

discharge his duty on the present occasion by simply moving that the Bill be now read a second time.

The motion was agreed to, and the Bill passed through Committee, *sub silentio*.

The House adjourned at half-past eleven o'clock, p.m.

## LEGISLATIVE COUNCIL,

*Tuesday, 7th September, 1880.*

Return showing Financial Position of the Colony—Commission to Inquire into Departmental Expenditure—Message (No. 22) re Audit Bill: Consideration of—Slaughter House Ordinance, 1882—Financial Return—Excess Bill: Report of Select Committee—Excess Bill—Appropriation Bill for 1880 (Supplementary): second reading; in committee—Perth Working Men's Association Mortgage Bill: third reading—Appropriation Bill for 1881: third reading—Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

PRAYERS.

### RETURN SHOWING FINANCIAL CONDITION OF THE COLONY.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) laid on the Table a return (moved for by Mr. S. H. Parker on 27th July) showing the exact financial condition of the Colony on the 1st July, 1880, inclusive of all outstanding liabilities on that date, so far as the said return could then be made up. The return showed an indebtedness on General Account (exclusive of Loans) amounting to £78,110 17s. 1d. (*Vide* "Votes and Proceedings, 1880," Sessional Paper, A 15.)

### COMMISSION TO INQUIRE INTO DEPARTMENTAL EXPENDITURE.

MR. STEERE, with leave, without notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to appoint a Commission to inquire, during the recess, into the whole question of Departmental Ex-

penditure, in order that the House at its next Session may be in possession of such correct information as will enable members to judge whether any reduction in this expenditure can be effected without detriment to the Public Service; and that the majority of such Commission shall consist of unofficial persons."

MR. RANDELL suggested there should be at least one Government official on the commission.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake): I shall oppose the motion. It looks to me like a reflection upon those who happen to be in the service of the Crown. The wording of the resolution is capable of that construction; but at the same time I should hope the hon. member for the Swan does not intend to give it that effect. If the motion were simply that a commission should be appointed to inquire into the question, I apprehend that the Council would accede to such a motion without demur—and without a word of comment—certainly without a word of comment from me. But I must say there are expressions introduced into the resolution, and somewhat accentuated, which cast a sort of distrust upon official persons; and the word "correct" information following upon that seems to imply that such information would possibly be withheld if the official element were introduced. It really strikes me that the wording of the resolution does not convey accurately even the meaning of the hon. member moving it, and that it might be somewhat modified. If, therefore, the hon. member will confine himself to moving for the appointment of a commission by His Excellency the Governor to inquire into the question of departmental expenditure, leaving it to the discretion of the Governor to appoint upon such commission any member of this House, official or nonofficial, I think such a motion would not be unacceptable to the Council. But I must protest, standing here alone as the representative of officialdom, against the resolution as it is now worded, implying as it does a distrust that if there are any official persons on the commission the information which the commission may be able to furnish to the House will neither be reliable or correct.

MR. STEERE expressed his readiness to alter the latter part of the resolution so that it should read—"and that the majority of such commission shall consist of unofficial persons."

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake): I shall even oppose that.

MR. STONE quite agreed with the view taken of the matter by the Attorney General, and hoped the hon. member for the Swan would word his resolution in the way such resolutions were usually worded. In the House of Commons—and the hon. member had a much better knowledge of the practice in that House than he had, and would, doubtless, bear him out in what he said—motions for the appointment of commissions did not tie the hands of the Government as to whom the commission should consist of.

MR. STEERE said he could not go beyond what he had already expressed his readiness to accept, namely, that instead of the commission consisting entirely of unofficial persons, it should consist of a majority of such persons.

The resolution was amended accordingly, and agreed to.

MESSAGE (No. 22) RE AUDIT BILL:  
CONSIDERATION OF.

MR. STEERE, in accordance with notice, moved, "That the following Address be presented to His Excellency the Governor, in reply to his Message (*vide* page 324, *ante*) withholding his assent to the Audit Bill:—

"The Council desires to acknowledge the courteous message in which Your Excellency has stated your views to the Legislature with reference to the Audit Bill, from which you have been pleased to withhold your assent.

"The Council, in the exercise of the duty which it owes to the Colony, having determined to memorialise the Secretary of State, in order to obtain his assent to the Bill, if introduced at the next Session of the Council, do not consider it necessary to enter at length into the reasons which have impelled Your Excellency to take the course which you have considered it your duty to adopt, but it cannot avoid referring to one or two of your remarks.

"In paragraph 7 Your Excellency states that in the direct responsibility

"of the Governor to the Secretary of State the country possesses as full and ample security for the proper and economical expenditure of public money as would be provided by the Bill under consideration. We can only say that in theory this may be to a certain extent correct, but unfortunately the practice in this Colony has proved that the responsibility of the Governor to the Secretary of State has been no check upon unauthorised expenditure, as must be apparent when it is recollected that during Your Excellency's previous administration in this Colony there was expended over and above the amount voted in the Appropriation Acts, £18,755 in 1876, and £17,928 in 1877, and these sums were exclusive of expenditure on account of the Eucla Telegraph Line; whilst in 1878 the amount spent exceeded the appropriation by £41,437, and in 1879 the Council has been asked to confirm an over-expenditure of £18,477, which is exclusive of a further unauthorised amount of £14,243 spent on works connected with the Northern Railway. These facts cannot but prove conclusively that whatever may be the case theoretically, practically there is no restraint on unauthorised expenditure, whilst, on the contrary, Audit Bills similar in their provisions to that passed by the Council, have been efficient in Tasmania, Queensland, and New South Wales.

"Your Excellency appears to think that as the Bill, in cases of emergency, would permit you to authorise expenditure of money not voted by the Legislature, there would be no more check than at present on excessive expenditure, but a perusal of Lord Granville's Despatch to Earl Belmore, when Governor of New South Wales, on the subject of unauthorised expenditure and the manner in which 'emergency' is therein defined, would convince Your Excellency that your views in this respect are not such as were entertained by Earl Granville.

