



# Government Gazette

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No. 3712.—C.S.O.

*Colonial Secretary's Office,  
Perth, 4th January, 1889.*

HIS Excellency the Governor has been pleased to direct the publication, for general information, of the following Despatch on the subject of the Constitution of the Colony, addressed by His Excellency to the Right Honorable the Secretary of State on the 6th of November last.

To this despatch, His Excellency has this day received a telegraphic reply from Lord Knutsford, in the following words:—"I have no objection to your proposal contained in paragraph 7 in your despatch of 6th November."

Provision can accordingly now be made in the Constitution Bill, if desired, for an Elected Upper Chamber, either after 6 years, or when the population of the Colony shall have increased to 60,000 souls.

By Command, MALCOLM FRASER,  
Colonial Secretary.

*Responsible Government—further respecting.*

No. 301.

MY LORD,

Government House, Perth, 6th November, 1888.

In continuation of my Despatch No. 277, of the 13th ultimo, I have the honor to transmit, herewith, copy of my Message to the Legislative Council, No. 1, of the 17th ultimo, by which I forwarded, for the consideration of that body, in pursuance of Your Lordship's Despatch No. 81, of the 31st of August last, a Constitution Bill for Western Australia; and also a Bill to provide for certain matters connected with the Aboriginal Natives of the Colony.

2. From the copies of these Bills, sent herewith, it will be seen that, in accordance with Your Lordship's suggestion, I have transferred to the Aborigines Bill a further portion of clause 58 of the Constitution Bill, and that I have also ventured to make some slight amendments in the draft of the Constitution Bill. I enclose a copy of the draft of this Bill as forwarded with your Despatch No. 81, marked with the amendments referred to. I also enclose, for convenient reference, copy of the printed despatches and papers laid before the Legislative Council.

3. The Constitution Bill passed the second reading last night, and nothing further will be done with it until the Legislative Council meets in March next, after the general election which is to be held. The Aborigines Bill passed the second reading to-day, and will also now wait until March.

4. The Legislative Council, and I believe the Colony, have decided to accept Your Lordship's views respecting the regulation of the Crown Lands, and respecting the protection of the Aboriginal Natives. The principle of a nominated Upper Chamber was also carried last night by a majority of thirteen votes to nine. But this majority was produced by the voting of the official and nominee members. Of the seventeen elected members of the Council (three of whom were absent), eleven are in favor of an *elected* Upper Chamber, and they are supported by a considerable preponderance of public opinion throughout the Colony. I apprehend difficulty on this question of the Upper Chamber when the newly-elected Legislative Council meets to finally consider the Constitution Bill, and I would strongly recommend, as not inconsistent with the views stated in Your Lordship's Despatch No. 69, of the 30th of July last, paragraph 7, that, while the new Constitution should *begin* with a *nominated* Upper Chamber, the Act should provide for an *elected* Upper Chamber either in six years time, or when the population of the Colony shall have increased to 60,000 souls.

5. Elective Upper Chambers have "stood the test of thirty years experience" in these Colonies at least as well as nominated Upper Chambers. It is often argued that the last thing which a democratic Lower House desires is to replace a weak, sleepy Assembly of nominees by an elected Upper House, vigorous, vigilant, authorised and strengthened in its exercise of power by the suffrages of the most enlightened portion of the community. In the opinion of many persons this feeling partly accounts for the permanency of a nominated Upper Chamber. I do not wish myself to depreciate such a Chamber, but certainly the balance of even *conservative* opinion here is strongly in favour of an elected Legislative Council. Only five of the elected members voted in favour of a nominated Upper Chamber. It is feared that some of these gentlemen may lose their seats on this question at the general election; should this be the case, the majority among the elected members, hostile to a nominated Upper Chamber, would be still further increased when the new Council meets. Delay and difficulty would then occur.

6. To two out of the three "main principles" laid down by Her Majesty's Government in connection with the change of constitution, namely, "the division of the Colony for the purposes of land regulations" and "the protection of the native inhabitants," the Legislature and people of Western Australia have, so far, shown every disposition to accede, and this, notwithstanding the fact that the arrangements insisted upon are not very agreeable to the colonists. Taking the whole of the circumstances into account, I would venture, therefore, to strongly recommend the modification I have mentioned in regard to the third "main principle" of the Constitution Bill, the nominated Upper Chamber. What I propose is, in fact, in full accordance with Your Lordship's Despatch No. 69, of the 30th of July last, in which an opinion that the Upper Chamber should be nominated is qualified by the following words:—"At all events in the first instance, and until the population of the Colony "has considerably increased."

7. It is most desirable that Your Lordship's final decision on this important point should be made known here before the general election, which will take place in January and February next. I will therefore ask for a telegram on the subject, my respectful recommendation being that Her Majesty's Government should consent to the Upper Chamber under the new Constitution becoming elective, either (*a*) after 6 years or (*b*) when the population of the Colony, now estimated at 42,043 souls, shall have increased to 60,000 souls, and that I be empowered to alter the Constitution Bill accordingly, or that an amended draft be sent out by Your Lordship in time for the meeting of the Legislature in March next.

8. Should Your Lordship agree to what is proposed in this despatch, I do not anticipate any further difficulty in passing either the Constitution Bill or the measure relative to the Aboriginal Natives.

I have, &c.,

F. NAPIER BROOME.

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