

1909.  
VICTORIA.

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# DISSOLUTION OF THE TWENTY-FIRST PARLIAMENT.

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THOS. D. GIBSON CARMICHAEL,  
*Governor of Victoria.*

*Message No. 10.*

In accordance with the request contained in their Address, dated 10th February instant, the Governor transmits to the Legislative Assembly a Memorandum and therewith papers relating to the Dissolution of the Twenty-first Parliament.

Government Offices,  
Melbourne, 18th February, 1909.

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*Ordered by the Legislative Assembly to be printed, 25th February, 1909.*

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## VICTORIA.

## DISSOLUTION OF THE TWENTY-FIRST PARLIAMENT.

MEMORANDUM FROM HIS EXCELLENCY THE GOVERNOR IN ANSWER TO THE ADDRESS OF THE LEGISLATIVE ASSEMBLY, DATED 10<sup>TH</sup> FEBRUARY, 1909, AND THEREWITH PAPERS RELATING TO THE DISSOLUTION OF THE TWENTY-FIRST PARLIAMENT.

## MEMORANDUM FROM HIS EXCELLENCY THE GOVERNOR.

His Excellency the Governor was informed by the late Premier of the circumstances which led him to ask His Excellency to dissolve Parliament by word of mouth and not in writing; and there was no correspondence on the subject of the dissolution between His Excellency and the Government.

His Excellency, after fully discussing the situation with the late Premier, drew up a brief memorandum, which was signed by both His Excellency and by the late Premier.

His Excellency drew this memorandum up in order that the late Premier might, if he wished, show it to the members of the Ministry.

A copy of this memorandum is appended to this (Schedule A).

His Excellency drew up a further memorandum in which he set forth the considerations which led him to dissolve the Legislative Assembly.

His Excellency drew this up as a record for his own use. He marked it confidential; but he thought it right to furnish a copy of it to the late Premier.

A copy of this memorandum is also appended (Schedule B).

THOS. D. GIBSON CARMICHAEL,  
Governor of Victoria.

[COPY.]

## SCHEDULE A.

BRIEF MEMORANDUM DRAWN UP ON 5<sup>TH</sup> DECEMBER, 1908, BY HIS EXCELLENCY THE GOVERNOR.

On the 4th December, 1908, Sir Thomas Bent, the Premier, came and told the Governor (Sir Thomas Carmichael) that his Government had been defeated the night before in the Legislative Assembly, that his Cabinet had met that day, and that all the Ministers were agreed that he should ask the Governor for a dissolution.

Sir Thomas Bent said that he felt confident that in the event of a dissolution being granted the country would be found to side with the Government.

He said further that he believed that if asked to do so, either Mr. Prendergast, the leader of the (Labour) Opposition, or Mr. Murray, the mover of the resolution on which the Government was beaten, would be willing, and probably able, to form a Ministry in the present House, but in neither of these cases could such a Ministry be permanent. He could not advise the Governor to ask either Mr. Prendergast or Mr. Murray to take office, but he did advise him to grant a dissolution, as desired by the Cabinet.

The Governor said he would not give an answer at once, as he required a little time to consider the situation.

On the evening of the 5th December, Sir Thomas Bent again called on the Governor and again repeated his request for a dissolution. The Governor asked Sir Thomas Bent whether he had considered the possibility of a dissolution at the time of harvest not being a good thing for the State. Sir Thomas Bent said he had considered this. If it was an unpopular thing to have a dissolution, then the unpopularity could only hurt the Ministers who advised it; he again advised the Governor to grant a dissolution.

The Governor gave Sir Thomas Bent the following answer in writing :—

“In the matter of granting or refusing a dissolution the Governor considers that he can only refuse to act on the advice of Ministers if he feels that in doing so his action would be supported by the constituencies. At the present time, especially in view of the elections involved by the recent reconstruction of the Ministry, he sees no indications to lead him to suppose that the constituencies would prefer any other set of men as Ministers to the present Ministry; the Governor, therefore, is prepared to act on the advice of Sir Thomas Bent and grant a dissolution.”

(Sd.) THOS. D. GIBSON CARMICHAEL.  
THOS. BENT.

[COPY. CONFIDENTIAL.]

