

reasonable times be open to inspection by any person authorized by the Government to inspect the same.

New clause agreed to.

Preamble agreed to.

Title agreed to.

Bill reported, with amendments.

The Council adjourned at 4.45 p.m.

---

LEGISLATIVE COUNCIL,  
Monday, 3rd August, 1874.

Constitution Bill: first reading—Electoral Districts Plan—Spanish Radiah and Scotch Thistle Prevention Bill: third reading—Wines, Beer, and Spirit Sale Act, 1872. Amendment Bill: recomittal—Charitable Institutions Bill: third reading.

The SPEAKER took the Chair at 6 p.m.

PRAYERS.

CONSTITUTION BILL.

First Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee), in moving for leave to introduce a Bill to establish a Constitution for Western Australia, and to grant a Civil List to Her Majesty, said—I am quite aware that it has not been usual in this House, in moving for leave to bring in a Bill, to make any lengthy statement; but I think it is exceedingly desirable, for many reasons, that in submitting the motion I have to make tonight, I should enter at considerable length upon a review of the measure which I now ask leave to introduce. It is the usual custom in the House of Commons, when a Minister introduces any very important measure to enter upon a statement of the reasons that induced the Government to do so, and to dilate upon various matters connected therewith; and though, as I have already said, such a custom has not hitherto obtained here, I think it exceedingly desirable that in this instance I should deviate from the course heretofore adopted in this House. The first, and principal reason why I take this course is that I think it extremely desirable that before the Bill which I have tonight to ask leave to introduce is placed in the hands of hon. members, and before they proceed to discuss it at all, the principles which have actuated the Government in framing it should be clearly and unmistakeably understood. Another

reason why I think it desirable to adopt the unusual course I propose to do with regard to the introduction of this Bill, is that thereby time may be saved, and that the deliberations of this Council may, in accordance with the expressed wish of country members, be brought to as early a close as possible. The business of the session is now approaching to an end, and I am not aware that, with the exception of this Bill and the Estimates, there is any other matter of any importance likely to be brought under the consideration of the House. I therefore deemed it expedient that hon. members should without any delay on my part be made aware of the principles that had guided the Government in framing the Bill, that they should be assisted in arriving at an understanding of its general scope and provisions by an endeavor on my part to lay before them as clearly as I can, though, I fear at very considerable length, a review of its most important features. I will first of all state that the Bill is brought forward by His Excellency the Governor in pursuance of a resolution, adopted, almost unanimously, by this House, a few days ago; and he has sent down for the consideration of the Council such a measure as he thinks may probably—he does not say, will—but probably may meet the concurrence of Her Majesty's Government, and such as he believes will meet the requirements of this colony. I am sure that every hon. member will agree with me that it is exceedingly desirable that in dealing with a measure of this nature and of this importance every possible delay should be avoided, and that every obstacle in the way of an early and satisfactory settlement of the question should be removed; that anything likely to lead to an interminable correspondence, in the shape of controversy between the Imperial Government and the Government of this colony relating to the contemplated constitutional changes, should be as far as possible avoided. I, therefore, ask hon. members to approach the consideration of the important question involved in the Bill which I now introduce in a spirit of conciliation and mutual forbearance—in a spirit superior to all party, personal, or petty feeling; for I conceive that unless we, one and all, at this crisis in the history of the colony, approach its consideration actuated by this feeling alone, such divergence of opinion may arise as may preclude the possibility of the question being brought to a successful or satisfactory issue. It is not my intention, of course, tonight to enter into the details of the Bill, but merely broadly to sketch its main principles. Of course it will be competent for the House to modify and to alter those principles, but it must be assumed

that in doing so they may jeopardise the Bill. I think it only fair to say that the Governor, after the most careful consideration, and in accordance with a resolution of the House, has caused to be introduced such a measure as he can conscientiously recommend for the assent of Her Majesty's Government, and it would be unreasonable to suppose that in the event of the principles of the Bill being materially altered His Excellency could conscientiously—and, otherwise, I need not say he would not do so—recommend the measure for Her Majesty's assent. I may, however, add that in the event of that assent being obtained, and the Bill in its present form becoming law; should it hereafter be found not to work satisfactorily, power is given to the Parliament, under the provisions of the Bill, to amend or alter it at any time. With these few preliminary remarks I may proceed to say that the system of Government proposed to be established is a system of what is called party Government. At present, party there is none in this country, but when this Bill comes into operation—that is to say, should it be assented to—definite and distinct parties, representing distinct political views, will be necessary for carrying on the business of the country. The time for forming these parties will be when the new system of Government is inaugurated. Such parties would now be most improper. On a question involving such radical constitutional changes as are contemplated in this Bill it would be idle to suppose that no divergence of opinion will arise; for it is a question with regard to which there are innumerable arguments that may be adduced on every side, and every point. Time will not permit me tonight, nor indeed is it desirable, that I should dilate upon the various arguments that might be adduced for and against the changes in the measure about to be introduced; and I have endeavored, under a deep sense of the grave responsibility that has devolved on me this evening in introducing a Bill of such momentous interests to this colony, so far as possible, to concentrate those arguments, to boil them down, if I may use the expression, that I may be able shortly and succinctly to refer only to such as I think will fairly exhibit the question in all its phases. I have said there are many and diverse views that may be, that no doubt will be, taken of constitutional change, but I will now merely allude to two views—one from a conservative stand point, the other from a liberal, or—to use a stronger term—a more radical point of view. In dealing with the question of constitutional changes, the first consideration, from a conservative point of view, would be to ensure the stability of the new institutions, and

