

wishes of the House would not be acceded to. They must, therefore, either go without these sheds, or provide for them out of current revenue.

MR. MARMION was sure, in his own mind, that no understanding had ever been come to with the House as to the appropriation of this £5,000 for the specific purpose of extending the public offices at Perth. There was nothing in the schedule of the Loan Act to indicate that such was the intention of the Legislature.

THE COLONIAL SECRETARY (Lord Gifford) said whether such an understanding had ever existed or not, the fact remained—as he had already told the House on another occasion—that there was on record a despatch from the then Governor (Sir Harry Ord) to the Secretary of State, relating to this Loan Bill, in which despatch it was distinctly mentioned that a sum of £5,000 was intended for the continuation of the public offices.

MR. STEERE said he must enter his protest against that House being bound by the terms of any despatch which a Governor might choose to write to the Secretary of State, with regard to a matter of which the House had no cognisance. Not a word of reference was made to the object for which this £5,000 was to be devoted, either in *Hansard*, or in the "Votes and Proceedings," and although he himself was not in the House during the Session when the Bill was passed, and therefore could not speak from his own memory, still he could not find any hon. member who had any recollection of the subject being discussed in the House.

MR. BROWN thought the fact of the object in view being mentioned in the Governor's despatch was strong presumptive evidence that the money was raised for that particular purpose. He himself had always been under the idea that the money was intended for extending the public offices, and it had been his firm impression all through—and he was still of that opinion—that it had been the subject of considerable discussion in that House.

On the motion of MR. STEERE, Progress was reported, and leave given to sit again next day.

#### FENCING BILL, 1881.

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

MR. STEERE moved, That the Bill be now read a third time.

MR. BROWN moved, as an amendment, That the word "now" be struck out, and the following words be added "this day six months."

Question—That the word proposed to be struck out stand part of the question—put.

Council divided, with the following result—

Ayes	...	...	10
Noes	...	...	7
Majority for			3

AYES.  
 Lord Gifford  
 The Hon. A. C. Onslow  
 The Hon. M. Fraser  
 Mr. Burges  
 Mr. Burt  
 Sir T. C. Campbell  
 Mr. Grant  
 Mr. Randell  
 Mr. Venn  
 Mr. Steere (Teller.)

NOES.  
 Mr. Hamersley  
 Mr. Higham  
 Mr. Marmion  
 Mr. S. H. Parker  
 Mr. Shenton  
 Mr. Stone  
 Mr. Brown (Teller.)

Question—That the Bill be now read a third time—put and passed.

Bill read a third time and passed.

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

#### LEGISLATIVE COUNCIL,

*Thursday, 8th September, 1881.*

Audit Bill, 1881: in committee—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

#### AUDIT BILL, 1881.

The House, on the motion of the COLONIAL SECRETARY, resolved itself into a Committee of the whole for the

purpose of considering the Audit Bill in detail, as amended by the Select Committee to whom the Bill had been referred.

#### IN COMMITTEE.

Clauses 1 to 11 inclusive—relating to how the public accounts are hereafter to be kept and audited, and to the preparation of financial returns—were agreed to without discussion.

Clause 12 (as amended by Select Committee) :

“The Legislative Council shall, within fourteen days after the commencement of each Session of the Council, elect, by ballot, four unofficial members of the said Council to be a Committee, whose duty it shall be to advise the Governor, when thereunto required, during recess, on questions of public expenditure. In addition to the unofficial members aforesaid, the Governor may from time to time appoint one member of either the Legislative or Executive Council, as he may think proper, to be also a member of the Committee as aforesaid; and the Councillor so appointed by the Governor, together with any three members of the said Committee, shall be a quorum for the transaction of business. In the event of the dissolution of the Legislative Council, or of its expiring by effluxion of time, such Committee so elected shall continue to exist for the purposes of this section until the newly elected Council shall elect a fresh Committee. No vote of public money shall be exceeded, or unauthorised expenditure incurred, until the Governor shall have invited the opinion of the said Committee in respect of the same; and the said Committee, on being invited to give their opinion, shall give the same in writing, signed by all the members of the Committee as aforesaid, or by as many thereof as shall be present and agree therewith; and if any member or members of such Committee should not agree with the majority, such member or members shall record their dissent in writing. Provided, always, that if the Governor shall deem it expedient in the public interest, in any case of emergency, to incur any unauthorised expenditure contrary to the advice of such Committee, a full state-

ment of the circumstances of the case shall be laid before the Legislative Council at the first convenient opportunity thereafter:”