SCHEDULE B.

December 7th, 1908.

MEMORANDUM BY HIS EXCELLENCY THE GOVERNOR ON THE CONSIDERATIONS WHICH LED HIM TO DISSOLVE THE LEGISLATIVE ASSEMBLY.

On 3rd December the Government were beaten in the Legislative Assembly by a majority of twelve on a direct vote of no confidence.

The Premier reported this to me next day, and told me that the Cabinet were unanimous in desiring a dissolution, which he strongly advised me to give in the interest of the State.

He recognised that, especially on the matter of a proposed dissolution, the advice of a Premier who had lost the confidence of the House must be received with caution; but he was prepared to support his views by argument.

Two courses were open to me—to follow the Premier's advice and dissolve; or to reject his advice, ask him to tender his resignation, and endeavour to find a member of one of the two Houses to form an Administration.

My duty was to take the course which I thought most likely to meet with the approval of the constituencies.

The Assembly was elected in March, 1907. Its second session was expected to finish almost at once, and it could, in any case, only sit through one more session. It was quite possible, therefore, that it no longer represented the views of those who elected it.

On the other hand, members even of a comparatively old Parliament are not likely to declare their want of confidence in a Ministry without some reason for believing that popular feeling is with them.

Christmas and harvest time seemed to me a peculiarly unsuitable season in which to hold a general election; and there was much to be said for delay until recent legislation, enlarging the franchise, could take effect. I pointed this out to the Premier; he told me that Ministers knew that dissolution at that time would be unpopular, and that its unpopularity must do them harm in the constituencies; they nevertheless asked for it, which was, he claimed, proof that they had strong grounds for believing that the electors had full confidence in them.

In any case, I thought the importance of securing a true representation of the country ought to outweigh any inconvenience in the time chosen for an election.

The reasons which the Premier gave me for advising dissolution were three :—

(1) He believed that the Legislative Assembly, if it really had no confidence in the Government, did not represent the feelings of the country. He quoted recent by-elections as convincing indications of public feeling.

I felt that this belief, if well founded, was a strong argument for dissolution, and the by-elections which supported the Government certainly gave an air of probability to the Premier's contention.

(2) He pointed out that some of those who voted against the Ministry did so avowedly, not because they disbelieved in the policy of the Government, but because they thought that certain of his own past actions showed want of unrightness. They made accusations against him, the truth of which he indignantly denied; but he said that if these were grounds for declaring want of confidence in the Ministry, it was only fair to himself, to the Ministers who supported him, and to the country that the constituencies should be asked to pronounce their judgment.

I did not think this in itself a reason for granting a dissolution, though the case for one might be strengthened if dissolution gave the electors an opportunity to express their views on matters concerning the honour of their State.

(3) The Premier thought that if I did not follow his advice, I could only ask one of two men to form a Government—either Mr. Prendergast, the recognised leader of the Opposition, or Mr. Murray, who had moved the vote of no confidence. Either of these, he thought, would be willing to form a Ministry, and might for the moment succeed; but to ask either to do so would not be in the interest of the State, for he felt certain that no Government led by either of them would last for many days. He believed dissolution was in any case inevitable before long, and ought to be given to the Ministry which the country had placed in power with so large a majority in 1907.

I did not think that my choice was necessarily confined to one of these two gentlemen, nor did I think that the Premier's opinion that dissolution was inevitable was necessarily correct; but I felt that, if I should decide to dissolve Parliament, there was some reason in his claim to be allowed to appeal to the country whilst still in office.

I did not seriously consider whether I should look for a leader in the Legislative Council; for I believed that the Legislative Assembly would never accept as Premier one who was not a member of their own House.

The majority in favour of the vote of no confidence was made up of fifteen members of the Labour Party, who never had any confidence in Sir Thomas Bent's Ministry, and 22 former supporters who had lost confidence in it; but who, both at the last general election, and apparently still, were opposed to the Labour Party. The 25 members who, by voting against the motion, showed their confidence in the Cabinet, were the most numerous section in the House. It was obvious that no leader could form a stable Government in the Assembly then existing unless he could command support from two of these sections. The Premier assured me that his supporters would continue to oppose the Labour Party, and were not likely to be friendly to those non-Labour members who had voted against him.