so to guard the interests of all classes, so that while full protection is afforded for the propertied classes the rights of the working classes should be equally respected, and that no preponderance should be given to one over the other. That, in a few words, might be considered the conservative view of the constitutional question under consideration. Then there is what may be called the liberal, or—going a little farther—the more radical view of the questions, which we may see more or less in force in some of the neighboring colonies, a view which has for its object the placing of all political power in the hands of the working classes. This is a view which I do not think any hon. member of this House would wish to see adopted in this colony, and I may here inform the Council that there is no intention to recommend any alteration of the franchise of voters under the contemplated Constitution. The working classes of this colony, under the existing franchise, have enormous power if they only knew how to exercise it; had they done so a little more, it would perhaps have been for their benefit. We all know how the enormous power vested in the working classes in some of the neighboring colonies has been exercised and what have been in some instances the results—results, I was going to say, seriously detrimental to the interests of the propertied class, the squatting and even the commercial interest. The adoption of these radical views in a colony like this, where the working classes so preponderate in point of number over the wealthy or propertied classes, would be in my opinion fraught with grave dangers, and in the framing of the Bill before the House it has been the endeavor to avoid those dangers. The main object of the framers of this Bill has been, so to balance all the various considerations that have pressed themselves forward that the result may be that the varied interests of the colony may be equally and fairly represented. It must be allowed, that after all, our new Constitution must be a democratic Constitution, that, in fact, there is nothing but democracy upon which we can found a Constitution—a democracy, however, that may be so guarded by constitutional checks as to ensure perfect liberty alike for all classes, and to render class ascendancy an impossibility. I will now proceed a step farther and state that it is proposed in the Bill which I am about to introduce to create a Parliament for this colony,—a Parliament of two Houses, one of which shall be a nominated House and the other an elected House, the former or Upper House being called the Legislative Council and the latter or Lower House

being called the Legislative Assembly. In recommending this system of Government, for the adoption of the House, the Government simply follow the precedent afforded us by each of the other Australian colonies, and in retaining the same appellations for the two chambers we simply follow the same course, which, looking to the possibility of the future federation of these colonies, it is deemed to be expedient and wise. No power to dissolve the Upper House is vested in the Governor, but with respect to the Assembly it is proposed that, as is the case under the existing form of Government with regard to this House, the power of dissolving should be vested in the Governor. The Upper, or nominated Chamber, would have no power to originate money Bills, or any Bills for appropriating any part of the revenue of the colony, or for imposing, altering, or repealing any tax or impost. The exercise of this power and function is confined to the Lower, or elected House. Now, it may fairly be asked why it is proposed to make the Upper Chamber a nominee chamber, and I think I shall be able to show very good, very sound, very cogent, and very sufficient reasons for making it so. Perhaps I may give as the first reason the fact that it is considered exceedingly desirable that the Constitution of every English community should as far as practicable, be based on the principles of the Constitution of the Parent State, and I think most British colonies have more or less adhered to that principle. In the next place, I need not ask those hon. members who have studied the various Constitutions of the neighboring colonies to observe the wide contrast that has at times existed between those which have adopted a nominee Upper House and those in which the members of that House are elected, and to note how favorably the contrast appears in relation to the former. Let them compare the difference between the working of the Constitutions of New South Wales and New Zealand, and the system of Government in operation in Victoria and South Australia. In the first mentioned colonies we find the interests of the propertied classes have been carefully guarded, while those of the lower classes have been firmly protected—there is equal protection for all, and this I think is what it is desirable should be provided in our own colony. Look at the other two colonies to which I have referred, and it will be seen that political power has gradually gone into the hands of the working classes, and is now indeed almost entirely monopolized by them. They are, in fact, masters of the situation, and I do not think it would be at all desirable that such a state of things should