"The Council cannot but regret that the Treasurer should have so far forgotten the respect which he owed to a Select Committee of this Council, as in a letter addressed to Your Excellency to represent that the evidence which

"he gave had been inadequately reported. The House is informed that the evidence which this officer gave was read over to him by the Chairman of the Committee, and he was asked whether he wished to correct it or to add anything to it, to which he replied in the negative; and the Council is further informed that all material evidence given by the Treasurer was reported to the House, and if he had any complaint to make it ought to have been addressed to the Council and not to the Governor.

"With reference to the opinion of the Treasurer as to the present regulations being, in his opinion, superior to those in the Audit Bill, it must be borne in mind that Heads of Departments are always averse to any change in the system under which their work is conducted; but as a proof of the inefficiency of the present system of keeping the accounts we need only point to the fact, that the return which you ordered to be made, on the 6th of May, 1880, showing the true financial position of the Colony on the 31st December, 1879, was not completed by the Treasurer and forwarded to you until the 2nd of July, 1880, whereas under the regulations in the Audit Bill the financial position of the Colony could be readily ascertained at any time. A return of the financial condition of the Colony on the 1st of July, moved for by the House on the 27th of July, has never yet been furnished.

"The Council prays, that when forwarding to Her Majesty's Secretary of State your Message withholding your assent from the Audit Bill, Your Excellency will, at the same time, forward this reply to the same."

MR. STEERE, in moving this address, said he conceived it was only right and proper that the House should reply to His Excellency's Message, though it would not be necessary to do so at any length, in consequence of the subject having been already dealt with in the memorial adopted the previous day. But there were one or two points not referred to in that memorial which he thought the House ought to take cognisance of, and more especially that part of His Excellency's Message in which the Colonial Treasurer, in his (Mr. Steere's)

opinion, cast certain reflections upon the Select Committee appointed to report upon the Audit Bill, implying that the evidence tendered by that officer before the Committee was not correctly given in their report. As a matter of fact, the evidence of that gentleman, when reduced to writing, was read over to him, and he was asked whether he wished to add to it, or correct it, in any respect, and the Treasurer's reply was that he did not. Under these circumstances, he thought the Treasurer had no right, afterwards, to write to the Governor, as he had done, and say that his evidence had not been adequately reported, thus casting a reflection upon a Select Committee appointed by that House. He thought if the Treasurer had any complaint to make about the way his evidence had been reported, his proper course would have been to have addressed that House, or His Honor the Speaker, on the subject, and not the Governor. No doubt other members of the Select Committee would confirm what he had said,—that, as chairman of the Committee, he had offered to take down anything which the Treasurer himself, or any member of the Committee, wished him to take down. He therefore failed to see what ground there was for any complaint at all.

Question put—That the address be adopted.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake): I shall move as an amendment that all the words after the word "assent," at the end of the first paragraph of the address, be struck out; and I do it for this reason—it really seems to me that the Council has already done all that could be expected of it to carry out its object with reference to this precious Audit Bill. The Bill, I had hoped, had been relegated to the limbo of parliamentary abortions. It is defunct. And I hoped to-night we should have jumped on its grave. But its chief mourners now propose to exhume the corpus, and invite the House to consent to a post-mortem examination of its remains. I must really protest against being called upon to take part in any such dismal proceeding. The Council, not content with discussing the Bill on its merits, and having had the benefit of another long discussion last night upon the memorial, now proposes to re-open

the whole question. What possible good can come out of it? The House has already resolved that the whole affair shall be brought before the Secretary of State; it has been exhaustively discussed in the House and in Committee, and what more can hon. members want? Moreover, there is something about the tone of this address which I think will not commend it to the approval of the Council. We are told in a—I won't say flippant—but conversational tone: "Your Excellency appears to think so-and-so; but had you read Lord Granville's despatch to Earl Belmore, you would have thought otherwise." I have no wish to lecture the House on the propriety or impropriety of its diction; but surely language like that is not such as befits the grave air of reserve which a grave document of this sort should exhibit. Then again: "The Council is informed that all material evidence given by the Treasurer was reported to the House, and if he had any complaint to make it ought to have been addressed to the Council and not to the Governor." I have occasionally heard it said that "familiarity breeds contempt," and there is an air of easy familiarity about this address which I do think is neither dignified nor respectful. As to all material evidence having been reported, the Treasurer himself appears to think differently; and really it does strike me that this House is taking, in this case, a somewhat high ground with regard to these two functionaries—first the Governor and then the Treasurer, for it gives both of them what I may call a "wiggling," the latter for having ventured to communicate with the Governor on the subject of his evidence, and the Governor for having received the communication addressed to him. I think the language of the address is open to that construction. Then again, with reference to the opinion of the Treasurer as to the efficiency of the present regulations, we have the same familiarity of tone, the same colloquial strain, which, however befitting gentlemen when they converse among themselves without reserve, is somewhat unusual in a grave communication dealing with a grave topic of this kind. I think, really, all reasonable objects will be attained if the first paragraph only appears. What earthly use is it going on, night after

night, night after night, discussing this precious Audit Bill? In reality, we are in the position of disappointed suitors, remonstrating with a jury who has given a verdict against us. I don't think it becomes the dignity of the House.