I carefully considered Mr. Prendergast's position as leader of the Opposition. The Labour Party, in their attitude to politics, claim to stand exactly as they did at the last election. Mr. Prendergast, therefore, with only fifteen followers, could not command the confidence of the House, unless there had been a change in the attitude of a considerable number of non-Labour members towards him. Of this there was no evidence. It would not have been fair to the Labour Party themselves to have asked their leader to form a Ministry, unless I was prepared to allow him to appeal at once to the electors. And, as I saw no sign that the constituencies, which had hitherto been so opposed to Mr. Prendergast's party as to return 50 members against it and only fifteen in its favour, would like an appeal made to the country by him, I did not feel justified in asking Mr. Prendergast to form an Administration.

I could find no evidence of Mr. Murray having ever been regarded as a leader in the House, and nothing had been disclosed in debate on his motion to show that anything had arisen to give him that position. The majority which supported him, though large, seemed to me entirely formed to carry that one motion; two of those who voted with him deliberately expressed doubt as to following him in anything else; some were well known to be hostile to the Labour Party, with whose representatives they then voted; others had shown by their speeches that they were divided among themselves on the land question, with which it was generally expected that the Government would shortly deal; and nothing showed that the Labour Party meant to give him further support.

In my opinion any Ministry formed at that moment by Mr. Murray could have had no real stability; and I saw nothing to lead me to think that he, rather than the present Ministry, ought to appeal to the country at a dissolution. Indeed, there was evidence to the contrary. Mr. Murray had said that one reason for his distrust of the Government was dissatisfaction with the reconstruction of the Cabinet. A recent division, however, seemed to show that apart from the Labour representatives, there were only three members besides Mr. Murray who had been opposed to reconstruction; and several constituencies had expressed their opinion on it since it had taken place.

Within a few weeks before the vote of no confidence, four members joining the Ministry had appealed for re-election; one of these, a member of the Legislative Council, was returned unopposed; while of those belonging to the Legislative Assembly, two received majorities larger than they had at the last general election, and the remaining one, though his majority (789) was less than that which he had at the general election (852), could not be fairly said to have lost the confidence of his constituents.

The debate on the vote of no confidence had made me think that possibly the House as a whole desired a change of Premier rather than a change in the professed policy of the Government. If, therefore, general consensus of opinion among those who had been in the habit of supporting the Government had pointed to any leader as acceptable, I should have felt bound to consider whether I ought not to ask him to try to form a Government; but in spite of the fact that recent changes in the Cabinet must have directed public attention to those who develop the policy of the State, nothing seemed to indicate that there was any such leader.

To sum up, the evidence before me led me to believe that even if the constituencies, in spite of the recent by-elections which were the only clear indications of opinion, and which were in favour of the Government, did desire a change of Ministry, there was no proof that they wished for either Mr. Murray or Mr. Prendergast as Premier—that as there was no apparent probability of either of those gentlemen being able at that moment to form a stable Government, and as I knew of nothing entitling me to invite any one else to try to do so, I had no reasonable grounds for differing from the Premier's view that dissolution was inevitable; that a dissolution at Christmas time would not increase the popularity of the Government, and that, therefore, I should not give the Premier any unfair advantage if, in the absence of clear indications of desire in the country for any other definite leader, or for a policy other than that which his Government professed, I allowed him to appeal to the electors.

It was my duty to act in local matters on the advice of the Ministry, as expressed by the Premier, unless I was prepared to find other advisers better able than they to conduct His Majesty's Government, or unless I felt that their advice was contrary to the feelings of the country. I did not believe that I could at that moment find such advisers, and I felt that if I refused to accept the advice of the Premier I should be doing so without reasonable certainty of my action being supported by the constituencies.

I therefore agreed to dissolve Parliament.

The Premier concurred with me in thinking that the new Parliament ought to meet with as little delay as possible. He assured me that, provided the elections took place before the end of the year, sufficient money was legally available to discharge the liabilities of the State without any further grant of supply.

I therefore dissolved Parliament at once to permit of its re-assembling on the earliest day which the Premier thought at all convenient.

(Sd.)

THOS. D. GIBSON CARMICHAEL.