take place here. The result of thus investing all political power in the lower class is that there has been a great deal of class legislation—laws are framed injurious to the interests of the propertied classes in the very teeth of those classes, who in many cases have been powerless to protect their interests. These are some of the arguments that occurred to my mind in favor of a nominated Upper House. There are of course many arguments that could be used in favor of an Upper Chamber being composed of representatives of the people; but time would not permit, nor would I trespass on the patience of the House by entering fully into the arguments on both sides of the question, but I will briefly state what in my opinion are the most cogent arguments for or against a nominated or an elected Upper House and I have no hesitation in saying that in a colony like this the weight of argument is altogether in favor of a nominated Upper House. First, in a small community like this, it is very desirable that some check should be provided against popular action on the mere impulse of the moment, to which the members of a nominal Chamber would not be liable as the members of an elected Chamber. Then the members of a nominated House, properly selected,—and on that subject I will shortly speak,—would from their personal status in the colony, in a measure, represent and protect the interests of the upper and moneyed classes of the colonists, they would from their position be entirely free from any kind of constraint or pressure either from the Government or the people, they would not be carried away by impulse or popular clamor of the moment, and in such times they might to the great benefit of the community act as a very salutary check on the proceedings of a Lower House. Then again, if the Upper House, like the Lower, were selected by the people, both would be liable to be carried away by the popular feeling of the hour, and both would have the same incentive to act on the impulse of the moment, both might be guided in their actions by the popular clamor of the day. Or supposing, on the other hand, there were two distinct opposite parties in this colony—as there must inevitably be under the contemplated change, and the elected members of the Upper House represented a party holding distinct views relating to some particular public question, while the majority of the elected members of the Lower House represented a party holding diametrically opposite views, and the Council rejected the legislation proposed by the Assembly. This would at once create a jealousy between the two Houses which sooner or later would end in their clashing, and the result

would be a dead-lock and the necessity for an appeal to the country. What would be the result of such an appeal? The same men would probably be again returned to their respective Chambers, the same divergence of opinion would be manifested, the same dead-lock would ensue, and another appeal would have to be made to the same public, and so on *ad infinitum*, to the great injury of the interests of the colony, the utter stoppage of all public business, and the untold detriment to private business throughout the colony. I would ask hon. members what course could be pursued in such a predicament? Placed on the horns of a dilemma like this, where were the means of escape? Can any hon. member give me a solution of such a difficulty, or tell me how to meet such a question? Yet this, undoubtedly, might and probably would be the case with two elective Chambers in opposition on some vital principle; for sooner or later constitutional conflicts must arise, and bitterness of feeling, and dead-locks and other evils will follow, in which the propertied class will certainly come off second best. There is yet another good reason why it is proposed to establish a nominee Upper House; because in doing so, we shall follow the example of the oldest, the largest, and I may almost say the safest colony in Australia—New South Wales; a colony in which Responsible Government was adopted as early as 1853 and where the Upper House was formed on the nominated principle. The Constitution of that colony has remained unchanged through all the vicissitudes which the country has undergone, and there has never been that I am aware a dead-lock between the two Houses. That appears to be a very strong argument in favor of the system which it is proposed to adopt here in regard of a nominated Upper Chamber. And the same argument holds good in relation to New Zealand. On the other hand, as a contrast, we have only to look at the political history of those colonies which have adopted the elective principle in the formation of both Houses, and we find that dead-locks have ensued and complications have arisen. I have said that in New South Wales the Constitution of 1853 still remains unaltered. I don't mean to say by this that there has been no difference of opinion with regard to the merits of the system then adopted and now in operation; because last year it will be recollected a Bill was introduced to amend the Constitution to a certain extent, but the Ministry failed to carry their point, and during the present session the same measure of reform has met the same fate. But I have not exhausted the reasons which actuated the Government in framing the Bill about to be introduced this

evening on the principle I am now advocating. It is quite on the cards it is quite possible that we may have in a very short time amongst us a considerable influx of population attracted here by the auriferous discovery made the other day, and I think it is very desirable, in the event of such an accretion to the population, that we should have an Upper House composed of men of tried experience and influence in the colony, not likely to be influenced by popular impulse. Sir, it may be asked, how is it proposed to nominate these members? I reply, that the Bill provides that the same system of nomination shall be put in operation here as was adopted by New South Wales, the nominations being made by the Governor and Executive Council. Not, mind you, by the Governor alone, nor by the Ministry alone, but with their joint concurrence. It is proposed that the first persons nominated shall hold their seats in the Legislative Council for seven years from the date of the first summons to the Council, but that all future members who shall be nominated after the expiration of seven years shall hold their seats for the term of their natural lives. In New South Wales the first members were nominated for a term of five years, and subsequently for life. With reference to the principles upon which these nominations shall be made, I think that is a subject which I should not allow to pass by without remark, because it is possible that hon. members may conceive that those nominations would be made on the same principle that members are now nominated to a seat in this House under the existing form of Government; but such is not the case; on the contrary, the principle of nomination will be totally distinct and dissimilar. Here at present it may be remembered that the gentleman who nominates members to a seat in this House is to a certain extent the leader of a party, he is responsible for all the measures introduced by the Government, and of course would be unwise, if, in nominating members for this House, he did not select men who were in some measure of the same opinion as himself in regard to the questions to be brought before the House. It would be a suicidal policy on the part of any Governor, under the form of Government obtaining here, to nominate men to a seat in this Council who were not in accord with him, but who, on the contrary, were utterly averse to the views he held on the public questions of the day. Under the existing form of Government, then, I may therefore say that nominees are appointed to a seat in this House by one who may be called the leader of a party, and with the view that they should generally support his views. We