MR. BROWN was somewhat surprised to find that the views expressed by the Attorney General were almost identical with the views which he himself entertained on the subject,—he said surprised, for it was seldom one found two persons exactly agreeing upon matters, however trivial. Personally, he did think that inasmuch as the Council last night had adopted a memorial to the Secretary of State, on this same subject, it would be just as well to allow the question to rest there, or, at any rate, to content ourselves with the first paragraph of the address now before the Committee. At the same time, as other hon. members who had taken more pains than he had to carry out the object in view thought otherwise: as the hon. member for the Swan—who certainly had the whole matter much more at his finger-ends than he had—conceived it desirable that an address in reply to His Excellency's message should be adopted; and inasmuch as it was desirable, in his opinion, that the Audit Bill should become law, he was not going to assert his individual right of independence of action in the matter. There were, however, some few amendments which he would wish to move in the address, if the hon. member who had moved it did not fall in with the amendment submitted by the Attorney General. It was his intention to vote on whichever side the hon. member for Swan voted, for he looked upon it as his duty, so far as he possibly could, without violating his own conscience, to support the hon. member in the line of action which he considered it necessary to adopt to ensure the ultimate passing of the Bill. In his own opinion, they had already done enough to attain their object, in this respect; but, subject to the amendments which he proposed to submit, he was prepared to follow whatever course the hon. member who had had charge of the Bill considered desirable.

MR. BURGESS was afraid hon. members would defeat the object they had in view by pressing this matter any further.

The principal object which they had all been aiming at this Session was to cut down the expenditure in order to be able to get on with the Eastern Railway, and to show the Secretary of State that the Colony was in a position to provide the interest and sinking fund for another loan to enable them to push on that work. But he was afraid that the action of the House with respect to this Audit Bill would spoil all they had done in the other direction, by bringing the House into antagonism with the Government. He thought they had done quite enough in adopting the memorial to the Secretary of State, without taking any further action in the matter.

MR. MARMION said he was prepared to prove the fallaciousness of the figures put forward in the third paragraph of the address, and he hoped, in order to prevent the Governor seeing how grossly inaccurate were the assertions as well as the figures in this clause, the hon. member for the Swan would consent to withdraw the whole of the address with the exception of the initial paragraph. In the third paragraph it was stated that, in 1877, a sum of £17,928 was expended over and above the amount voted in the Appropriation Act, and that this sum was exclusive of expenditure on account of the Eucla Telegraph Line. But if the hon. member would refer to the remarks of the Auditor General upon the expenditure statement for that year, he would find that out of the above sum there was an overdraft of £7,628 9s. 6d. on account of the Eucla Telegraph, which reduced the over-expenditure during the year referred to to £10,300. [MR. STEERE: No.] The hon. member should refer to the figures, as given in the comparative statement of the estimated and actual expenditure for the year in question. It might be said that what the hon. member meant to say was that the excess vote for the year amounted to the sum stated in the address, and not the actual amount of the unauthorised expenditure. But he would ask anyone who read the paragraph in question whether that was the obvious construction to be put upon it, and that what the hon. member asserted was that a sum of £17,928 had actually been expended without authority, exclusive of expenditure on

account of the Eucla Telegraph. In the same paragraph it was stated that, in 1878, the amount spent exceeded the appropriation by £41,437. That was certainly an extraordinary assertion to make, and he would ask those hon. members who intended to vote for the adoption of this address—several of whom were members of the Select Committee appointed last year to inquire into the over-expenditure for 1878—he would ask them to refer to the report of that Committee, and say whether it could be fairly stated that the “amount spent exceeded the appropriation by £41,437.” He would read the fifth paragraph of the Committee’s Report, which was as follows:—“Your Committee desire to call the attention of the Council to the fact that, although the transactions of the year 1878, dealt with by the Bill, show an apparent over-expenditure of £41,437, chargeable to the services of that year, still, deducting the sum of £16,738 which has been recovered from loan, reduces the actual excess for the services of the year to £24,699. Of this amount, at least £16,928 was authorised by the Legislative Council, leaving the proportion of unauthorised expenditure embraced in the amount of £41,437 at not more than £7,717.” Yet, in the face of that statement, the address which the House was now asked to adopt boldly set forth that the unauthorised expenditure for the year in question was £41,437. He certainly was surprised to find hon. members who were on the Select Committee referred to (and of whom the chairman was the hon. member for Geraldton), in the face of the conclusions arrived at by that Committee, after a most searching investigation, now coming forward and expressing their readiness to support an address containing such glaring inaccuracies. He could quite understand the hon. member for Swan doing so, for he was not a member of the Select Committee, whose report the hon. member when addressing his constituents characterised as an “impotent” one. But what he could not understand was, that any member who had served on that Committee should be prepared to so stultify himself as to agree to the adoption of this address. Great stress was laid in the next para-

graph upon some despatch from Lord Granville to Lord Belmore; but the House had not that despatch before it, and was therefore not in a position to affirm the statement put forward in this paragraph. He had read a leading article in that day's paper, but, from what he could make out of the newspaper article, that despatch referred to an altogether different matter to that dealt with in this address, and, so far as he understood it, related to the expenditure of large sums of money for which no Appropriation Act whatever had been passed—quite a different and distinct thing from the matters referred to in this address. With reference to the paragraph dealing with the Colonial Treasurer, he thought the House would be going rather out of its way, and standing upon its dignity too much altogether, to agree to that paragraph. After all, what had been the offence alleged against that gentleman? Had he stated that the report of his evidence was improperly worded, or that any part of his evidence had been purposely withheld? No. He simply said that it had been inadequately reported, which he (Mr. Marmion) thought was a very mild remark. There was really nothing in it calling upon the House to pass such a censure upon the Treasurer as was contemplated in this address, and not upon the Treasurer alone, but he might say, indirectly through that official, upon the Governor himself.

