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Colonial Secretary's Office,

Perth, 24th October, 1890.

²³⁷⁰
HIS Excellency the Governor directs the publication of the following documents,
for general information.

By Command,
MALCOLM FRASER,
Colonial Secretary.

The Honorable the Colonial Secretary.

I see by the papers that the question has been considerably discussed whether the first Ministry under Responsible Government should be selected immediately after the proclamation of the Constitution Act, or whether the selection should be deferred until after the general elections. The point was not considered in England before I left. It appears to have been taken for granted, both by the Colonial Office and Sir Frederick Broome, as certainly it was by myself, that no Ministers would or could be selected until after the elections; and therefore, not wishing to delay the Proclamation (the day for which had been fixed before my arrival) I have only had, so to speak, a few hours in which to talk the matter over with any one on the spot. At the same time, the course which I ought to adopt appears to be pretty clear. What right have I to assume that Mr. A, Mr. B, or Mr. C will be elected a Member of Parliament? What right have I to assume that this candidate or that will, if elected, be supported by a working majority? And how, therefore, can I possibly select any Ministry until the country has done its part, and furnished me with a Parliament from which to make my selection? On the whole, it appears to me that until the country has decided on its representatives, and the Legislative Council has been created, I am bound, so far as the selection of the first Parliamentary Ministry is concerned, to maintain a passive attitude, and simply to make some temporary arrangement to keep the Government machinery going until the new Executive—the first Responsible Ministry—is in a position to take charge.

As soon as the elections are over, and the Upper House has been nominated, I shall have no difficulty in selecting as Premier whatever member of Parliament may appear to me to have the better prospect of support. To do so at this moment would not only be to anticipate and prejudice the result of the elections, but would, as I have suggested, give an unfair advantage to the Ministry provisionally selected, as they would of course go to the country with a certain degree of prestige which the representatives of the other party would not possess. The fact is we are dealing with a state of things which has not been in so many words provided for by the law; although I am myself of opinion that the Constitution Act and new Letters Patent contemplate the continuance of the present Executive Government until the elections shall be completed, the Legislative Council selected, and the Governor has something to guide him in deciding to whom he will entrust the formation of the first Parliamentary Ministry. This at all events is in my judgment the course which I ought to take. It has been inferentially approved by the Secretary of State, and I am decidedly of opinion that it is open to less objection than any other. Now, as regards the law. The Constitution Act creates two branches of the Legislature; one is to be the result of election, the other is to be nominated by the Governor in Executive Council. They are both to be called together within six months after the commencement of the Act. This of itself points to a period of delay. Section six provides for the appointment of a Legislative Council, the members of which are to be selected by the Governor in Council before the first meeting of Parliament. Section 2 treats of both Houses. Together they form the constituted Legislature of the Colony, and will consequently, when created as required by Statute, take the place of the Legislative Council now subsisting. Provision for what is required in the interval—that is, until Parliament is complete, and Ministers can be constitutionally selected—appears to be made by section 7 of the new Letters Patent constituting the office of Governor and issued by Her Majesty in connection with the New Constitution Act, which states: “There shall be an Executive Council for the Colony, and the said Council shall consist of such persons *as are now members thereof* or may at any time be members thereof in accordance with any law enacted by the Legislature of the Colony, and of such other persons as the Governor shall, from time to time, in our name and on our behalf, but subject to any law as aforesaid, appoint under the public seal of the Colony to be members of our said Executive.”

There is no actual provision in the Statute in direct terms for the interval which must elapse between the Proclamation and the exercise of the powers of the Act with regard to the selection of the Legislative Council; but by implication it would seem as if the continued existence of the present Executive Council was intended to provide for the due carrying on of a provisional form of Government, in respect of which, however, care should be taken to avoid the responsibility of any acts or powers created or allowed to be done by the Statute after the machinery designed for the future Government of the Colony shall be completed.

But, beyond all this, and much as I should personally like to install a political ministry without an hour's delay, there are two practical constitutional objections to such a course, which appear to me to be fatal, and to which, more or less directly, I have referred.