have heard these nominees spoken of, and written about, on more than one occasion in somewhat harsh and uncomplimentary terms, but I maintain that the nominees of this Council—and I am glad of an opportunity to say so—have as a rule acted in an independent manner; and although they were nominated because they were known to hold views in accordance with those held by the Governor who appointed them, their conduct in this House has been appreciated by the public, for in cases where vacancies have occurred on the elected side of the Council, nominees have been sought and returned by constituencies to fill the vacancies. So much for the mode of appointing nominees under the present form of Government. But how utterly different will be the principle upon which the members of the Upper House under the proposed new Constitution shall be nominated. In referring to that principle, I am sure that I am expressing the views of His Excellency the Governor, and the views of every member of the present Executive. Indeed I can use the Governor's name in what I shall say, knowing he will fully endorse the opinions I shall express when I affirm that the principle which should actuate the nomination of members to an Upper Chamber should be that men should not be selected for any particular political views they may hold, but that gentlemen should be selected for appointment to seats in that House who by social position, by character, by education, by their stake in the country and by their experience not alone in the colony but elsewhere would fairly represent all views. Men who would well represent the landed and the pastoral interests, who understood the principles of commercial life, who would maintain the agricultural interests, and while representing the upper classes and the intelligence of the colony would not fail to uphold the position and the rights of the working classes. These would be the principles of selection upon which the members of a nominated Upper House should be appointed, and no Governor would be worthy of his position, no Ministry would be entitled to the confidence of the country, for one hour, who, in the nomination of an Upper Chamber, would be actuated by any other principles than those to which I have adverted. Let us take another view of the case, and suppose that the Upper, like the Lower House, were an elective Chamber. The time may come when the benches round this Chamber, now occupied by men who are settlers of long standing in the colony, men who have the true interests of the colony at heart, may be occupied by an entirely different class of men—persons who are not what may be

called colonists in the usual acceptation of that term, but men who have come here in furtherance of their business avocations, men who have no such real interest or stake in the colony as present hon. members have; and it is well to look forward to that period. Supposing then that both Houses were elected bodies, and the electoral power was not as at present confined within reasonable limits, but that universal suffrage was in operation—and the questions of manhood suffrage and of numerical representation had already been ventilated in the public journals of the colony—in whom then, I would ask, would political power be vested? It would be in the hands of the working classes, as it is in some of the other colonies, and here now, and for some time to come, such could only be to the injury and danger of the propertied class; power would be in such case vested in men liable to be led away by the impulse of the moment, actuated by popular clamor—men guided by inadequate intelligence. It was only the other night I was pleased to hear the hon. member for Greenough advocating a better relation between the employers of labor in this colony and their men, and speaking strongly in favor of an amelioration of the present treatment of laborers—I then thoroughly endorsed his sentiments; but, if all political power were invested in the hands of the working classes then there would be no occasion for anyone advocating their cause; they would very soon, as in the other colonies where they had obtained the upper hand, look out for themselves, and they would probably do this in a way that would be far from pleasing to the hon. members of this Council. But, if it pleases the House to affirm the principle of this Bill, which I have to introduce tonight, and let the Upper House of the Western Australian Parliament be a House nominated on the principles to which I have alluded, then I do not hesitate to say that when times of trouble and faction come, as they must and will come, you will find that the propertied classes will look back with gratitude on the present occupants of this House, who, by their foresight, have protected their interests by preventing the possibility of both Houses of Parliament being elected by one class of electors—a class liable to be actuated by the impulse of the moment, liable on such impulse to do all sorts of wild and unreasonable things, in times of popular excitement, influenced by unworthy people actuated by unworthy motives. The moment you adopt a system of Responsible Government here, and so soon as prosperity, already dawning on this colony, becomes to be more generally recognised, from that moment you will find the

