

LEGISLATIVE COUNCIL,

Monday, 10th June, 1878.

Detective Office, Police Force, Perth—W. A. Bank Bill, 1876—Confirmation of Expenditure Bill: second reading; referred to select committee—Land Quarantine Bill, 1878: third reading—Vaccination Bill, 1878: in committee—Municipal Institutions' Act, 1876, Amendment Bill, 1878—Perth Drainage Rate Act, 1875, Amendment Bill, 1878: in committee.

THE SPEAKER took the Chair at 7 o'clock, p.m.

PRAYERS.

DETECTIVE OFFICE, POLICE FORCE,
PERTH.

MR. CAREY, in accordance with notice, moved, That a Return showing the cost of Detective Office of the Police Force for the years 1875, 1876, and 1877; such Return to show separately the number of Officers, with the pay and emoluments of each Officer, and the number of cases detected by their instrumentality; also the amount of "Information Money" paid during each of the three years named, be laid on the Table of this House. The hon. member said his object in moving for this return was with a view to remove or confirm an impression which existed outside that this department of the police service was carried on at an extremely heavy expense. It had been suggested to him that he might obtain the necessary information on application at the Colonial Secretary's Office, but he thought it would be better that the required information should be furnished to the House, so as to afford the public an opportunity of becoming possessed of it.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser)—in the absence of the Colonial Secretary—laid the return asked for on the Table.

W. A. BANK BILL, 1876.

MR. S. H. PARKER, in accordance with notice, asked the Hon. the Attorney General, Whether any reply had been received from Her Majesty's Secretary of State for the Colonies relative to the Bill passed in the Session of 1876, to incorporate the Shareholders of the West Australian Bank; and if any such despatch has been received, whether the

Government are prepared to lay the same before this Honorable House.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) replied as follows:—A Despatch has been received from the Secretary of State relative to the Bill referred to, and it is the intention of His Excellency to communicate the same to the House at an early date.

CONFIRMATION OF EXPENDITURE
BILL.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser), on behalf of the Colonial Secretary, moved the second reading of a Bill to confirm the expenditure for the services of the past year, beyond the grant for that year. The principal items of excess were those connected with the departments which had formed the subjects of enquiry by the Commission appointed by the Governor, in accordance with the expressed wish of the House, to report upon certain departments of the public service; and, as their report would be laid on the Table at an early date for the information of hon. members, the House would then be in a position to see how unavoidable the expenditure had been in connection therewith. The first item of excess was a sum of £40 9s. 2d., under the head of "The Legislature," which was accounted for thus: grant for library overdrawn, £33 0s. 10d., and sundries for refreshment room. The next overdraft was that in connection with the Surveyor General's department, £253 18s. 2d., which resolved itself into a mere question of accounts. Owing to the uncertainty as to when orders were executed at home, it was absolutely impossible, where a department was dealing with the Crown Agents, however much care and assiduity were exercised, to get a true balance of accounts at the end of a year, and this was the case with respect to this item. As head of this department, he had endeavored as far as practicable to keep the expenditure within the limits of the estimate, but unwittingly had discovered that he had exceeded the anticipated expenditure to the extent mentioned, on account of surveying instruments, lithographic materials, and Admiralty charts obtained from England. This matter was referred to in his annual report, and

fully explained, so that he need not trespass any further upon the time of the House in dealing with it. There was a small overdraft of £90 8s. 11d., in connection with the Customs Department, arising out of contingent expenditure connected with the revenue vessel on the North-West Coast. The great distance at which this vessel was employed from head quarters rendered it almost impracticable to regulate the available balance at the end of the financial year. The next item was that connected with the Medical Department, where there was an overdraft of £949 1s. 10d., made up of items of provisions and other necessaries insufficiently provided for in the annual grant. As this was one of the departments which the Commission had inquired into, the House would be placed in possession of every information as to the manner in which the department was conducted when the report of the Commission was presented. There was an overdraft of £408 10s. 2d. in connection with the Harbor Master's Department, resulting mainly from the fact that the cost of a valuable lugger which was absolutely required by the Department, and which had been constructed in England, had exceeded the estimate. There was also a slight excess connected with this Department under the head of beacons and buoys. The next item he came to was the overdraft in connection with the Police Department, amounting to £1596 9s. 11d., with reference to which some explanation was due to the House. The overdraft had been principally caused by the purchase of large supplies of clothing, through the Crown Agents, for the force; and this, again, he might say was a mere question of account. The clothing would of course be paid for by the members of the force, and the revenue would thus be recouped. Properly speaking, there was no increased expenditure under this head, for it appeared that a supply of clothing ordered during the previous year had not been charged to the department until the commencement of 1877, when an order for a further supply was sent home, and this also had been charged to last year's account. He was informed by the Superintendent of Police that no further supply of clothing from the Crown Agents would be required during the