In the first place it would throw the selection of the first Legislative Council—a selection which cannot properly or conveniently be made until after the elections—into the hands of one political party; and, secondly, it would lay the Governor open, when Parliament eventually meets, to an accusation on the part of the opposition, that in selecting his ministers prematurely he had given those ministers an advantage before the constituencies, and in so doing had departed from that position of strict impartiality which it is the first duty of a constitutional Governor to assume.

As regards the Legislative Council, I may add that I know, as a matter of fact, that the Government responsible for the Act never for one moment contemplated that the first Legislative Council would be appointed by either political party, but on the contrary intended, and very properly so, that the first Council should be nominated by the existing Executive, which as I have explained cannot be done till after the elections. It may possibly be asked why do you not appoint your present Executive to be Ministers until after the elections and so conform to, at all events, the form of the New Constitution? My reply is, that there is nothing to be gained by such a course; that there is practically nothing for the *ad interim* Government to do beyond seeing that the work of the Departments is kept up to date, and the routine business of Government discharged; and that, in my judgment, it would be little short of an affront to the great principle of Constitutional Government to appoint as responsible Ministers gentlemen who, with one or two exceptions, have no intention of presenting themselves to the constituencies at all.

I may here call attention to the following extract from a letter addressed by the Governor of New South Wales to the Colonial Secretary on the occasion of the introduction of Responsible Government

there, as it appears to me to apply in almost all respects to the case of West Australia to-day, and to support the decision at which we have arrived :

To the Honorable E. Deas Thomson.

MY DEAR DEAS THOMSON,

Sydney, February 12, 1856.

I forward herewith a letter from the Chief Justice, containing his opinion, and that of other Judges, as to the meaning of the term "*political grounds*," which is used in the Constitution Act in defining the causes of the retirement, or release from office, of certain heads of departments, by which they will be entitled to claim a pension. I send you also a copy of my letter to Sir Alfred Stephen, to which this is an answer. The Judges' opinion may be briefly stated to be, that until some moral or absolute necessity can be shown to exist for the retirement of the present holders of office, the *political grounds* for such retirement cannot be said to have presented themselves. Under these circumstances, it is very clear that any attempt to form a Government upon the principles of the responsibility of the members to Parliament must be premature; and the only mode in which it appears possible to reconcile the terms of the enactment with the obligations of the Government, and the consideration due to yourself and the other officers whose claims to pensions are recognised therein, will be to continue the Government in its present form until the elections have taken place, when the character of the Representative Chamber being known, it will be possible, perhaps, to predicate what the policy of the Government will be. Under this state of things political combinations may be made, which now do not present themselves to us. As the Government is to continue in its present form for at least a couple of months, it is absolutely necessary that I should have your assistance in the Executive Council.

* * * * *

Yours, &c.,

(Sd.) W. DENISON.

In conclusion, I may say that it almost appears to me that too much importance has been attached to the point. What material difference can it make whether Ministers are appointed now or a few weeks hence? The Colony, after years of waiting, has at length secured the Constitution so long desired. I have come out from England with no other wish than to bring it into successful working order at the earliest possible moment that I legally can, and I am confident that, six months hence, all parties will admit that the country has in no way suffered by the course which, after carefully considering the question, with the aid of the Executive Council, I have felt it my duty to adopt.

W. C. F. ROBINSON.

Government House,

Perth, 22nd October, 1890.

WESTERN AUSTRALIA.

No. 229.

Government House,

MY LORD,

Perth, 23rd October, 1890.

I have the honour to report that I arrived at Albany on the 18th instant, and that I was sworn in at Perth on the following Monday, and forthwith assumed the administration.

2. The proclamation of the New Constitution, the date of which ceremony had been fixed before my arrival, took place on Tuesday, the 21st instant, amidst great public rejoicings, a full account of which will be submitted to you by next mail. In the meanwhile, I may assure you that nothing could exceed the loyalty and cordiality of the reception which has been accorded to me as Her Majesty's representative and the bearer of the New Constitution so earnestly desired by the Colony.