colony inundated by political demagogues, who will endeavor to hound the people on to demand revolutionary reforms, not from any interest they may have in the political advancement or the material welfare of the colony, but solely from personal motives to enrich themselves at the expense of the colonists. Now, Sir, with regard to the formation of the proposed Upper House under the contemplated change of Constitution, I have already said that the proposal is for the first members to be nominated for a period of seven years, and, of course, it will be optional at the end of that period with the Governor and Council to reappoint them; the same members, at all events, would be again eligible for nomination. The reason why the term was fixed at seven years instead of, as in New South Wales, at five, I will endeavor to make apparent to the hon. members, who will bear in mind the changes that have been caused in a House like this, numbering 18 members, during the last three years and a half. During that period vacancies have from various causes occurred in this House to an extent equal to one half the number of members. Therefore, in seven years it may be assumed great alterations will occur in the members of that House, which would be recruited by nominees made on the recommendations of successive Ministers as vacancies occurred. As in all nominated Legislative Councils, and as in the House of Lords in England, provision is here made for appointment of additional members if required. At first sight this might appear to some to be an objectionable power to place in the hands of the Governor and Executive Council, because it would enable them, in the event of the Upper House declining to adopt a measure proposed by the Lower House, to swamp the Upper House with a sufficient number of members to ensure a majority, but I assume such a course would be barely possible, for the nominations are not made by the Governor alone, or the Executive Council alone, but in combination. There must be accord between the two, and we may fairly assume whoever is the Governor of this colony will be a gentleman conversant with the constitutional practice which, as a rule, is resorted to in the event of a deadlock caused by the two Houses being at variance, namely, an appeal to the country. This appeal would decide the question at issue; and an Upper Chamber constituted as I have decided would not fail to see the wisdom and the propriety of bowing to public opinion rather than offering resistance to the plain and unmistakable opinion of the colonists. The number of members at present proposed for

the Upper House is 11, including the President; of these no less than eight of those summoned in the first instance,—and, should the entire number be increased, not less than four-fifths of the House shall consist of persons not holding any office of emolument, under the Crown, so that the proportion of members who shall be connected with, or in any way be in the least degree under any influences of the Government or the Ministry, shall never exceed more than one-fifth of the total number of councillors. Provision is also made, as is the case everywhere else, that the President of the Legislative Council shall be nominated by the Governor in Council, and not elected by the House, as in the case of the Speaker of this Council. It is also provided that the President shall have no vote in the House over which he presides, except a casting vote. The presence of, at least, one third of the members of the Council shall be necessary to form a quorum for the despatch of business. Those, briefly, are the principles upon which it is proposed to form the Upper House. With regard to the formation of the Lower House, which it is proposed to call the Legislative Assembly, it is proposed that that Chamber shall for the present consist of 25 members. Of course, as the colony advances, and population increases, the number will have to be augmented. It is proposed to assimilate the qualification of members eligible to a seat in the Legislative Assembly with the present qualification of electors, which it is not expected should be altered, so that any person who is now entitled to be registered as a voter for any electoral district shall, under the new Constitution, be qualified and entitled to be elected a member of the Legislative Assembly, with this exception, that no person who shall have been attainted or convicted of treason or felony, or any other infamous offence in any part of Her Majesty's dominions, shall be capable of being elected, or of sitting or voting in the Assembly. That is a provision which I am sure will meet the concurrence of every member of this House, and of every right-thinking member of the community. I think the assimilation of the existing qualifications of electors and of the proposed qualifications of members entitled to sit in the Lower House, is, with the proviso alluded to, very reasonable. It must be borne in mind that we are the only colony in Australia—I think I may say we are the only British colony—that retains a property qualification of members; and looking at the number of otherwise eligible men who, were the existing property qualification retained, would be debarred from holding a seat in the Assembly, I think it will be admitted that the

qualification should be abolished, and I further think that the provision proposed in the Bill is a fair one. I have such confidence in the electors of this colony, under the existing qualifications, that I think the election of representatives may be safely left in their hands, even although we abolish the present property qualification of those representatives. In addition to the classes I have already alluded to as being disqualified to be elected as members of the Assembly, or of the Upper House, there are other classes disqualified from holding seats in that House, such as ministers of religion, judges, permanent public officers, and public contractors. Great objections have been made to the existing mode of voting, and great evils have been attributed to it—grave complaints at any rate have been made with respect to the present system of proxy voting, which under the Bill I am about to introduce it is proposed to abolish, and provisions are made for carrying out the system of secret voting—in fact, voting by ballot, in its integrity. The mode of conducting the voting by ballot is provided for in the same manner as exists in the Australian colonies when that system is in force. Of course, in the Lower House the election of Speaker will be conducted in the same manner as the Speaker is now elected in this Council—that is to say, the members of the Legislative Assembly will elect their own Speaker, whereas the President of the Legislative Council will be nominated by the Governor-in-Council. The quorum necessary for the despatch of business in the Lower House will be proportionately the same as in this House at present; the presence of at least one-third of the members, in addition to the Speaker, it is proposed shall constitute a quorum in the House of Assembly, so that business cannot be proceeded with unless nine members are present. I may be asked with reference to the 25 members of the Lower House how it is proposed to alter the various electoral districts, and what are the boundaries of those districts? The schedule appended to the Bill provides for all this, but that schedule of course is liable to revision. It is at present proposed that the colony shall be divided into 20 electoral districts, which shall return the necessary number of members to constitute the Legislative Assembly, as follows:—Perth, 3 members; Fremantle, 3; Plantagenet, 2; and the following districts one member each, Mines, Geraldton, Greenough, Irwin, Victoria Plains, Swan, Guildford, Newcastle, Northam, York, Williams, Beverley, Murray, Blackwood, Vasse, Bunbury, and the North District. A plan of the boundaries of the several districts will be laid on the table tonight. The reason