MR. RANDELL thought it was only fair, right, and just that he should refer to that paragraph in the address relating to the Treasurer. He had already referred to the same subject in the course of the debate on the second reading of the Audit Bill and stated that in his opinion the evidence of the Treasurer had not been so fully taken down as he thought it ought to have been, and that there were important portions of it which had not been placed before the House. He was of the same opinion still. For instance, the Treasurer, when examined before the Select Committee, distinctly stated the reasons why he thought the Auditor was sufficiently protected under the existing regulations—reasons drawn from his long experience in the Public Service. He also pointed out that the regulations attached to the Audit Bill

had evidently been framed on the supposition that the Treasurer was a responsible minister. He (Mr. Randell) thought these portions of the evidence given by the Treasurer ought to have appeared in the report. He was quite willing to admit that no objection as to the meagreness of the report was taken before the Select Committee. He was not present when the Treasurer left the Committee room, but he was present during his examination, and he was quite prepared to bear out what he said that his evidence had not been adequately reported. When the Treasurer said that, he did not think he intended to convey any disrespect towards the Select Committee, or to trench in any way upon the privileges of the House. He thought the Treasurer was perfectly justified in addressing himself to the Governor, feeling, as he did, that his evidence had not been reported in the way in which it had been given. He considered that Mr. Lefroy had given the Committee very important and valuable evidence, which should have appeared to a fuller extent in the report. He should support the amendment proposed by the Attorney General, and he thought that in this matter the majority were descending from that dignity which they should maintain with reference to a question of this grave importance. He considered they ought to have been satisfied with passing the memorial, without endeavoring on the last night of the Session thus to give a parting blow—if he might use such an expression—to the Governor, to which His Excellency would not have an opportunity of replying. The House had had pretty good evidence during the discussion on this measure, and on one or two other matters, in the course of the present Session, of what was the nature of a “mechanical majority”—a phrase which was very common in England when he was there recently, and which signified that, with such a majority, no argument however good and however weighty would convince the members constituting it, who went to the House determined to vote one particular way, and no other. He thought they had had a pretty good indication of what the Colony might expect, if they had a responsible ministry in the House, with a majority at

their back. Those who were in a minority, however patriotic, and however good their intentions, would not have the slightest opportunity of carrying their point, because the ministry of the day would have at their beck and call a majority prepared to vote with them, to any extent and in any way which the ministry chose to dictate. They had had a foretaste of such tactics as those this Session. They were told that evening by the hon. member for Geraldton that, although he was opposed to several portions of this address, yet he was prepared to vote whichever way the hon. member for Swan voted, notwithstanding his own personal convictions. He had heard of "voting machines"—if that was not what was meant by a voting machine, he really did not know what a voting machine was. He thought the hon. member for Fremantle had made a very good point, when attacking the figures contained in the third paragraph, which the hon. member had pretty well demolished. His *exposé* of the fallaciousness of the figures relied upon by the framers and supporters of the address ought to be its deathblow. If, in matters of fact like that, the address was not to be relied upon, surely it ought not to go forth, stamped with the sanction and approval of the House. As to the despatch referred to in the address, the House had had no opportunity of seeing it, but he had cursorily glanced at the leading article on the subject in the *West Australian*, and from what he could make of it, it appeared, according to the Secretary of State's instructions, that Governors of colonies were allowed under certain conditions, and in cases of emergency, to exceed the votes of the Legislature, and to make payments which had not been duly provided for by parliamentary appropriations. One of the conditions which rendered such a course justifiable, was that the payments so made were sure to be subsequently sanctioned by the Legislature. Was not that exactly the history of the Excess Bills brought into that House? The hon. member for Swan knew as well as possible that the Select Committees appointed to inquire into those Bills had, with the lynx-eye of an Argus, looked into all the petty details which constituted the items of over-expenditure; and what

had been the result? No item had ever been disallowed. Not a single penny had ever been surcharged to any officer chargeable with the over-expenditure—showing a pretty clear conviction on the part of the Committees that the expenditure in every case had been a right and proper one. Under these circumstances, it looked petty he thought—it looked puerile, he considered—he hardly knew how to characterise it—but he considered it was beneath the dignity of the House to keep up the strife over this matter any longer. When they came to compare the message sent down by His Excellency the Governor—a clear, incisive, and unanswerable State paper—with the memorial submitted to the House, and again with this address, both the memorial and the address looked very petty indeed.

Mr. BURT was surprised to hear the hon. member state that he considered the Treasurer had given important evidence before the Select Committee, which did not appear in the Committee's report. If the hon. member really thought so, why did he not raise an objection to the adoption of the report when it was under consideration? He was rather inclined to think that the importance of the evidence which had not been reported had only dawned upon the hon. member's mind after he read the Governor's message. The hon. member was one of the Select Committee, and why did he not request the evidence to be taken down, if he considered it was of such value and importance? So far as his (Mr. Burt's) experience of the Select Committee's proceedings went, every particle of evidence that any member desired to be placed on the paper was taken down by the chairman. In more cases than one, questions were put and re-put to the Treasurer, and the answers put down with his concurrence and in his own words. The evidence afterwards was read over to him, as published in the appendix to the Committee's report, and when asked whether he wished to correct it, or to add anything to it, replied in the negative. He therefore failed to see how the Treasurer could be justified in writing to the Governor complaining that his evidence had been inadequately reported. If it had, it was his own fault, for every opportunity was given him to add to it,

if he thought anything of importance had been omitted.

MR. GRANT moved the adjournment of the House.

MR. BROWN apologised to the House for taking advantage of this formal motion, but was glad of an opportunity of replying to what had fallen from the hon. member, Mr. Randell. He thought he had been afforded some little provocation by the remarks of that hon. member, who had characterised his conduct that evening as a proof that he (Mr. Brown) was a mere voting machine. He had hoped that the hon. member, who had had an opportunity of watching his conduct in that House for many years past, would have looked upon him in a somewhat different light. In all his public actions, he had always taken what he conceived to be a straightforward, reasonable, and independent course; and what, he would ask, had there been in his conduct that evening to justify the accusation levelled at him, that he was a mere voting machine? Simply this—and the hon. member himself knew it: he had told the House that he did not approve of this address, on the whole, as it was now worded; that, personally, he thought they had done all that was necessary in the matter by adopting the memorial, but that on this point, the hon. member for the Swan who had taken a great deal more pains than he had to master the subject in all its bearings—he himself did not profess having done so—thought different; and that although he could not support the resolutions of the hon. member in full, he would in this one matter—the question of whether the address should be withdrawn or not—vote with him, on the distinct understanding that he (Mr. Brown) should subsequently have an opportunity to move his amendments in those portions of the address which he did not approve. Was there anything wrong in that? Did he forfeit his individuality, or his personal independence, or do anything to justify the hon. member in calling him a mere “voting machine?” The fact of the matter was, the hon. member was a little jealous to find the benches upon which he formerly sat exercising a real power, this Session, by their unanimity of action—the outcome of serious deliberation, and an intelligent conception of

