

## Enclosure.

## CORRESPONDENCE RELATING TO THE RECENT POLITICAL CRISIS IN TASMANIA.

No. 1.

The GOVERNOR to Mr. EARLE.

The Hon. John Earle.

Government House, Hobart, Tasmania.

THE Governor is prepared to entrust Mr. Earle with the duty of forming an Administration on the following conditions:—

- (1.) That an immediate dissolution of Parliament shall take place:
- (2.) That the newly elected Parliament shall be summoned before the end of May:
- (3.) That, in the event of the office of Attorney-General not being filled by a fully qualified lawyer in practice, the Governor must reserve the right to obtain legal advice, when he considers it necessary, from other sources.

3rd April, 1914.

WILLIAM ELLISON-MACARTNEY, Governor.

No. 2.

Mr. EARLE to the GOVERNOR.

Memorandum for His Excellency.

Mr. EARLE presents his respectful compliments to His Excellency.

Since Mr. Earle's interview with the Governor on the 3rd instant, relative to the formation of an Administration, Mr. Earle has given very earnest consideration to the question of the pledges demanded by the Governor as the condition of Mr. Earle's acceptance of office, and, being of opinion that the demand of those conditions raises questions of grave constitutional importance not only to this State, but to all His Majesty's self-governing dominions, Mr. Earle deems it his duty to respectfully submit to the Governor the following observations, and to respectfully request the Governor's consideration thereof:—

The Governor's late Ministers were the subject of a motion proposed and carried in the House of Assembly, declaring that they no longer possessed the confidence of the House.

Thereupon, I understand, the Governor's late Ministers advised the Governor to dissolve the House of Assembly. The Governor did not accept such advice, but entrusted Mr. Earle with the duty of forming an Administration on the following conditions, namely:—

- (1.) That an immediate dissolution of Parliament shall take place;
- (2.) That the newly elected Parliament shall be summoned before the end of May; and
- (3.) That in the event of the office of Attorney-General not being filled by a fully qualified lawyer in practice, the Governor must reserve the right to obtain legal advice, when he considers it necessary, from other sources.

Conditions (1) and (2) Mr. Earle demurred to.

Mr. Earle commands the confidence of a majority of the members of the House of Assembly, and he has given the Governor his assurance that he can carry on the Government.

On these facts Mr. Earle respectfully submits to the Governor:—

- (1.) That the exaction of the pledge to advise a dissolution of the House of Assembly is contrary to the principles and well-established practice regulating the conduct of parliamentary government;
- (2.) That the circumstances of the case are not such as to justify the Governor in forcing a dissolution on his Ministers.

As to (1): The cardinal principle of parliamentary government is that the powers of the Crown are exercised through Ministers, who are responsible to Parliament for the manner in which those powers are used. The principle is very clearly enunciated in the despatch of the 26th March, 1862, from the Colonial Secretary to the Governor of Queensland—"The general principle," writes the Colonial Secretary, "by which the Governor of a colony possessing responsible Government is to be guided is this: ' . . . in matters of purely local politics he is bound, except in extreme cases, to follow the advice of a Ministry which appears to possess the confidence of the Legislature.' " (Cited in Todd on "Parliamentary Government in the Colonies," at page 630.)

One of the powers of the Crown in this State—a power conferred on the Governor by the Constitution Act—is to dissolve the House of Assembly. But, in conformity with the principle above referred to, such a power should only be exercised on the advice of Ministers who are prepared to accept the responsibility for the use of it.

It is true that by virtue of the terms of his Commission the Governor has the power to act in opposition to the advice of his responsible Ministers, but such a course would be practically impossible in the case of a dissolution, and in any case could only be justified where there existed some very extraordinary cause calling for the Governor's personal action.

Mr. Earle respectfully submits to the Governor that the enforcement of the conditions as to a dissolution imposed by the Governor would work a subversion of the fundamental principles of the Constitution.

As the Governor's Minister, it is Mr. Earle's bounden duty to tender to the Governor such advice as Mr. Earle thinks right and proper, and the interest of the State calls for; but this he cannot do if he binds himself by the conditions imposed by the Governor.

If Mr. Earle accepts the pledge demanded the power of dissolution will, in fact, be not only exercised without Mr. Earle's advice, but in direct opposition to the opinion he entertains as to what his advice should be. Instead of being advised by his Minister, the Governor will make