

should be added to the Bill, with the following result:—

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

AYES.

Mr. Burt
Mr. Carey
Mr. Crowther
Mr. Grant
Mr. Higham
Mr. S. H. Parker
Mr. S. S. Parker
Mr. Venn
Mr. Steere (Teller.)

NOES.

The Hon. A. C. Onslow
The Hon. M. Fraser
Mr. Burges
Mr. Glyde
Mr. Hamersley
Mr. Marmion
Mr. Randell
Mr. Shenton
Lord Gifford (Teller.)

The numbers being equal,

THE CHAIRMAN OF COMMITTEES said that, according to the usual parliamentary practice, he would give his casting vote with the Ayes, when a further opportunity for consideration would be given on the report.

The clause was therefore inserted, the Schedule agreed to, and the Bill reported to the House as having passed through Committee.

After a pause,

THE SPEAKER said: Will no one fix a date for the third reading of the Bill?

THE COLONIAL SECRETARY (Lord Gifford) said he had no intention of doing so.

MR. STEERE said, if the Government were going to neglect their duty (they having charge of the Bill), he would himself move that the third reading be made an Order of the Day for Wednesday, which was agreed to.

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

LEGISLATIVE COUNCIL,

Wednesday, 20th September, 1882.

Power of Roads Boards to close gates across Minor Roads—Free Grants to Messrs. Brockman and Paterson—Amendment of Standing Orders—Mr. Fairbairn's Report upon the murder of native Januberry—Aboriginal Native Offenders Bill: second reading—Appropriation Bill, 1883: second reading—Loan Bill, 1882: re-committed—Adjournment.

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

PRAYERS.

POWER OF ROADS BOARDS TO CLOSE GATES ACROSS MINOR ROADS.

MR. CAREY asked the Colonial Secretary, "Whether it is in the power of District Roads Boards to remove gates placed across minor roads (in accordance with the provisions of the Act), if, in the interests of the public, it is afterwards found necessary to remove such gates; and, if not, whether the Government think it advisable to take steps to give the Roads Boards such power?"

THE COLONIAL SECRETARY (Lord Gifford) said, "It seemed to the Government that while power has been given to the Roads Boards to put up gates, power has not been given them under the Act to remove those gates afterwards. The Government thought perhaps it might be advisable to give the Boards such power, but, before giving any definite opinion, it would be necessary to consider the question very carefully."

FREE LEASES TO MESSRS. BROCKMAN AND PATERSON.

MR. BURT, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased favorably to consider the desire of this House that free leases of 100,000 acres, in the Kimberley District, for 12 years, be granted respectively to Mr. Julius Brockman and to Messrs. Paterson, in recognition of the services they have rendered to the Colony in having been the first practically to test, at much risk and expense to themselves, the value for pastoral purposes of this lately discovered portion of our territory." The hon. member said he was sure it must be a matter of congratulation to that House that the undertaking which was initiated and carried through by the Government and the Legislature some time ago, having for its object the exploration of this Kimberley District, had resulted in the very considerable amount of territorial revenue already received, and the very large extent of country which had been taken up in the district. What he asked the House to consider that evening was whether the services rendered to the Colony by the first settlers who proceeded to that dis-

tant territory, to practically test its value for the purposes of settlement, were not deserving of some recognition at the hands of the country. It would not do merely to explore new territories and then to leave them; and, although exploration was a work that must be undertaken before settlement,—and in this particular instance it was not only undertaken but ably and pluckily carried out, and with the most satisfactory results so far as the Colony is concerned; still, if the matter had rested with a mere exploration of the district, these results would yet be wanting. Once a new country is explored the next step is settlement, with a view to the profitable utilisation of the new territory; and the gentlemen mentioned in the resolution before the Committee were, as hon. members were aware, the first to practically test the value of this Kimberley country for pastoral purposes. With the exception of the opinion passed upon the country by the explorers who crossed it, there was nothing to lead the world at large—and when he said the world at large he included those who in the other colonies and here were looking out for pastoral areas—to believe that the country traversed for the first time by Mr. Forrest and his party would be found fit for grazing sheep; but, shortly afterwards, the gentlemen referred to in this address proceeded to this new country, with their stock, practically to test its capabilities for pastoral purposes. The country then was nothing but a wilderness, cut off entirely from all communication with any of the settled parts of the Colony and these men were virtually shut out of the civilised world for months together, and no one had any means of knowing whether they were dead or alive. The House had already taken into consideration the valuable services of the explorer who discovered this territory, and done something towards recognising those services; but if they looked to the settlement which had followed this exploration, and if they bore in mind that Messrs. Brockman and Paterson were the very first who risked their lives and their property to test the value of the country for settlement, with the result that we are now receiving annually a large revenue from the district, he thought the House would