the various measures brought before the House. As to the address under consideration, he objected very much indeed to the wording of the second paragraph, which set forth that the Council had determined to memorialise the Secretary of State “in order to obtain his assent to the Bill.” The memorial did nothing of the kind. It did not ask the Secretary of State to assent to the Bill, but merely to instruct the Governor not to withhold his assent from it when re-introduced next Session. Moreover, the expression read very much as if the Council thought all it had to do in the matter was to memorialise the Secretary of State, and that functionary must perforce carry out their wishes. The phrase “in order to obtain his assent to the Bill” appeared to him somewhat high-handed, and he should like to substitute the words “with a view to obtain his support.” As to the figures challenged by the hon. member for Fremantle,—whether they were correct or incorrect, he did not know. They were not his figures, nor had he had time to look into them, or to ascertain their correctness or otherwise. He was prepared to accept them upon the faith of their having been put forward, as he conceived, after careful consideration on the part of the hon. member who had prepared the address. He did not know yet that they were incorrect—certainly he should not give his assent to the figures if he thought they were not correct. The hon. member for Fremantle (Mr. Marnion) laid great stress upon the words “unauthorised and illegal expenditure,” and combated the statements put forward in the address upon the subject. Now, everybody knew that this was one of the hon. member for Swan’s crazes (if he might use the word)—something he had discovered when in England, and which he had been nursing ever since he returned to the Colony. But they all must admit that these Excess Bills were in reality the result of “unauthorised and illegal expenditure,” in the sense in which the hon. member for the Swan spoke of it. The words, no doubt, created a false impression in the mind of the public, and led people to believe that the Government had been guilty, if not of actually purloining their money, at any rate of squandering it recklessly



away. But that was not the impression which the hon. member for the Swan and those who supported him intended to convey by the expression, "unauthorised and illegal expenditure." What was contended was this—that every disbursement not specified in the Estimates and provided for in the Appropriation Act was an illegal, because unauthorised, expenditure. And this sum of £41,437—the amount of the excess in 1878—came within that category, notwithstanding what had fallen from the hon. member for Fremantle to the contrary. No provision was made for it in the Appropriation Act, and therefore it was a mere truism to say that it was unauthorised, and consequently illegal. It was not stated in the address that the House had not been responsible for any part of that expenditure. The fourth paragraph of the address—that relating to the despatch from Lord Granville to Earl Belmore—he considered weak in the extreme, and if he had an opportunity he should move that it be expunged. As to the remarks made about the Treasurer, he did not think for one moment that that gentleman did forget any "respect which he owed to a Select Committee of that Council," and he was prepared to move that those words also should be struck out. In the same paragraph it was further stated that, "if he (the Treasurer) had any complaint to make, it ought to have been addressed to the Council and not to the Governor." He (Mr. Brown) held quite a different opinion. He thought the Governor was the proper officer through whom the Council should have been addressed on the subject. He should prefer to say that "the Council regretted that the Treasurer, when his evidence was read over to him, did not state that he considered it had been inadequately reported." As to the sixth paragraph, in which it was stated that Heads of Departments were always averse to any change in the system under which their work was conducted, he should not be inclined to vote for that, for he did not think it stated what was correct. He did not think that Heads of Departments were justly chargeable with any such thing, but that, on the contrary, if they were satisfied that a change would be an

improvement they did not hesitate to adopt it. Having said this much, he was now free to confess that he felt himself in a very difficult position. He could not vote for the address as it stood, and yet his desire was to follow the hon. member for Swan, as far as he could, in the course which that hon. member thought desirable to adopt in order to attain what he and many other hon. members wished to secure, namely, a satisfactory Audit Bill. If, owing to the forms of the House, no opportunity should be afforded him of moving his amendments, he should be obliged to retire from the House if a division was called for, and not vote at all upon the question.

MR. S. H. PARKER: It certainly struck me as a most extraordinary thing to hear the hon. member, Mr. Randell, from his place on the nominee benches, talking about voting machines. I should like to know what the hon. member himself was put there for. Was it to enlighten the House with the brilliancy of his own intellect, and to inform us on this side of the House that our conduct was "puerile" or "petty," or how we should word our resolutions so that their diction should neither offend the dignity of the House, nor wound the susceptibilities of the hon. member himself? Or was he, rather, not put there merely to record his vote upon certain points as His Excellency desired him to do so? So far as the present Session is concerned, I believe that, as a rule, the nominee members have been allowed to do pretty much as they liked, in minor matters; but when any important measure like this is brought forward, do we find them exercising their own individual judgment, or registering, with mechanical precision, the edicts of the Governor? If the former, it is a marvellous coincidence that they should all be of one mind with the Governor. It may occur—instances, I believe, have occurred of great minds running in one groove; but certainly it is a most extraordinary coincidence that seven hon. gentlemen should vote with one accord upon every decision that has taken place upon this measure. The hon. member for Fremantle might say that it was equally remarkable that there should be such unanimity also displayed on this side of the House. But it must