present year (1878), or the next (1879). The overdraft on this item was £1033 13s. 1d., which, deducted from the total excess connected with the department (£1596 9s. 11d.), left a balance of something over £500, which was accounted for by items of fuel and light, travelling, incidental, and forage allowances, insufficiently provided for,—items which, if referred to a Committee, would be found to have been absolutely necessary and unavoidable. The next overdraft was a sum of £620 0s. 4d., in connection with gaols—an excess, which however much it was to be deplored, was beyond the control of any Government to keep within any fixed limit. It arose out of the simple fact that the grant voted under the head of "Gaols" had proved insufficient to provide the necessary provisions and other expenses connected with prisoners. There was also an overdraft of £574 4s. 1d. in connection with Rottneft Penal Establishment, caused in like manner, and on account of firewood for the salt works on the island, insufficiently provided for in the Estimates. He believed every economy had been exercised in the management of this Establishment, which also had formed a subject of enquiry by the Commission whose report had been promised to the House. The next overdraft was that of £506 2s. 9d. connected with the Government Printing Establishment. This was a department with which hon. members were closely associated, seeing the large amount of printing which was done in connection with the House. And he thought hon. members would allow that this printing was remarkably well done; in fact, during his visit to the other Colonies he was complimented, in Adelaide, by the South Australian Government, on the very neat manner in which we turned out our printed official documents. Of course, when they expected to have things done well, when they expected an establishment to be conducted in the way Mr. Pether performed his work they must be prepared to pay for it; and when it was also borne in mind that the overdraft was in some degree caused by the purchase of the necessary type for printing the parliamentary debates, he did not think the House would be inclined to make any complaint on this score. He next came

to one of the largest items in the schedule—"Poor House and Charitable allowances, £3,088 13s. 2d." This was an expenditure which, beyond the exercise of every economy in dealing with it, was altogether beyond the control of the Government, the vote of the Legislature having proved insufficient. The amount was made up partly on account of payment to the Imperial Government for the maintenance of certain paupers and lunatics between 1st July, 1874, and 31st March, 1876, and clothing, etc., obtained from England for the poor house. No doubt it was a matter for regret, and it was a very unfortunate thing for the Colony, that its revenue should be thus burdened, but he thought those members of the House who were also members of the Commission who had examined into the expenditure connected with this department, would allow that the utmost economy and discrimination was exercised in the distribution of this grant. The next overdraft was that in connection with Education—a vote which was regulated by an Act of the Legislature. All the expenditure under this head was the outcome of the system of education provided by that House, and possibly there was no overdraft included in the Bill at which hon. members would be less inclined to cavil than at this, which provided for the ever-increasing educational requirements of the Colony. There was an overdraft of £414 4s. 6d. under the head of "Works and Buildings," being the amount of freight and insurance on the lighthouse for Champion Bay. This item, like others he had referred to, was a mere question of account. Hon. members would remember that the cost of the lighthouses at Champion Bay was placed on the Estimates for 1875 at £4000, and for 1876 at £5284, making a total of £9284. If hon. members would refer to the report of the Director of Public Works they would find that the lighthouses had not cost more than the sum estimated; and that, although there was an apparent overdraft, it was not so virtually, but simply that the money which should have been paid in 1876, the year in which it was voted, was charged to the Crown Agents in 1877. Therefore, it might be said that the cost of the lighthouses at Champion Bay had not been exceeded. The next overdraft was

