unconvinced that time had arrived for responsible Government. The main thrust of his argument was that the colony had only 'a handful of population scattered over an immense area.'¹⁵⁸

In spite of the creation of a select committee for the passage of responsible Government, there is no record of the select committee reporting on the proposal, either in the recorded parliamentary debates or the official record of the Parliament, the Votes and Proceedings. However, what is available on the public record are 'despatches' relayed between the Right Honourable, the Earl of Carnarvon, Secretary of State for the Colonies, and Western Australian Governor William C. Robinson, who was Governor Weld's successor. There was no select committee report but information had obviously been collated for these despatches between Governor Robinson and the Secretary of State for the Colonies. In one table there was an attempt to tabulate the support, or otherwise, of the 12 elected members of the Legislative Council for responsible Government. Members representing a population of districts totalling 14,367 people favoured responsible Government, whereas members for the districts opposed to responsible Government represented 8,776 people.¹⁵⁹

In response the Earl of Carnarvon, the Secretary of State for the Colonies, indicated that, having been furnished with an abstract of the statistics of the population numbers and support for responsible government, the issue:

has engaged my serious and anxious attention, and it would give me great satisfaction if I could feel it to be consistent with my duty to advise the Queen to accede to the wish of the majority of the Colonists for this constitutional change: but

¹⁵⁵ RGPd, Legislative Council Debates, 9 December 1870, p.37. For Sir James George Lee Steere's role in early governance of Western Australia see Harry C. J. Phillips (2004), *Speakers and Presidents of the Parliament of Western Australia*, Perth: Parliament of Western Australia, pp.18–21 and pp.102–106.

¹⁵⁶ RGPd, Legislative Council Debates, 22 July 1874, p.51.

¹⁵⁷ RGPd, Legislative Council Debates, 22 July 1874, p.51.

¹⁵⁸ RGPd, Legislative Council Debates, 22 July 1874, p.51.

¹⁵⁹ *Despatches Relative to the Proposed Introduction of Responsible Government* (1875) No. 15, Perth: Parliament of Western Australia, p.4.

*I regret to say that I have been unable to arrive to say at the conclusion that the circumstances of the Colony are at present such as would justify me in recommending that you should be authorised to take the necessary measures for carrying out the desired reform.*¹⁶⁰

He continues:

*Nor have I been able to put out of view the difficulties arising from the isolated and scattered character of the population, complicated as these difficulties further are by the presence of a considerable number of convicted criminals still remaining in the Colony—the great paucity of men of means and experience who would be able to devote their time and personal attention to Legislative duties—in one word, the general insufficiency of the materials from which Responsible Government is drawn and by which it can only be successfully maintained. To this must be added the doubt which I cannot wholly set aside, whether the electors have even yet been able to judge fairly of the merits of the proposal, and have sufficiently considered the additional burdens which would be cast on the Colony in the event of the introduction of a system of party government by ministers responsible to parliament.*¹⁶¹

In conclusion the Secretary of State for the Colonies said:

*I trust that the members of the Legislative Council who voted for the resolution [and for a select committee of investigation] and who I fear may feel some disappointment at the postponement (which I am compelled to think necessary) will give me credit for being influenced by no other consideration than the welfare and safety of the Colony.*¹⁶²

¹⁶⁰ *Despatches Relative to the Proposed Introduction of Responsible Government* (1875) No. 15, Perth: Parliament of Western Australia, p.5.

¹⁶¹ *Despatches Relative to the Proposed Introduction of Responsible Government* (1875) No. 15, Perth: Parliament of Western Australia, p.5.

¹⁶² *Despatches Relative to the Proposed Introduction of Responsible Government* (1875) No. 15, Perth: Parliament of Western Australia, p.5.