be borne in mind that, so far as the Audit Bill is concerned, a great many of us advocated the introduction of such a measure on the hustings. Three of our members, however, have shown that they are free to exercise their own judgment in this as in all other matters, by voting with the Government; but it is a singular thing that no such independence of opinion has been shown on the other side of the House. And it does seem strange that an hon. member, who has been put there merely in order that he may record his vote when called upon to do so by the Governor, should have the boldness to come forward and twit hon. members on this side of the House with being mere voting machines. As to the figures assailed by the hon. member for Fremantle, I accept them, on the whole; upon the faith of the hon. member who has put them forward, and who, I know, has taken great pains in this matter. As to the excess in 1878, I maintain that the figures given in the address are strictly accurate. It is there stated that the amount spent that year beyond the appropriation was £41,437. And so it was. We had to pass an Excess Bill for that amount. True a certain portion of it had been authorised by a resolution of the House, but, inasmuch as it was not included in the Appropriation Act, the expenditure was, strictly speaking, illegal. I am free to admit that the House itself has been partly to blame in this matter, but I think the Government have made a great deal more out of it than they had occasion to do. And although the Excess Bill this year is for £11,477, the Select Committee find that the Government have expended a great deal more, without any legislative authority whatever, as there was spent on various works connected with the Northern Railway a sum of £14,243, over and above the £18,000 which had been provided by loan for the completion of that railway. And so far from the excess being mainly due to the resolutions passed by this House, I find that the total amount of the services authorised by resolutions of the Council have only caused an expenditure of £5,783. The rest was spent without a shadow of legislative authority. Nor is this to be wondered at when we find the Governor himself virtually admitting that he is not

responsible to the House. His Excellency, in his Message on the Audit Bill, says nothing about his responsibility to this Council, but merely refers to his direct responsibility to the Secretary of State, in which, His Excellency says, the country possesses full and ample security for the proper and economical expenditure of public money. I wonder how much this sense of responsibility to the Secretary of State interfered with Governor Ord in the expenditure of the public funds in 1879, seeing that in 1880 His Excellency would have retired from the service, and be at home in the full enjoyment of the pension which a grateful country provided for him. As to what the hon. member says about prolonging strife, I know of no strife having been engendered. Surely hon. members can agree to differ, without at the same time creating any feeling of strife or contention. With reference to what has been said about the Treasurer's evidence, —although the Governor's Message is in the main courteous, I cannot think it was a courteous thing to inform a Select Committee of this House that they had reported the evidence of a certain officer inadequately. Surely that conveys this intimation—that, for purposes of our own, we did not report that officer as fully as he ought to have been reported, that material evidence which would have told against us had been omitted. Is not that the real construction to be put upon this paragraph in His Excellency's Message? What can convey a greater—I won't say insult, but a greater slur, upon the Committee? I have great pleasure in supporting this address, and I do so because I think it is our duty to reply to His Excellency's Message, and I regard the address as a very proper and courteous reply to make.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake): Divide.

The amendment proposed by the Acting Attorney General—to strike out all the words after the first paragraph—was then put.

Question—That the words proposed to be struck out stand part of the resolution:

Council divided.

Ayes	...	...	9
Noes	...	...	7

Majority for	...	2
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**AYES.**  
Mr. Burt  
Sir T. C. Campbell  
Mr. Carey  
Mr. Crowther  
Mr. Grant  
Mr. Hamersley  
Mr. Higham  
Mr. S. H. Parker  
Mr. Steere (Teller.)

**NOES.**  
Mr. Burges  
Mr. Marmion  
Mr. Randall  
Mr. Shenton  
Mr. Stone  
Mr. Venn  
The Hon. G. W. Leake  
(Teller.)

The amendment was therefore negatived.

The resolution was then agreed to in its entirety, and the address ordered to be presented.

#### SLAUGHTER HOUSE ORDINANCE, 1852.

MR. CAREY, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to direct that the provisions of the 3rd, 7th, and 9th sections of the 16th Vict., No. 7 (Slaughter-house Ordinance, 1852), be carried out." The hon. member said his object was to interpose some check upon the practice of cattlestealing, more especially in the Southern Districts, of which they had heard so much. The sections referred to required that the brands of all cattle slaughtered should be registered, but, at present, the provisions of the Ordinance in this respect were not generally carried into force.

MR. STEERE thought the provisions referred to were very necessary provisions, and as they formed part and parcel of a legislative enactment ought to be enforced.

The address was agreed to.

#### FINANCIAL RETURNS.

MR. S. H. PARKER, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be graciously pleased to cause to be laid upon the Table of the House the Financial Return moved for by the House on the 27th July, 1880, and lettered C; such return to be made up in the same form as Return A presented to the House at its opening." The hon. member said a return had been

furnished that evening, purporting to give the required information, but that was not the sort of return he had asked for at all—although the Government had taken about six weeks to prepare it. The return, in fact, merely gave the totals of the Expenditure and Liabilities on the one hand, and of the Receipts and Assets on the other. He had been very careful, when moving for this return, to word his motion in such a way that there could be no doubt as to what he required, knowing as he did how very particular the Government were not to furnish the House with one tittle of information not specified in the motion. At the opening of the present Session of Council, His Excellency the Governor caused to be furnished to the House a return showing the various items of Receipts and Expenditure during the year ending 31st December, 1879, and disclosing the exact financial condition of the Colony at that time. What he now wanted, and what he had asked for six weeks ago, was a return made up in like manner up to the 30th day of June of the present year. The attention of the Government had several times been called to the subject since the return was moved for, but it was only that evening that the motion was in any way complied with, and the return which had just been presented might as well be pitched into the sea for all the use it was, so far as affording the necessary information was concerned. He wished it to be understood that he did not blame His Excellency the Governor at all for the return being furnished in this meagre and unsatisfactory form; for no doubt His Excellency thought the return which he had asked for, and which he intended to have, had been furnished. He trusted that before the Session closed the desired information would be provided, so that it might be embodied in the "Votes and Proceedings."

The motion was agreed to.

#### EXCESS BILL—REPORT OF SELECT COMMITTEE.

The Order of the Day for the consideration of the Report of the Select Committee appointed to inquire into the over-expenditure for the past year being read,

MR. STEERE said, as the report, with the voluminous returns connected with it (*Vide* "Votes and Proceedings:" Sessional Paper, A 9) had only been placed in the hands of members that evening, he thought it would be unreasonable to ask the House to adopt it now,—unless hon. members were prepared to accept the conclusions of the Committee without having had an opportunity of considering the report, and of examining the accompanying returns. It was with very much regret that the Committee (which had been appointed on the 28th July) had been unable to bring up their report at an earlier date, the delay having been entirely caused by their having been kept waiting so long for the various returns which they had deemed it necessary to call for. It would have been far more satisfactory to the Committee, and no doubt to the House, if this report had been ready before; but, having explained the cause of the delay, he would now leave it to the House to dispose of the report as it thought proper.