MR. BROWN moved, That the clause be struck out. Its object, he took it, was to lessen the amount of the Excess Bills in the future, those hon. members who were in favor of it seeming to consider that, by the appointment of four non-official members of the House, to act as a board of advice to His Excellency in matters relating to unauthorised expenditure, future Excess Bills would not be so heavy as in the past—in other words, that economy would be more strictly observed than if these matters were left, as at present, in the hands of the Governor himself. Probably he would not surprise the House if he said that, in his opinion, there had been no reason shown by the conduct of any past or present Governor for this action on the part of the House. He would go further than that. He thought there was a greater guarantee, as regards economy in the public expenditure, in the responsibility of the Governor to the Secretary of State, than would be ensured by the appointment of this board of advice. The members of the board would be responsible to nobody, they would have no official preferment to look forward to, while, on the other hand, they would relieve His Excellency of a great deal of responsibility, and he might say a great deal of odium, for, acting as he would then be acting, with the full concurrence and advice of these gentlemen, nominated, as they would be, by the House, the Governor would naturally be induced to incur expenditure which, had he only himself to bear the responsibility, he would hesitate before incurring.

MR. MARMION would support the amendment to strike out the clause, mainly for the reasons adduced by the hon. member for Geraldton, and, also, because, in his opinion, if this clause became law, a Governor's hand would be strengthened considerably in any course of action which he might feel called upon to take under this clause. Moreover, it would place the members of that House in a somewhat awkward and invidious position, in the event of Excess Bills being brought forward in respect of ex-

penditure which had been sanctioned by a Committee of their own body; any opposition to such a Bill would come with very bad grace from that House, if the items of over-expenditure contained in it were items which four of its own members, elected by the House itself, had sanctioned, conceiving it to be in the best interests of the Colony that the expenditure should have been incurred. For these reasons principally, he thought it would be better to let the responsibility remain, as at present, on the right shoulders, those of His Excellency the Governor and the Executive.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) had hoped that no further opposition would have been raised to the Bill now before the Committee, a Bill which provided such a strong safeguard against abuses which he was sorry to say had to be lamented in the past. The attitude assumed by the hon. member for Geraldton towards the Bill reminded him of a spoilt child, who cried for the moon because he could not get it. The hon. member, in common with other hon. members of that House, had been asking for a considerable time past that some concessions should be made to the Legislature in the direction here contemplated; and, he would ask, was it possible that any concessions should be made affording a greater safeguard against unauthorised expenditure than was provided in this clause,—unless indeed it was the desire of hon. members that the Governor should absolutely give up all control over the expenditure of money which had not been duly voted by the Legislature. That, he took it, was a position which could not be maintained for a moment, and no one, that he was aware of, sought to maintain it. Granted that premise, was it possible that His Excellency could exercise that control surrounded with greater safeguards than were here proposed? They were going to give him, for his guidance in all matters of over-expenditure, a board chosen by the House itself—four of its wisest and most constitutional members, unofficially connected with the Government—and to them it was proposed to give, not the power to expend money which had not been authorised by the Legislature, but the power of giving His Excellency their opinion on the subject—the opinion, he might say, of

the concentrated wisdom of the House, under circumstances in which that opinion, in full assembly, could not be obtained. That opinion, however, would not control the votes of the other members of the House, when the action of the Governor and of his board of advice came under the review of the full Council. Let them suppose what would happen with this safeguard provided. A proposal is made to expend money upon some object for which no provision had been made in the Appropriation Act; the opinion of this representative Committee is invited by the Governor, and the Committee, after due consideration of the circumstances of the case, feel justified in giving their concurrence to the proposed expenditure. In that case, he took it that their action would govern the vote of a large majority of the members of that House. If, on the other hand, they refused to sanction the proposed expenditure, and the Governor, notwithstanding the refusal, should spend the money, he ventured to say that His Excellency could hardly expect that such an expenditure would ever be confirmed by the House, and the knowledge of this fact could not do otherwise than operate as a check upon the evil which they were endeavoring to remedy. A Governor, whoever he might be, would think once, twice, and three times before he would attempt to act in direct opposition to the opinion of this board of advice. He really failed to see what more effectual safeguard against unauthorised expenditure human ingenuity could possibly provide for the purpose in view than was provided in this clause.