3. Considering the population of the Colony, I have never seen anything to equal the public enthusiasm displayed. From the moment that I arrived at Albany until late last night, when the Proclamation banquet was held, every hour of the day has been occupied either in receiving or replying to complimentary Addresses, or joining with the people in their rejoicings on this auspicious occasion.

4. From Albany to Perth, a distance of 340 miles, the railway was practically decorated from one end to the other; the stations were festooned with the beautiful wild flowers of the country; and at various stopping places the people assembled to extend to me, as the Queen's representative, a kind and loyal welcome. While we travelled by night, the line was illuminated by bonfires a mile and a half apart, and the whole scene was picturesque and interesting in the extreme. The arrangements made by the Great Southern Railway Company, as also on the Government line, were excellent in every respect.

5. The newspapers which I enclose will supply such further details as have been published up to date. My remarks at the moment of proclaiming the New Constitution, being of a more formal and official character, are separately attached to this Despatch.

I have, &c.,

W. C. F. ROBINSON.

The Right Honourable
Lord Knutsford, G.C.M.G.,
&c., &c., &c.

[ENCLOSURE.]

HIS EXCELLENCY, who on rising to reply was received with loud cheers, said:—Mr. Mayor and gentlemen: The most notable day which has yet occurred in the history of Western Australia has arrived. Up to the present time your affairs have been largely controlled from Downing Street, and though I, for one, am of opinion that the guardianship has been wisely and kindly administered, I rejoice with you all in that you have now attained your majority and are about to enter on the cherished birthright of Englishmen, namely, the management of your own domestic affairs. (Cheers.)

It is unnecessary to recapitulate on this occasion the many benefits which may be expected to follow on the change of Constitution. It is sufficient for me to express the hope that your highest anticipations may be realised, and that while ever remaining, as you are to-day, one of the most loyal sections of the Empire, the principles of self-government may be so administered as to promote in the heart of every citizen those sentiments of manly independence, self-respect, and true patriotism which alone can purify political life and make a community great. In the old country all hearts are in sympathy with you on this auspicious occasion. The Queen herself was graciously pleased to express to me the warmest interest in your welfare; her Ministers wish you well; politicians watch with interest the extension of Parliamentary Government which is now taking place; thousands of intending settlers, attracted by recent discussions and events, are probably at this moment turning their attention to your shores; and last, but not least, we have the sympathy and good-will of our friends and neighbours in the Eastern Colonies, whose support and assistance were so valuable to us in connection with the recent change, and who see in that change a further step towards the ultimate political federation of Australasia. In order not to detain you at too great length, I beg for the moment to thank you, in one, for the addresses which you have so kindly presented to me. Separate replies will be forwarded in due course, and in the meanwhile, will you accept my assurance that I highly appreciate the terms in which you have been so good as to address me, and that I heartily reciprocate the good wishes which you have expressed. (Loud cheers.)

[TELEGRAMS.]

From His Excellency the Governor of South Australia.

Adelaide, 18th October, 1890.

Hearty congratulations on your arrival in the Colony. Warmest wishes for its success under Constitutional Government.

KINTORE.

From His Honor the Speaker of the House of Assembly, Victoria.

Melbourne, 20th October, 1890.

Sincere congratulations to Western Australia on being granted Responsible Government, and best wishes to yourself on being again appointed Governor of that Colony.

M. H. DAVIES.

From His Excellency the Governor of New South Wales.

Sydney, 20th October, 1890.

Very pleased to hear you are back safe and well; and warmest congratulations on Responsible Government being granted to Western Australia.

CARRINGTON.

From President Australian Natives Association, Sydney, New South Wales.

Sydney, 21st October, 1890.

Australian Natives this Colony congratulate people and Colony Western Australia upon attainment Responsible Government, bringing Australian Federation much nearer realization.

B. B. NICOLL, M.P.

From the "Advertiser," South Australia.

Adelaide, 22nd October, 1890.