MR. CROWTHER said it would be manifestly impossible for the House that evening to wade through the elaborate returns upon which the report was based; but as the House had every confidence in the members who composed the Select Committee, and as they knew the Committee had gone most carefully into the various details of the over-expenditure which they were appointed to inquire into, he thought the House might safely adopt their report. He would therefore move, That it be now adopted.

MR. RANDELL thought it would be very desirable on future occasions that many of the financial returns, which it must be known would necessarily be asked for during the Session, should be ready prepared, so that they might be placed on the Table of the House when it first met.

MR. BURT hoped the hon. member for Greenough would not press his motion for the adoption of the report. He need not remind the House that the hon. member for the Swan, referring to the report of the Committee appointed last year to inquire into the same question, that of over-expenditure, had characterised the conclusions of that Committee as "impotent"—and, for his

own part, he agreed with the hon. member. And, inasmuch as no opportunity had been afforded the House of considering whether the conclusions of the present Committee were "impotent" or otherwise, he thought the best thing they could do would be to let the report lie on the Table.

SIR T. COCKBURN-CAMPBELL believed he was right in saying that the Select Committee would not regard it as an act of discourtesy if the House, under the circumstances, refused to adopt the report. Accompanying the report itself were very elaborate financial returns, explanatory of the various items of over-draft, which hon. members had not had an opportunity of even glancing at, and he thought it would be highly inadvisable that the House should adopt the report without having had an opportunity of considering it. He believed those hon. members who were opposed to the Audit Bill, and even the Government themselves, would agree with him that the constitutional course to follow, under the circumstances, would be to refrain from adopting the report of the Committee, and let the Order of the Day lapse. He need hardly point out that, if the House did not adopt the report of the Select Committee on the Bill, the natural consequence would be that the Bill itself would not be passed.

MR. SPEAKER: I should like to know what is the real wish of the House as regards this report. Am I to understand that it is to be allowed to drop?

SIR T. COCKBURN-CAMPBELL: Consider it dropped.

MR. SPEAKER: Is that understood?

MR. SHENTON said the Committee had spent a great deal of time and trouble in the preparation of the report, and he failed to see for what purpose, unless the House adopted their report.

MR. VENN would certainly oppose its adoption that evening, for he really had not had time to glance at it. It was all very well to say they had every confidence in the Select Committee, but he thought it was the duty of all hon. members to satisfy themselves before they gave their adhesion to a document of this sort.

The question—"That the report be adopted"—was then put and negatived on the voices.

## THE EXCESS BILL FOR 1879.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake), in accordance with notice, moved "The second reading of a Bill to confirm the expenditure for the services of the past year, beyond the grant for that year"—(being the Bill which had been referred to the Select Committee whose report the House had just refused to adopt).

SIR T. COCKBURN-CAMPBELL moved, as an amendment, "That the Bill be read a second time that day six months." It would be utterly inconsistent to vote for the second reading of the Bill now, the House having rejected the adoption of the report of the Select Committee to which it had been referred, —rejected it on the ground that hon. members had had no opportunity of considering the report, or of examining the returns that accompanied it. It would also be inconsistent with their action with reference to the Audit Bill.

MR. BURT had much pleasure in seconding the amendment. He thought it would be perfectly absurd to agree to the second reading of the Bill after refusing to adopt the Committee's report.

MR. BROWN looked upon the step proposed to be adopted as a most important one, and one that ought not to be agreed to without grave consideration. No such a course had ever been taken before with reference to any Excess Bill in that House. For his own part, he should have no objection whatever to vote for the amendment, for he saw no particular necessity for passing the Bill now, as, doubtless, the Council would be called together again—at least, it was hoped it would—within a very short space of time (say three months), for the purpose of dealing with the Loan Bill for the prosecution of the Eastern Railway and other public works. The House had adopted certain resolutions asking His Excellency—who, he believed, was as anxious as any of them to see these works proceeded with—to convene the House as soon as he received an intimation from the Secretary of State that there was no objection to our raising the proposed loan. He looked upon it as exceedingly probable that the Secretary of State would offer no objection to that proposal, and if that were the case the House would have to meet again within

three or four months' time—quite time enough to pass this Excess Bill. Looking at the fact that hon. members had had no opportunity of in any way grasping the report of the Select Committee, and that, consequently, if they passed the Bill now, they would do so in entire ignorance as to the details of the various overdrafts, he thought the House would be justified in adopting this altogether unusual course. He failed to see that any inconvenience was likely to arise by following this course, while, on the contrary, a great deal of good might result from it.

MR. MARMION would support the original motion. He failed to see what good at all was likely to result from the adoption of the proposed course. The Select Committee did not recommend that the Bill should be rejected, or that any item in it should be disallowed. What, then, was there to be gained by delaying its passage through the House? He was aware there were some hon. members who considered that the refusal to pass the Bill would possibly lead to such an expression of opinion on the part of the Secretary of State, on the subject of over-expenditure, as would put an end to Excess Bills in the future. Possibly that might prove to be the case, but he was very dubious that it would. He thought that question had already been sufficiently discussed, and he did not see any necessity for piling on the agony any more. The last paragraph in the report of the Select Committee on the Bill would have answered every purpose, and he regretted the House had not adopted it. It was to the effect that the Council, whilst recognising the futility of withholding its assent from the Bill, desired to enter its protest against the expenditure of such large sums of money, without the sanction of the Legislature being first obtained, and, to prevent such large Excess Bills in the future, was of opinion that the provisions of the Appropriation Act should be strictly observed. If the House had adopted that resolution, as recommended by the Select Committee, it would have done all that could reasonably be expected of it; for the Committee further recommended that a copy of the report embodying this resolution should be forwarded for the information of the Secretary of State.