MR. BROWN said this was not the first time the Attorney General had called him, not merely a child, but a spoiled child. He entertained a much higher opinion of the hon. and learned gentleman himself. He looked upon him as Sir Oracle in that House, and he thought that everything that fell from his lips was received by all hon. members as the very essence of wisdom. The hon. gentleman said he (Mr. Brown) had been crying out for concessions, as regards the exercise by the Legislature of greater control over the public expenditure, and led the House to infer that because he could not get the concessions which he wanted he was like a spoiled child crying

for the moon. If the hon. gentleman had been more conversant with the line of action which he (Mr. Brown) had consistently pursued in this matter, the hon. gentleman would not have made such a statement, for, although it was true that he had joined with the now renowned Audit Party in asking that the Auditor General should in a certain sense be protected in his position by the voice of that Council, he had done so for reasons which were quite different from those which the hon. gentleman seemed to imagine. He had stated from the commencement of this agitation that he considered the accusations made against the Government, on the score of illegal and improper expenditure, entirely unfounded. He had proclaimed to his constituents and to the country at large that in his opinion the successive Excess Bills brought before the House were largely due to the action of the House itself and not to the Government, and that he would support the action of the Audit Party simply because, if they attained the object which they had in view, the public would then put the blame on the right shoulders, and hold the House responsible for all unauthorised expenditure, rather than, as at present, the Governor, and the Governor alone. He still firmly believed that, if the clause now before the Committee were passed, we should not be in a better position, but in a worse position, as regards the possibility of excessive expenditure, in what had been called an illegal form, in the future. The hon. the Attorney General said this board of advice would consist of the four wisest and most constitutional members of the House; but he would point out to the learned gentleman that they would necessarily be four members residing in close proximity to the seat of Government, probably the four members for Perth and Fremantle. Possibly these hon. gentlemen were—he believed they were—the four wisest men in that Council. He thought they were only second to the Attorney General himself, who was, without exception, the very wisest man in the whole House. But even these four wise men might have their judgment warped, honestly it was true, by personal interests, by local interests; yet these would be the gentlemen whom the House would be obliged,

from the force of circumstances, to appoint on this board, which, for that very reason, could not be regarded as a thoroughly representative board. He had very much more faith, judging from the experience he had had of successive Administrators sent out to this Colony, in the intelligent management of the Colony's affairs, with regard to the expenditure of public funds, by the Governor himself and his Executive, than he should have in any board which that House would be in a position to appoint, provided this clause became law. In saying that, he in no way wished to detract, in any sense, from the merits of those hon. members who might be appointed on the board, for he held a higher opinion of them than the hon. member for Swan did. He did not think they were men likely to be influenced by champagne luncheons. Although, for the reasons which he had stated, he could not give his support to the clause before the Committee, he was free to admit that he looked upon it as a *bonâ fide* attempt on the part of the Government to meet the wishes of the Audit Party in its desire to exercise a greater check upon the public finance. It was evidently intended by the Governor to give as much control to the Legislature in the matter of unauthorised expenditure as His Excellency could see his way clear to give; but it was not such a power as was asked for by the Audit party last year.

MR. S. H. PARKER did not think they had to thank the Governor at all for this clause; if they had anyone to thank for it, it was the Secretary of State, who, in his despatch to the Governor, recommended that there should be a Committee of Public Accounts appointed in connection with our own Council, the same as in the House of Commons. The Governor, in replying to that despatch, stated that he thought, instead of appointing a Committee of Public Accounts, he would appoint this board of advice; and he (Mr. Parker) thought, if any credit or thanks was due to any person in connection with the matter, it was due to the Secretary of State, and not to the Governor. It appeared to him the hon. member for Geraldton was quite mistaken as to the object for which this clause had been introduced. If the hon.