why it is proposed to give two members to the Plantagenet electorate is because it embraces the district of Kojonup and other large outlying though sparsely populated country. It is intended that the existing electoral lists shall remain as at present, but power is given in the Bill to remove the names of electors from the lists of existing electoral districts to those of the newly created districts wherein they reside, or for which they will be entitled to vote. With the exception of the abolition of proxy voting and the adoption of the ballot in lieu thereof, it is not proposed to make any other alteration in the existing mode of regulating the election of members to serve in the Assembly, for I am not aware that any fault has been found with the present system beyond the alleged evils attending upon proxy voting, which evils will be obviated under the Bill which I now propose for consideration. Provisions are made for the manner and time of petitions against the undue return of members to serve in the Lower House, very much in accordance with those in force at present. I am not aware that I need detain the House with any further remarks relating to the formation of the proposed Parliament, but it will be expected that I should say a few words on the general result of the contemplated change so far as it will concern the Public Service. In the first place, then, I may observe that the Bill proposes to vest the appointment of all public officers in the Governor and Executive Council. It is intended that, future Ministers shall be entirely responsible to the colonists for all money payments; and under the contemplated system of Government, the Governor will not be empowered as at present solely to order the Colonial Treasurer to pay money out of the public chest, unless such an order be countersigned by a Minister. Another provision of the Bill is—and it is a provision to be found in all Constitution Acts that I am aware of—that the salaries of the officers of the Legislative Council and of the Legislative Assembly shall at all events be on an equal footing, that the salary of the President of the Upper House shall be at least equal to the salary of the Speaker of the Lower House, and that the salaries and allowances of the other officers of the Council shall be on the same footing as those of the corresponding officers of the Assembly. I think it is very desirable that this rule should obtain, for many reasons, but I will specially mention one to which I have already alluded; that is the possibility of a considerable divergence of opinion existing between the two Houses, and as the Lower House alone is empowered to deal with money questions, it might possibly be inclined to so cut down, or to abolish, the salaries of the

'Upper House as to render that Chamber useless. It is also provided that the Chief Clerk of the Council and the Chief Clerk of the Assembly shall respectively be removable from office only in accordance with a vote of the House of which he shall be an officer. Provision is also made in the Bill for the granting of a Civil List to Her Majesty, which of course it will be necessary for this House to adopt before we can hope to enter upon the contemplated change. It is confidently anticipated that this list will be adopted as provided for in the Bill, for, with very few exceptions the salaries to be provided are the same as are now being paid to the respective officers whose names are included in the list. There is a slight addition of salary to the Chief Justice and it is also provided that any public officer acting as Premier, shall in addition to the salary of his office receive £200 a year, but the salaries of the other heads of departments are left exactly the same as at present. There is also a compensation clause to the Bill, providing a retiring allowance to those officers of the Public Service who may have to retire or whose offices may be abolished consequent upon political changes. The only officers in this House at present who would be personally affected by this clause are the Surveyor General and myself, and I need hardly say that when that schedule of the Bill comes on for discussion which contains the proposed retiring allowances we shall take no part in the debate, but absent ourselves from the House, so that hon. members may approach the consideration of the clause with perfect freedom of speech and without any such feeling as they might have in the presence of my hon. friend on the right, or myself. Sir, I have now spoken at some length relative to the leading principles and the main provisions of the Bill which I am now about to formally ask leave to introduce, and, as I said at the commencement, I have adopted a somewhat unusual course in doing so; but I have been impelled to enter into an unusually elaborate statement on the present occasion of introducing a Bill, by a deep sense of responsibility, and I have done so with a real and earnest desire so far as in me lies to assist hon. members in arriving at an intelligent understanding of the principles of the Bill and of the principles which actuated the Government in framing it, so that there may be no misapprehension as to the scope of the measure or to the spirit in which its framers had prepared it. I commenced also by asking hon. members to approach the consideration of this Bill, involving, as it does, questions of the most vital importance to this colony, in a spirit of compromise and unanimity, and with minds free from all prejudices or personal feelings,