in connection with "Roads and Bridges," £315 19s., being the amount of the grant to Nickol Bay Roads Board, overdrawn. He next came to the largest item of all—"Miscellaneous, £8071 13s. 4d." which was accounted for as follows: Telegraph Line to Eucla, overdrawn £7,628 9s. 6d.; Sand Hills at Geraldton, £44 17s. 6d.; Paris Exhibition, £360; Quarantine Station expenses, Albany, £34 4s. 8d. With regard to the Eucla Telegraph Line, he might say that the total amount which had been expended in connection with that work up to the end of 1877 was £41,572 3s. 9d. Of this amount, sums amounting to £40,000 had already been voted by the House, and the Director of Public Works, in his report for last year, gave the sum of £42,000 as being the amount requisite to complete the work. With regard to this particular overdraft, it simply arose from the fact that of the sums voted in 1875, (£15,000), in 1876 (£18,000), in 1877 (£5000), and in 1878 (£2000), there were underdrafts in 1875 and 1876, and the largest payments were made in 1877. Though the amount of overdraft in connection with this work appeared somewhat large, it was in reality a mere payment of money which the House had authorized. The next item included in the overdraft under the head of "Miscellaneous" was the sum of £44 17s. 6d., expended in the completion of one of the most desirable and most successful works carried out at Geraldton—the covering of the sand hills with scrub. The remaining items under this head called for no explanation. The only remaining overdraft to be noticed was that under the head of "Refunds," £741 6s. 6d., which was principally on account of drawbacks of Customs duties. Having now dealt with the various items of excess, he would, with the leave of the House, say a word or two with reference to the underdrafts, which, deducted from the overdrafts, left a very small balance indeed. All the items of underdraft were given in the comparative statement of the estimated and the actual expenditure already furnished to the House, and were there duly accounted for; he need, therefore, not refer to them in detail. The House would observe that the gross amount of the overdrafts was £17,928 12s. 5d., and that the underdrafts amounted to £4,295

6s. 6d., leaving a net total overdraft of £13,633 5s. 11d. When hon. members came to consider that out of that amount, the sum of £3,088 13s. 2d. was expended in connection with the poor house and charitable allowances; that out of the police overdraft a sum of £1,033 13s. 1d. would be refunded; that the apparent overdraft in connection with the Eucla telegraph had already been voted by the House; and that these, together with the refunds, amounted to a total of £12,925 6s. 1d.,—which might fairly be deducted from the net total overdraft,—it would be seen that the actual amount of the excess which it might be deemed the Government had control over, was reduced to about £700. He thought hon. members would readily allow, looking at the large amount of expenditure made in the year, that the overdraft dwindled down to a very insignificant sum indeed. He need say no more. The Government were perfectly willing on the present occasion that the House should follow the rule which he might say had with it become an established custom, and refer the Bill for the consideration of a Select Committee. He was instructed in no way to interpose any obstacles to the adoption of such a course, and was, in fact, perfectly prepared to nominate the Committee, or leave the House to do so, or to elect the Committee by ballot, if it so wished. With these explanatory remarks, he would now move that the Bill be read a second time.

The motion was agreed to.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) moved the committal of the Bill.

MR. CAREY said he thought it would be more satisfactory in every way—more satisfactory to hon. members and to the public at large, that the Bill should be considered in Committee of the whole House, rather than refer it to a Select Committee. To that end he would support the motion for its committal.

MR. BROWN, as an amendment, moved that it be referred to a Select Committee, consisting of the Colonial Secretary, Sir Thomas Campbell, Mr. Burt, Mr. S. H. Parker, and the mover, and, with leave, Mr. Shenton and Mr. Brockman, with power to call for persons and papers. He did so, not so much out

of any personal predilection in favor of Select Committees, but in compliance with a feeling expressed by a majority of the House that such a course should be pursued, so that the Council might gain every possible information with respect to the various items of overdraft. He thought that, as a general rule, most questions could be as effectually dealt with in Committee of the whole House as by a Select Committee; but he considered that a Bill of this sort dealing with matters of account should be more satisfactorily dealt with, in the first place, by referring it to a Select Committee, who, in due course, would report to the House. He thought that in matters of this sort the country should have the satisfaction of knowing that the various items of excess of expenditure were thoroughly enquired into by its representatives. He believed the country had every confidence in the care exercised by the present Administration in dealing with questions of finance, and it was not out of any feeling to the contrary that he moved for a Select Committee, but simply that every opportunity should be afforded the House of enquiring into these overdrafts. He was aware that a general feeling existed, that to refer a matter to a Select Committee was only another way of burking it, and he admitted that questions had occasionally been referred to these Committees and never reported upon. But if a Select Committee did its duty properly, it would seek to obtain every possible information available relative to the matter referred for its consideration,—not for the gratification of the individual members of the Committee but for the satisfaction of the whole House.

MR. SHENTON supported the motion for a Select Committee, in the belief that it was almost impossible for such a Bill as that before the House to be properly dealt with in a Committee of the whole.