member's argument was at all tenable—that the Governor's responsibility to the Secretary of State was a sufficient guarantee to this House against any improper expenditure—the hon. member, in order to be consistent, ought to have opposed the introduction of an Audit Bill at all; but, if he remembered rightly, the hon. member was a strong supporter of the Bill brought in last Session. If the Governor's responsibility to the Secretary of State was an all-sufficient guarantee of the exercise of economy and of a strict adherence to the votes of the Legislature, what was the use of any Audit Bill at all? But he would remind the hon. member that his idea of the responsibility of the Governor to the Secretary of State was altogether at variance with the view entertained by that functionary of the Governor's responsibility to him. The Secretary of State in his despatch on this very subject expressly repudiated such responsibility, and said it would be a dereliction of duty on the part of the Legislature to relax its vigilance in discharging the important function of controlling the expenditure of public money, "in reliance upon such supervision as the Secretary of State may be able to give, which, from the distance and the impossibility of thoroughly understanding local details, must necessarily be imperfect." That was what the Secretary of State himself said upon the subject, and, in the face of this admission, he was astonished to find the hon. member for Geraldton still maintaining that the responsibility of the Governor to the Secretary of State was ample security against excessive and unauthorised expenditure. It had been said that the appointment of this board would strengthen the Governor's hands, in the matter of over-expenditure; no doubt, if such expenditure were incurred with the full concurrence of the board, the Governor's position would be fortified; but, as pointed out by the Attorney General, the votes of these four members would not control the votes of that House, when this expenditure was submitted for their confirmation. He thought such a board was bound to have some restraining influence upon any Governor bent upon incurring unauthorised expenditure, and, if he acted in direct opposition to their

expressed opinion, his responsibility to that House would be increased rather than diminished, and he would be a very sanguine man indeed who would expect the Council to confirm such expenditure. On the other hand, it might be said that if the board had been induced to sanction some item of unauthorised expenditure, the Governor might calculate upon being able, with the assistance of the votes of the four members of the board, and of his own nominees and the official members, to outvote the elected members in the House. He thought that was a very unlikely thing indeed. He considered that the nominated members of that House were, in reality—or, at any rate, they ought to be—the most independent members in it—at any rate, he had this much confidence in them, that, provided they were of opinion that any illegal expenditure had been incurred, which was not justifiable, even although incurred with the sanction of this board, their votes would be found against the confirmation of such expenditure. He hoped the clause would be agreed to. It appeared to him to be the first step towards what might be regarded as Responsible Government—the first step towards making the Governor of the Colony, who, under the present Constitution, was also its prime minister, responsible to that House and to the country as regards the expenditure of public money.

Mr. SHENTON denied that this clause, as stated by the hon. member for Perth, had been introduced into the Bill in accordance with instructions from the Secretary of State. No such instructions were ever given in the despatch referred to. What the Secretary of State recommended was that a Committee of Public Accounts might be appointed by the Council to examine questions connected with the expenditure of the Colony. Such a Committee, in fact, had been appointed at every Session of the Council since the present Constitution was established. He alluded to the Select Committees appointed annually for the examination of over-expenditure; and it was clear that this was the view which His Excellency himself took of the suggestion made by the Secretary of State as to the appointment of a Committee of Public Accounts, for, His Excellency

having pointed out to Lord Kimberley that such a Committee was annually appointed by the Council, went on to suggest that a system which he had found to work well at Singapore should be introduced here, namely, that a Committee of unofficial members should be appointed to advise the Governor, during the recess, on certain questions connected with public expenditure. It was in pursuance of this suggestion that the present clause was introduced into the Bill, and the House, if it had to thank anybody for it, had undoubtedly to thank His Excellency the Governor, with whom the idea originated, and not with the Secretary of State. Therefore, if any hon. member was under the impression that this clause had been introduced into the Bill under any compulsion exercised by the Secretary of State, he took leave to differ from him; and, if it was considered that this board of advice would relieve the Governor from his responsibility to the Imperial Government, he further begged leave to differ.