and I again urge them to do so, convinced as I am that unless we are disposed to work together, with unanimity of purpose, for the one object we seek—the general welfare and progress of the colony—it is vain to think that our labors in connection with this Bill will have the effect we, I am sure, all desire they should have. Unless the Governor, when he remits the measure Home for the assent of Her Majesty, will be able to point out as an argument in its favor that it was adopted by this House with something like the same unanimous spirit as the resolution embodying the request that His Excellency would be pleased to introduce such a Bill; unless, I say, the Governor will be in a position to show the Imperial Government that the measure was, after deliberate consideration, generally affirmed by this Council, the hope of its receiving the assent of Her Majesty must be greatly endangered. There are certain inevitable arguments which it seems to me Her Majesty's Government will raise and very carefully consider prior to acceding to our request in this matter, arguments that have already been raised in this colony—arguments that cannot fail to be urged against giving a colony like this, territorially large, it is true, but as a community, numerically very small—such powers as are provided for in the Bill which will be laid on the table tonight. Probably, one of the first arguments that will strike the Imperial Government, in whose hands, I need not point out, the whole question rests, is that the population of the colony is too small to enter upon a system of responsibility and self-Government. This, I am sure, is an argument that will have to be combated. Another argument that will suggest itself to the Home Government in dealing with this question is the paucity of colonists here who are in a position to sacrifice their time and their business, as they will have to do, if the contemplated change comes about, to the business of the country; for depend upon it they will have no idle time of it. I do not consider myself an idle man, but I find the work of the Public Service so increasing day by day, that without extra help and a staff of a different and more efficient nature, I do not think it possible the business of the country can be effectually carried on much longer. Therefore, I say, that the men who hereafter may be entrusted with the conduct of that business will find that they will have no idle time of it, but that they must be content, to a very great extent, to sacrifice their own for the public interests. That there are few such men in the colony, few, however patriotic they may be, who can afford to sacrifice time and capital to the public business, will be another argument that cannot fail to



strike Her Majesty's Government in dealing with the question of a change of Government for the colony. Yet another argument is that this question has, in some degree, been taken up in a somewhat sudden manner by this House, and that there has been no loud expressions of public opinion in favor of the adoption of the change, that no appeal in fact has been made to the people at all. These are arguments which will also have to be combated, and the last one, unless the members of this House deal with this Bill in a spirit of unanimity, unless each unit of this Council wields its strength and utters its voice, with one arm and one mouth, this last argument to which I have alluded will, I fear, be fatal, and an appeal to the country, and a favorable response from the constituencies, will be rendered a *sine qua non* condition upon which the colony shall obtain the boon it seeks. These, I repeat, are arguments that will undoubtedly be employed by the Imperial Government when this Bill is sent Home for Her Majesty's assent, and they are arguments that will have to be stoutly combated; and if the measure receives the unanimous support of this House I think there will not be much difficulty in successfully combating them. In the first place the usual unanimity which characterized the adoption of the resolution affirming the desirability and the expediency of establishing Responsible Government may be pleaded as one strong argument in its favor. Another argument is the total absence of any party feeling or popular clamor in connection with the change asked for. There is no wild desire for change merely for the sake of change; there are no extreme democratic innovations spoken of or likely to take place. On the contrary His Excellency may fairly urge that there is an earnest, a rational, and a natural desire on the part of the members of this House who may be fairly said to represent public opinion, and that the colonists, while they see that the proposed change would be attended with some disadvantages, firmly believe that, on the other hand, the manifold advantages that would accrue to the colony in its present progressive state from a system of self-Government would more than counterbalance any drawbacks resulting therefrom. In addition to this it may also be fairly urged that the form of Government proposed, though more or less democratic, will have a strong conservative element, and that under the Constitution contemplated in this Bill every interest in the colony will be carefully guarded. It may, moreover, be stated that this Council—as I apprehend it probably will do—has passed a fairly liberal Civil List, and is prepared to do every