THE ATTORNEY GENERAL (Hon. H. H. Hocking): If it is the wish of the House that the Bill should be referred to a Select Committee, I have no objection to that course being adopted, but my own personal feeling in the matter is that it would be a waste of time and a totally unnecessary proceeding. I think with the hon. member for the Vasse that matters of this kind can be most effectually dealt with in Committee of the whole

House, and in a public manner. What is there in the Bill, or in the schedule thereto, that cannot be thoroughly explained, without reference to any Select Committee? What, I would ask, happened at previous Sessions? These Select Committees, who meet in some hole-and-corner, out-of-the-way place or other, are, by a popular fiction, supposed to be conducting some wonderful investigations, which in due course are to result in some startling disclosures. But what is the usual outcome of their inquiry? Their reports are generally of the same character, and, when considered in Committee of the whole House, are so mutilated that the very framers barely recognise them in their adopted shape. What was done last year by the Select Committee to which a similar Bill was referred to? They commence their report by saying they are of opinion that "with respect to the greater number of items of expenditure in excess of the amount voted, it will not be necessary for us to make any observations, as they are explained by the comparative statement of expenditure which has been placed in the hands of hon. members." Of course they are; and a similar statement has been submitted for the information of hon. members with respect to the present Bill. The Committee frankly confessed that, after all their investigation, they could ascertain nothing beyond what was already laid on the Table of the House. The report then goes on to say, what was patent to everybody, that "the expenditure in connection with the medical department, and with gaols and the poor house, has seriously increased," and the Committee wind up by saying "that the time at their disposal is not sufficient to enable them to inquire into the matter." I have not the slightest objection—the Government have not the slightest objection—to refer any matter to a Select Committee if the House deem it desirable; but I cannot help thinking there is nothing in the over-expenditure for the past year which cannot be thoroughly well discussed by the whole House. I do not see at all why the matter should be delegated—for really that is what it amounts to—we are delegating our functions as a deliberative assembly—to a select number of gentlemen. There may be cases in which it

may be desirable, but here it cannot be supposed it will be necessary, to examine witnesses, or that a full explanation cannot be afforded by the Colonial Secretary to the House. Under these circumstances, I cannot help thinking that in this, as in many other matters, it would be better for the House to resolve itself into a Committee of the whole, so that every hon. member may elicit as much information as he may think proper, and that that publicity be given to the discussion which is desirable, but which can never be the case if the Bill were discussed in Select Committee. As I said before, such a course would, in my opinion, be an utter waste of time, but if the House desires it, there can be no possible objection on the part of the Government to the Bill being referred to a Select Committee.

MR. CAREY: Divide.

Council divided: Question—That the Bill be referred to a Select Committee.

Ayes	11
Noes	3
Majority for			8

AYES.	NOES.
The Hon. M. Fraser	Mr. Monger
Mr. Shenton	Mr. Glyde
Mr. Burt	Mr. Carey (Teller.)
Mr. Hardey	
Mr. S. S. Parker	
Mr. Pearse	
Mr. Harper	
Mr. Brockman	
Mr. Hamersley	
Mr. S. H. Parker	
Mr. Brown (Teller.)	

The amendment of the hon. member for Geraldton was therefore carried, and the Bill ordered to be referred to a Select Committee.

LAND QUARANTINE BILL, 1878.

Read a third time, and passed.

VACCINATION BILL, 1878.

On the Order of the Day for the further consideration of this Bill in Committee being read,

THE ATTORNEY GENERAL (Hon. H. H. Hocking) moved, That the Speaker do now leave the Chair.

Agreed to.

IN COMMITTEE.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) moved some verbal

amendments, which were agreed to, without comment.

Preamble and title agreed to.
Bill reported.

**MUNICIPAL INSTITUTIONS' ACT, 1876,
AMENDMENT BILL, 1878.**

On the Order of the Day for the consideration of this Bill in Committee,

MR. S. H. PARKER moved, as an amendment, that the House should go into Committee on the Bill on Monday, the 24th inst. He had several amendments to propose, and he thought it would be better that they should be fully considered than that the measure should be hurried through Committee, and have to be amended again next Session.

MR. BROWN hoped the Government would agree to the amendment of the hon. member for Perth, so as to afford ample time for deliberation. Government members—who had a whole year to prepare Bills—often found it necessary, almost before any discussion took place on those Bills in the House, to propose amendments in them. More than one instance of this had already been given this Session. If it took the members of the Government so long to prepare a Bill that would even meet with their own approval, it could hardly be expected that hon. members who never saw the Bills till they came to the House could grapple with important details such as those embodied in the Bill now under consideration.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said there was no objection on the part of the Government to postpone the committal of the Bill, if such was the wish of the House.

Amendment agreed to.

**PERTH DRAINAGE RATE ACT, 1875,
AMENDMENT BILL, 1878.**

THE ATTORNEY GENERAL (Hon. H. H. Hocking) in moving the committal of this Bill, said the measure was simply an act of justice towards the long-suffering Government of this Colony, on the part of the Perth municipality.