The "Advertiser" congratulates Western Australia on establishment Responsible Government. Heartily welcome you back to Australia, and is confident your administration under new conditions will be most successful.

BURDEN & BONYTHON.

From His Excellency the Governor of South Australia.

Adelaide, 22nd October, 1890.

We all share your satisfaction that by the due proclamation of the new Constitution Western Australia has at length, amid great rejoicings, obtained that for which she has done so much and waited so long. That your term of office may be very happy and prosperous is the sincere wish of

KINTORE.

From the President of the Legislative Council, South Australia.

Adelaide, 22nd October, 1890.

The Legislative Council of South Australia congratulates the people of Western Australia on the proclamation of Responsible Government.

HY. AYERS.

From His Excellency the Governor of Victoria.

Melbourne, 22nd October, 1890.

Thanks for telegrams. We all wish prosperity to West Australia and a happy reign to yourself.

HOPETOUN.

From His Excellency the Governor of New Zealand.

Dunedin, 22nd October, 1890.

Congratulate you on behalf of people of New Zealand on the dignity attained by Western Australia.

ONSLow.

From His Excellency the Governor of Queensland.

Brisbane, 22nd October, 1890.

Hearty congratulations from Queensland on proclamation of New Constitution; and best wishes for prosperity of Western Australia.

GOVERNOR.

From His Excellency the Governor of New South Wales.

Sydney, 22nd October, 1890.

Sincere congratulations on such an auspicious day for all Australia.

CARRINGTON.

No. 4421.—C.S.O.

²⁹⁷¹/₀₀*Colonial Secretary's Office,**Perth, 24th October, 1890.*

HIS Excellency the Governor has been pleased to appoint CLAUDE HOUSTON STUART, Lieutenant Royal Inniskilling Fusiliers, to be his Aide-de-Camp.

By Command,

MALCOLM FRASER,

Colonial Secretary.

No. 4422.—C.S.O.

²⁹⁷¹/₀₀*Colonial Secretary's Office,**Perth, 24th October, 1890.*

HIS Excellency the Governor has been pleased to confer the Local Rank of Captain upon CLAUDE HOUSTON STUART, Lieutenant Royal Inniskilling Fusiliers.

By Command,

MALCOLM FRASER,

Colonial Secretary.

No. 4423.—C.S.O.

²⁹⁷¹/₀₀*Colonial Secretary's Office,**Perth, 24th October, 1890.*

HIS Excellency the Governor has been pleased to appoint DUNCAN BERESFORD ORD to act temporarily as his Private Secretary.

By Command,

MALCOLM FRASER,

Colonial Secretary.

Levée.

NOTICE is hereby given that His Excellency the Governor will hold a Levée at Government House, on Monday, 27th instant, at 12:15 p.m.

Gentlemen attending the Levée are requested to appear in uniform or evening costume, and to bring with them two cards, with their names *clearly* written thereon; one to be left with the Officer on duty in the Hall, and the other to be delivered to the Aide-de-Camp, who will announce the name to His Excellency.

Gentlemen from the country, or elsewhere, who would be inconvenienced by the regulation as to evening dress, may attend the Levée in visiting costume.

Gentlemen having the *entrée* are requested to arrive a few minutes before the hour fixed for the Levée. The notifications issued in former years respecting the *entrée* remain in force.

By Command,

C. H. STUART,

Capt., A.D.C.

Government House, }
Perth, 24th October, 1890. }

No. 4424.—C.S.O.

²⁹⁶⁷/₀₀*Colonial Secretary's Office,**Perth, 24th October, 1890.*

HIS Excellency the Governor has been pleased, by virtue of the provisions of the 52nd Section of the 53rd Victoria, No. 23, to appoint CHARLES AUSTIN PIESSE, of Arthur River, to take the vote or votes of persons qualified to vote for any Electoral District who, prior to the day for any Election in such District, shall be in the Plantagenet District, or who shall reside more than 30 miles from a Polling Place for the District for which they desire to vote.

By Command,

MALCOLM FRASER,

Colonial Secretary.