justice to those officers who may retire consequent upon the change. When these arguments are urged in favor of the proposed change—urged of course as they will be much more forcibly than I could hope to do here tonight—and if in addition to this it may be added that the Bill has been adopted by this House with almost perfect unanimity, I think I may venture to hold out a hope that Her Majesty's assent will be obtained to it, and that the constitutional change in contemplation will be inaugurated. If this is not done, if any great divergence of opinion is manifested with respect to the principles of the Bill, then I do see that grave difficulties may arise, and I think it is very doubtful whether the change we all desire will be effected. At all events it is perfectly clear that the Home Government will insist upon making its own terms, and I think this Council and this colony would be very unwise indeed if they attempted to deal in anything like a niggardly spirit with a Government that has so recently displayed such a liberal spirit in regard to the colony in connection with the convict question, a Government that contributed so largely towards the maintenance of many departments of our Public Service. Sir, I have now spoken at inordinate length, and in doing so have deviated from the usual custom followed in the House upon the introduction of Bills, but I have done so, as I have already said, with an earnest desire that the work we have commenced today shall be brought to a successful issue. I speak as one who has been long and intimately connected with this colony, and as one whose future connection with it may in the course of the next few days be severed forever. I therefore speak without any prejudice and without any personal consideration whatever; I speak as one anxious—as anxious as any colonist—that the movement we are today initiating may be brought to a speedy and a satisfactory issue. I believe that great and beneficial results will follow the change we seek, and it is actuated by that belief only that I ask this House to approach the consideration of the question in a spirit of compromise. Sir, I have only one more reason for asking the House to do this. The Bill I hold in my hand has been sent down to us by a Governor who is not likely to remain here much longer, and who, in all probability, will not be here when the Bill comes into operation, and I do not think his worst enemy—I doubt if really he has any enemies—can conjure up any possible reason for attributing any action he may take as to the Bill, to anything but an earnest desire to promote what he conceives to be the best interests of the colony. His Excellency has been in the colony for

some time now, and his career will soon be a matter of history, and I think the time will come when the people of Western Australia will look upon Governor Weld's term of office as one fraught with events, big with debate and the advancement of the colony. (Hear, hear). I think posterity at any rate will admit that in all his public actions he had the interests of the colony near at heart, and that he succeeded in doing more to further its progress in matters of national interest and importance than any previous Governor entrusted with the administration of the colony's affairs. When he came here he found the good ship "Western Australia" riding "idle as a painted ship upon a painted ocean," in calm and unruffled waters, and, having skilfully piloted her through the narrow and intricate shallows of Representative Government, he now, at the request of the owners of the good ship, is about to launch out into the full tide of Responsible Government. When he has succeeded in crossing the shallows that lead to those unknown waters, and relinquishes the command of the good ship he has so long and so creditably commanded, let us hope that we may have a captain and a crew who will still retain the confidence of her owners, and who will be able to carry her in safety through the many dangers that will undoubtedly be encountered on the passage to that haven of prosperity to which we all look forward. No doubt errors will be committed by those entrusted with the command, but whatever the dangers it may have to steer through in the unknown waters into which we are about to launch, I do hope, I do believe—and I say it from the bottom of my heart—that the good old ship will come out of every danger sound and strong, and in good condition; that it will reflect credit upon her owners and bring to the colonists great and lasting prosperity. (Cheers). Sir, I now formally move for leave to introduce the Bill that stands in my name.

The Bill was read a first time.

#### ELECTORAL DISTRICTS PLAN.

The COLONIAL SECRETARY (Hon. F. P. Barlee) laid upon the Table of the House a plan showing the boundaries of the proposed electoral districts throughout the colony.

#### SPANISH RADISH AND SCOTCH THISTLE PREVENTION BILL.

Third Reading.

Mr. CROWTHER moved that the Bill be now read a third time.

The Bill was read a third time and passed.

#### WINES, BEER, AND SPIRIT SALE ACT, 1872, AMENDMENT BILL.

Recommittal.

Mr. BURT moved that the Bill be recommitted for the purpose of discussing certain new clauses.

In Committee.

New clause—

Mr. BURT moved that the following stand as clause 8:—

This Act may be cited as the Wines, Beer, and Spirit Sale Amendment Act, 1874.

New clause agreed to.

New clause—

Mr. BURT moved that the following stand as clause 9:—

That this Act and the said recited Act shall be read together as one Act.

New clause agreed to.

Bill again reported, with further amendments.

#### CHARITABLE INSTITUTIONS BILL.

Third Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the Bill be now read a third time.

The Bill was read a third time and passed.

The Council adjourned at 8.15 p.m.

#### LEGISLATIVE COUNCIL,

Wednesday, 5th August, 1874.

Constitution Bill: petition: second reading.—Wines, Beer, and Spirit Sale Act, 1872, Amendment Bill: third reading.

The SPEAKER took the Chair at 6 p.m.

PRAYERS.

#### CONSTITUTION BILL.

Petition.

Mr. STEERE brought up a petition addressed to the Council, signed by 142 inhabitants of the colony, praying the postponement of the second reading of the Constitution Bill, and moved that the same be read.

Question put and passed.

The petition was read by the Clerk.

Second Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee), in moving the second reading of the Bill to provide a Constitution for Western