

(No. 101.)



1879.

TASMANIA.

HOUSE OF ASSEMBLY.

FINANCE:

Address from the Legislative Council to His Excellency the Governor,
with His Excellency's Reply, and Memorandum from Ministers.

Laid upon the Table by the Colonial Treasurer, and ordered by the House to be
printed, February 13, 1880.



Government House, 13th January, 1880.

THE Governor acknowledges the loyal Address passed by your Honorable Council on the 31st October, 1879, and transmitted to him after your adjournment.

In reply, he assures you that it has ever been his desire to co-operate with the Legislature in promoting the good conduct of financial business ; he recognizes and has carefully fulfilled the duty incumbent on him, "in Council" or otherwise, to confine his Ministers to the limits imposed on them by law as enacted by Parliament ; and he further expresses his constant willingness to assist by advice in the confidential relations which exist between a Governor and his Advisers.

He cannot, however, consistently with his constitutional position, undertake, in or out of Executive Council, to assume responsibility for arrangements within the limits of the law, and for the proper conduct of which Ministers and the Treasurer are directly responsible to Parliament, nor can he suppose that it would be the desire of your Honorable Council that he should do so.

Wishing to treat with the utmost respect and secure the fullest consideration for any expression of the opinion of your Honorable Council, the Governor has submitted your Address to Ministers, and has received from them a Memorandum which he now places before you, and in which he expresses his general concurrence as embodying the same constitutional views to which he has adhered as well formerly when Prime Minister in another Colony as here as Governor.

FRED. A. WELD, *Governor.*

LEGISLATIVE COUNCIL.

To His Excellency FREDERICK ALOYSIUS WELD, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Tasmania and its Dependencies.

MAY IT PLEASE YOUR EXCELLENCY,

WE, Her Majesty's dutiful and loyal Subjects the Members of the Legislative Council of Tasmania, in Parliament assembled, beg respectfully to forward to Your Excellency the following Resolution :—"That this Council, in assenting to the ' Bill to authorise the issue of Treasury Bills to the amount of £100,000,' desires to place on record that it has been reluctantly obliged to accede to this course rather than suffer great inconvenience to the Public Service, as well as injury to the credit of the Colony ; but that the Council feels it to be its duty at the same time to express the opinion that large financial arrears should not be permitted to accumulate, and consequent arrangements be entered into with any of the Banking Institutions of the Colony, without the attention of the Governor in Council being called by the Colonial Auditor to the state of the Public Accounts, and His Excellency's approval in Council being given to the arrangements found to be expedient."

Passed the Legislative Council this
31st day of October, 1879.

E. C. NOWELL, *Clerk of the Council.*

J. M. WILSON, *President.*

REFERRED to Ministers for their consideration.

FRED. A. WELD.
Nov. 3, 1879.

MEMORANDUM BY MINISTERS TO HIS EXCELLENCY THE GOVERNOR.

MINISTERS have perused and carefully considered the Address passed by the Honorable the Legislative Council on 31st October last, and transmitted to Your Excellency, and by Your Excellency referred to Ministers for their consideration.

The present Ministry comprises men who have had the honor to be Your Excellency's Constitutional Advisers in one or other of the several Ministries which have held office since your assumption of the Governorship of this Colony, and Ministers are therefore in a position to bear testimony to the vigilance which you have uniformly exerted in pointing out to Ministers any step contemplated which, in your opinion, might not be fully warranted by Law; and your views upon such questions have always been carefully considered, and in all cases in which your objections have not been removed by discussion they have been acceded to by your Advisers.

Ministers fully admit the constitutional propriety of such action on the part of Your Excellency, and would not desire that any one holding the high position of Governor of this Colony should be compelled to yield an automatic assent to every proposal made by his Ministers.

But Ministers must respectfully submit that Your Excellency's constitutional duties are confined within the limits which you have hitherto observed, with such advice as you may be pleased to give in consultation. We respectfully protest against the interference by a Constitutional Governor in financial arrangements regarding expenditure authorised by Parliament.

The transactions referred to in the Address of the Honorable the Legislative Council are distinctly within the Department of the Colonial Treasurer, for which he is responsible to Parliament.

It appears to Ministers that while the Governor of a Crown Colony, having his own financial staff, and responsible to Her Majesty through the Secretary of State for their proper conduct, may wisely and usefully interfere in matters of detail: in a self-governing Colony like Tasmania such interference on the part of a Governor would be made without the means of forming a correct judgment, the action of the Treasurer would be fettered, and the power of the representatives of the people would be set aside or limited to an appeal to the Secretary of State against any action which the Governor might see fit to take. Thus an irresponsible personal Government would be substituted for Representative Institutions, a result which Ministers are confident was never contemplated or desired by the Honorable the Legislative Council.

Cabinet Office, 21st November, 1879.

W. R. GIBLIN.
WM. MOORE.
C. O'REILLY.
J. S. DODDS.