The motion was agreed to.

IN COMMITTEE.

Clause 1—"Short Title":

Mr. BURT suggested that the title of the Bill ought to be "An Act to enforce

the due application of money levied by the City Council under the Drainage Act, 1875." That was, in reality, the object of the Bill, and he could not compliment the City Council on the fact that there had been any necessity for its introduction.

MR. S. H. PARKER said that until recently the money borrowed from the Government under the Drainage Act, 1875, had, under a misapprehension, been wholly appropriated to the construction of the Main Drain, and no provision had been made until lately to repay the loan. When the corporation became aware that they had been acting in contravention of the Act, they immediately set about to remedy their mistake, and since the present Council had been in office a sum of £260 had been collected, out of which £200 had been placed in the bank on a fixed deposit, at six per cent. He had suggested some time ago to the Government that they should receive the money as the Council collected it, towards the liquidation of the debt,—just as proposed in the Bill, in fact—but the Colonial Secretary then said he thought the Government could not do that. He thought the Government might have had courtesy enough to submit this Bill for the consideration of the City Council before bringing it forward in the House, for, after all, it was only carrying out a suggestion made by the City Council itself.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said, as to submitting the measure for the consideration of the Municipal Council, before submitting it for the affirmation of the Legislature, the hon. member should bear in mind that the corporation was considerably indebted to the Government, who, not having a very exalted opinion as to the character of the security, were naturally alarmed, and actuated by this feeling of trepidation they were anxious to rush the Bill through the House with as little delay as possible, so as to secure their money before the entire proceeds of the rate were swallowed up by the main drain. He might remind the hon. gentleman that a great deal more money than the corporation had a right to spend (without making provision for the liquidation of their debt to the Government) had already been expended on the drain, and had the

Government thought proper they might have sued the members of the City Council—the hon. member for Toodyay for instance, the whilom chairman of the municipality—for misapplying the proceeds of the drainage rate; but the Government did not wish to be hard on the hon. member, who, no doubt, had, with the rest of the civic fathers, acted according to his lights. They never looked into the Act, he supposed; they saw it was entitled “The Perth Drainage Act,” and naturally thought it had reference to the drain and had nothing to do with the Government. They, therefore, had never thought of making any provision to liquidate the debt which they owed the Government, but had spent every penny they had raised by means of the special rate upon their precious drain. The object of the present Bill was to compel the corporation to pay their honest debts.

Clause agreed to.

Clause 2.—“Amount of Perth City Council’s indebtedness to Colonial Treasurer to be ascertained:”

Agreed to.

Clause 3.—“Treasurer of City Council to make monthly returns and payment of proceeds of rates to the Colonial Treasurer:”

Agreed to.

Clause 4:

Agreed to.

Clause 5:

Mr. S. H. PARKER suggested, That these returns and payments be made every quarter and not every month, namely, on 1st January, 1st April, 1st July, and 1st October in each year.

The suggestion, however, was not adopted, and the clause was ordered to stand part of the Bill.

The Bill was then reported as having passed through Committee, and the third reading was made an Order of the Day for Thursday.

The House then adjourned until the following day.

LEGISLATIVE COUNCIL,

Tuesday, 11th June, 1878.

Commonage—Vendor and Purchaser Bill, 1878: second reading; in committee—Factors Bill, 1878: second reading; in committee—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

COMMONAGE.

In reply to Mr. CAREY, THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said that a return showing the acreage reserved for commonage in the vicinity of the various towns of the Colony would be laid on the Table of the House as soon as completed.

VENDOR AND PURCHASER BILL, 1878.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) moved the second reading of a Bill to amend the law of Vendor and Purchaser, and further to simplify title to land. The Bill was an auxiliary to a measure passed a few years ago, and was brought forward in order to assimilate the law of this Colony to that obtaining in England. Speaking most generally on the subject, he might say that the object of the Bill was to render unnecessary, in making a contract for the sale and purchase of land, a great many of the stipulations which the law now required. The Bill provided that forty years shall be substituted as the root of title, in place of sixty years as at present; also that the legal representative of a mortgagee of a freehold estate, may, on payment of all sums secured by the mortgage, convey the mortgaged estate, whether the mortgage be in form, or an assurance subject to redemption, or an assurance upon trust. It also empowered married women to convey any freehold hereditament vested in her as a bare trustee, just the same as if she were a *feme sole*. It further provided that what was technically called “tacking” should not be allowed after the passing of the Bill. The various amendments proposed would, he thought, be found very convenient in practice.

Bill read a second time.