MR. S. H. PARKER explained that what he stated was, that the present clause was introduced as a substitute for the appointment of a Committee of Public Accounts, as suggested by the Secretary of State. It was never proposed to appoint such a board until the Secretary of State requested the Governor to consider and report to him what steps appeared to him to be desirable for the purpose of regulating and extending the control of the Legislature over the public finance. Had it not been for this pressure brought to bear upon the Governor, he did not think it was too much to say that they would never have heard anything about the proposal to appoint this board of advice. Why was the idea not put forward when the Audit Bill was under discussion last year, if the Governor was acting of his own free will and motion, and not under pressure from the Secretary of State?

MR. MARMION asked those who were in favor of the introduction of this clause, whether it was not the case that the main object they had in view was to put an end to the Excess Bills, which, Session after Session, were introduced into the House, and when introduced invariably passed? If so, he would

further ask them whether they thought for a moment that this clause would prove a death-blow to Excess Bills in the future, or, whether, if such Bills embraced items which had been incurred with the sanction and approval of this board of advice, the Council was less likely to confirm such expenditure? He thought, on the contrary, that the very fact of the expenditure having been assented to by this board, elected by the House itself, would cause the House to be more ready to pass Excess Bills in future, than it had been in the past. The Governor would then be in a position to come down armed with the votes of these four members, and of the Executive members at any rate,—to say nothing of the nominees. It was all very well, in theory, to say that the nominee members were more independent than any other members in the House; but, he would appeal to the nominee bench—he had been a nominee himself—whether, as a matter of fact, they were not, in all important matters closely affecting the policy of the Government, consulted by the Governor, and that, as a rule, the Governor's personal influence was brought to bear upon them as regards the attitude they should take up, and the direction in which he would wish them to vote. He did not mean to insinuate for one moment that any unfair or undue pressure was brought to bear upon them, but, in questions of this kind, where the policy of the Government was concerned, it was no use denying that the personal influence of the Governor was not felt, and that his arguments would not have great weight. Under these circumstances, he would like to know what would become of the Attorney General's boasted safeguard, as provided in the clause? The Governor, fortified as he would be with the votes of his own official members, of the four members constituting the board which had advised him to incur the expenditure, and by the votes of at least two or three of the nominee members, would be able to carry any Excess Bill through the House, in triumph, and the elected members, who would necessarily be in a minority, would be powerless to prevent it. If the proposal had been to appoint upon this board four gentlemen of known integrity, business capacity, and intelligence, outside that

House, there might be something said in favor of the clause. The Governor would not then be armed with the votes of the members of the board, and the question of expenditure would be dealt with in the House on its merits. Theoretically the clause might appear a desirable one, but, practically, through it, if passed, the voice of the Legislature as regards unauthorised expenditure in the future would be silenced.

THE COLONIAL SECRETARY (Lord Gifford)—referring to the statement of the hon. member for Perth, that His Excellency the Governor and the House were indebted to the Secretary of State for this clause in the Bill—said he was in a position to say that such was not the case. It was the opinion of His Excellency, long before this Bill was ever introduced, that some such Committee as this should be appointed to advise him on matters connected with expenditure. It was a system which His Excellency had found to work well at Singapore, and the idea had struck him that probably it would answer very well here also.

MR. STEERE said the hon. member for Geraldton had misinterpreted what he had stated with regard to the possibility of the members of this board being seduced from the path of rectitude by champagne luncheons. What he had said was that it would be desirable, in the event of the Council finding that any member of the board did not appear to be morally strong enough to resist pressure which might be brought to bear upon him at Government House, the Council, by having the members of the board annually elected, would be able to get rid of this weak member, without causing him any serious offence. He was really surprised to find any opposition manifested to this clause, for it was one which in his opinion was calculated to do a great deal of good. It was one step, and an important one, towards the realisation of their desire to exercise a greater control over the expenditure of the public funds. He admitted it was but an experiment—a tentative clause; but it was one that had been found to work well in another Legislative Assembly—differently constituted to our own, it was true—and the result had been in every respect satisfactory, at