MR. SHENTON supported the motion for the second reading, on the ground that nothing could be gained by delaying it, and that the Bill dealt with an over-expenditure for which the present Administration was not responsible. He thought the House ought either to agree to adopt the Bill now, or reject it altogether. He failed to see the use of putting it off for a few months, and then pass it.

MR. STEERE said he felt bound to support the amendment, simply as a protest against the practice of over-expenditure. As the report of the Select Committee, embodying a resolution to that effect, had not been adopted, it appeared to him, if the House were to agree to the second reading of the Bill, their protest would not be brought under the notice of the Secretary of State in any way.

MR. S. H. PARKER concurred. He believed, even those hon. members who had opposed the Audit Bill considered it advisable that something should be done with a view to put an end to the system of over-expenditure which had prevailed, unchecked, for so many years; and he only regretted Governor Ord was not here to see the stand made by the House against the practice. He thought it was their bounden duty, in the interests of the Colony at large, to bring the matter directly under the notice of Her Majesty's Secretary of State, and he saw no more effectual way of doing so than by refusing for the present to pass this Excess Bill.

MR. STONE said that was certainly a most extraordinary statement to emanate from any hon. member who had sat on the Select Committee on the Bill, in the face of the fact that the Select Committee virtually recommended the House to pass the Bill. He (Mr. Stone) had not yet had an opportunity of considering the report, or even looking at the accompanying returns, and therefore should vote against the second reading of the Bill now; but he was not prepared to vote for its being rejected altogether, which would virtually be the effect of the amendment proposed by the hon. member for Plantagenet. He would therefore move, as a further amendment, That the Bill be not now read a second time.

The amendment submitted by Mr. Stone was agreed to, the second reading of the Bill being postponed, *sine die*.

#### APPROPRIATION BILL (SUPPLEMENTARY) FOR 1880.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) moved the second reading of a Bill to appropriate the sum of £3,770 2s. 6d. (in addition to the sum of £176,256 4s. 8d.) out of the general revenue of the Colony for the service of the current year.

Agreed to, and Bill committed.

#### IN COMMITTEE.

MR. RANDELL called attention to the fact that no provision was made in the Bill for the payment of the gratuity which the House had recommended His Excellency to give to the members of Mr. A. Forrest's party. He understood that the Governor was prepared to acquiesce in that recommendation.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) said he was not aware what was the wish of His Excellency in the matter. No reply had yet been received to the address of the House on the subject, and he did not know whether it was prepared to embody the vote in this Bill, or in the Appropriation Bill for next year.

MR. STONE said he fully expected to have found provision made for it in the present Bill, in conjunction with the other supplementary votes for this year.

MR. BROWN said he had supported the resolution in favor of granting the gratuity with great reluctance, but certainly under the belief that the money would be made legally available, and not be paid merely upon the strength of a resolution of the House. If it was the intention of the Government to give effect to that resolution, he certainly hoped provision would be made in the present Bill for legalising the proposed expenditure.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) said, if the Bill passed through Committee that evening in its present form, another opportunity would be afforded the House for moving the insertion of the vote for Mr. Forrest's party, for the Bill might be recommitted for that purpose, if it

should be found that such a course was consonant with the intention of the Governor in the matter.

The Bill was then passed through Committee and reported to the House.

#### PERTH WORKING MEN'S ASSOCIATION MORTGAGE BILL.

Read a third time and passed.

#### APPROPRIATION BILL FOR 1881.

Read a third time and passed.

The House adjourned at half-past ten o'clock, p.m.

### LEGISLATIVE COUNCIL,

*Wednesday, 8th September, 1880.*

Appropriation Bill for 1880: recommitted; third reading—Salaries of Public Officers—Messages, Nos. 25, 26, 27, 28, 29—Prorogation.

THE SPEAKER took the chair at eleven o'clock, a.m.

PRAYERS.

#### APPROPRIATION BILL FOR 1880.

The Order of the Day for the third reading of this Bill being read,

MR. RANDELL moved that the Order be discharged, and the Bill be recommitted in order to embody in it the vote agreed upon for granting a bonus to the members of Mr. A. Forrest's exploring party.

Agreed to.

#### IN COMMITTEE.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) moved the insertion of the words "Bonus to A. Forrest's Party, £250."

Agreed to.

Bill, as amended, agreed to.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) moved that it be now read a third time.

Motion adopted, and Bill read a third time and passed.

#### SALARIES OF PUBLIC OFFICERS.

MR. STEERE, with leave, without notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to cause to be laid upon the Table of this House, at its next Session, a Return showing the total amount of salary which each officer in the Public Service is in the receipt of, and from what source such salary is derived." The hon. member said he believed that the late Governor (Sir Harry Ord) had promised that such a return should have been furnished this Session, but apparently, the promise, if made, had been forgotten.

The motion was agreed to, *nem. con.*

#### MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.

MR. SPEAKER reported the receipt of the following Messages from His Excellency the Governor:

#### MESSAGE (No. 25): BILLS.

"The Governor informs Your Honorable House that he has this day assented, in Her Majesty's name, to the undermentioned Bill passed by the Legislative Council during the present Session of the Legislature:—

"10. *An Act to make provision for the better Administration of Justice in the Supreme Court of Western Australia.*

"The Bills entitled 'An Act to facilitate Mortgages to Benefit Building Societies under 'The Transfer of Land Act, 1874,' and to further amend the said Act;' and 'An Act to repeal 'The Real Property Limitation Act, 1878,' the Governor has thought it advisable to reserve for the consideration of Her Majesty's pleasure thereon.

"Government House, Perth, 7th September, 1880."

#### MESSAGE (No. 26): RE AUDIT BILL.

"1. The Governor has the honor to acknowledge the receipt this morning