Singapore, where little or no expenditure was now incurred without the sanction of the Legislature. The hon. member for Fremantle said the clause would not prevent Excess Bills in the future. He did not suppose it would. They would most probably have—in fact, it was almost certain that they should have—Excess Bills, to the end of the chapter; but he ventured to say they would be infinitesimally small compared with the Excess Bills with which they had been familiarised in the past. The House would not be called upon to sanction an unauthorised expenditure of such a sum as £15,000, which it had never in any way been asked to vote. He thought hon. members would give him credit for this—that no one was more anxious than himself, no one was animated by a stronger desire than he was, that the representatives of the people in that House should exercise their undoubted right of controlling the expenditure of the public funds, and he thought that this control would be assured to them, to a much larger extent than heretofore, by the passing of this clause. As to the members of this board not feeling that any responsibility was cast upon them, because, as the hon. member for Geraldton implied, they had no official promotion to look forward to, and nothing to gain by a rigid performance of their duty, he thought that a very grave responsibility indeed would be cast upon them, and that they could not fail to be impressed with a deep sense of that responsibility. They would feel, not only that the House looked to them to guard its privileges, but also that the country at large looked to them to protect it from any unnecessary expenditure of the public funds. He commended the clause to the consideration of every member who was desirous that the Legislature of the Colony should have the right and responsibility of controlling the expenditure of public money. It was a clause which he regarded as an important step in the right direction, and one that would give them as great a control over the public finance as they could possibly expect under the present Constitution.

MR. VENN would vote in favor of striking out the clause. When the hon. member for the Swan brought in an

Audit Bill last Session, he (Mr. Venn) had no opportunity of voting upon the question, as he was absent from the House at the time. Had he been present and exercised his right to vote, he was free to admit that he would have voted against the measure then introduced, though he certainly preferred it to the present one. While fully appreciating the efforts and the object which the hon. member for the Swan and his followers had in view, he felt bound to say that the present Bill, if it became law, would tend more than anything to defeat the attainment of that object.

MR. RANDELL said, when he first saw the Bill, he had not much liking for it, but when he came to regard it more attentively, he thought there were features about it which commended the Bill to his fancy, as containing elements of a very useful character. As to the responsibility which would attach to the board of advice proposed to be established, he thought there were other considerations which weighed with right-minded persons besides the expectation of preferment or official promotion, or even loss of office. The good fame and the public reputation and honor of the members constituting the board would, to a great extent, be at stake, as well as their status in that House—a consideration which would weigh very heavily with them in dealing with questions of unauthorised expenditure. Though he was not altogether enamoured of the clause even yet, still he regarded it as a valuable concession, an honest and generous concession, on the part of the Governor, to the wishes of the majority of the members of the House who supported the Audit Bill of last Session; therefore, he thought any opposition to it would, under the circumstances, come with very bad grace from that House, especially in its amended form, which he considered a great improvement upon the clause as it originally stood.

The Committee then divided upon the question of retaining the clause, when there appeared

Ayes	...	...	11
Noes	...	...	5
			—
Majority for	...		6

AYES.  
The Hon. A. C. Onslow  
The Hon. M. Fraser  
Mr. Burges  
Mr. Grant  
Sir L. S. Leake  
Mr. S. H. Parker  
Mr. S. S. Parker  
Mr. Randell  
Mr. Steere  
Mr. Stone  
Lord Gifford (Teller.)

NOES.  
Mr. Hamersley  
Mr. Higham  
Mr. Maruion  
Mr. Venn  
Mr. Brown (Teller.)

The motion was therefore carried, and the clause was ordered to stand part of the Bill.

The remaining clauses were agreed to, and some new clauses and amendments introduced, without discussion, and the third reading of the Bill was fixed for Monday, September 12.

The House adjourned at a quarter past four o'clock, p.m.

## LEGISLATIVE COUNCIL,

*Friday, 9th September, 1881.*

School House at Northampton—Municipal Institutions Act, Amendment Bill: third reading—Oyster Fisheries Bill, 1881: correction—Perth International Exhibition—Reply to Message (No. 24): Retransfer of Loan Moneys temporarily used; adjourned debate—Estimates: recommitted—Married Women's Property Bill: second reading—Adjournment.

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

PRAYERS.

### SCHOOL HOUSE AT NORTHAMPTON.

MR. BROWN, in accordance with notice, asked the Honorable the Colonial Secretary, "Whether any arrangements have been made to build a School-house at Northampton?"

THE COLONIAL SECRETARY (Lord Gifford) replied as follows:—"The Government have not made any arrangement, but the Central Board have the matter under their consideration, and they intend to erect one out of their own funds."