agree with him that the services these gentlemen had done to the Colony were also entitled to some consideration. Mr. Brockman, he believed, was the first to take stock to this unknown territory, and he did good services besides that, for he explored on his own account a portion of the country and discovered certain rivers and landing places, and, having done so, did not keep the information to himself, but published the result of his pioneering exploits to the world, for the benefit of those who might be desirous of following him. Shortly afterwards, they found the Patersons proceeding to this new country, with 700 sheep, horses, and their station hands; and these gentlemen also published a diary of their proceedings, describing the country, and giving much valuable information to intending settlers. There was no call for any of these gentlemen to publish their reports for the benefit of others, and had they not been men of large hearts and liberal-minded they would have kept all this information—obtained at much risk, expense, and privation—to themselves; but, instead of that, they gave the world the full benefit of their experience, and no one would gainsay that others who had followed them into the district had profited thereby, and that, in the result, the Colony had done the same. It might be said that if we are going to be asked to recognise the services of pioneer settlers, “where are we to stop”; but he thought that, in this particular instance, it would be generally acknowledged that the services rendered to the Colony by these men stood pre-eminently forth as services worthy of recognition. Had it not been for these services, had these men not gone boldly forth to test the capabilities of the country, and, having done so, published to the world the result of their experience, he believed we should not be receiving £100 revenue from this district at the present moment. Although they may have been cautioned before they went up there that they would have to stand the same chance as any body else in the grand lottery by means of which the district was to be apportioned to intending lessees, this did not deter them, and, as a matter of fact, one of the Messrs. Paterson did not get any land at all in that lottery. He did not make this a ground of complaint; he simply submit-

ted the resolution to the good sense of the House, feeling assured that it would be dealt with in a fair and just spirit. He had no wish to press it upon the acceptance of hon. members if they thought the services rendered by these gentlemen did not fairly entitle them to some such recognition. With regard to the proposed tenure (twelve years), it would perhaps be desirable to make the leases terminable at the end of 1893, in order that they may fall in with the other leases which were current at the present time.

MR. GRANT, in seconding the motion, said he felt almost ashamed that he had not himself before now brought the claims of these gentlemen under the attention of the House, as he had already of the Government, particularly as regards Mr. Brockman. He was sure, if the House agreed to this Address, and practical effect were given to it, the Legislature and the Government would only be doing a simple act of justice, and one which he was sure would be heartily applauded not only by every settler in the district but by the Colony at large.

The motion was then put and carried unanimously.

AMENDMENT OF STANDING ORDERS.

MR. CROWTHER, in accordance with notice, moved, "That the Standing Orders be amended, and that the House meet for the transaction of public business on Mondays, Wednesdays, and Fridays in the evening at seven o'clock, and on Tuesdays and Thursdays at noon." He thought that, as a rule, they got through a great deal more work during the morning sittings than at night, and that it would be conducive to the despatch of business if they were to meet twice a week in the day time, instead of once only, as at present. They would then have three nights for talking and two days for working. He had no strong personal feeling in the matter, but he thought the proposal would meet the wishes of the majority of hon. members.

MR. SHENTON, in seconding the motion, said the proposed arrangement might interfere somewhat with the business of those members who lived in Perth and Fremantle, but, on the other hand, it should be borne in mind that

country members had to neglect their business for weeks together, when attending to their parliamentary duties.

THE COLONIAL SECRETARY (Lord Gifford) said he had no opposition to offer to the proposed alteration, on the part of the Government, though probably the new arrangement would be more inconvenient to members of the Government than to private members.

MR. BURT said they used to have two day sittings formerly, and what was the result? They met at noon, and adjourned for lunch, after which very few members put in an appearance, whereas, in the evening, they generally had a full House. If the motion went to a division he would vote against it.

SIR T. COCKBURN-CAMPBELL, said he quite agreed that town members should do all they could to meet the convenience of country members, and if it could be shown that their convenience would be consulted, to any great extent, by having two morning sittings instead of one, he thought the town members should give way, although to many of them it would be extremely inconvenient to increase the number of day sittings. He could not agree with the hon. member for Greenough that, as a rule, more work was got through at morning sittings than in the evening; a reference to the Notice Paper would show that, generally speaking, all the important work was taken at the evening sittings.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) thought the experiment of having two morning sittings a week was worth trying, and he for one would very heartily support the motion.

MR. CAREY said a reference to the "Votes and Proceedings" would show clearly that less work was got through during the day sittings than during the evening.

MR. S. H. PARKER said, so far as the legal members of the House were concerned, a morning sitting on Tuesday would be very inconvenient, as the Supreme Court usually sat on that day.

The motion, on being put, was carried, on the voices.

MR. FAIRBAIRN'S REPORT UPON THE MURDER OF NATIVE JANUBERRY.

MR. GRANT, in accordance with notice, moved, "That an Address be pre-

"sented to His Excellency the Governor, "praying that he will be pleased to lay "on the Table of the House all reports "received by the Government from Mr. "Fairbairn on the occasion upon which "he was forwarded to the Gascoyne for "the purpose of investigating the cir- "cumstances connected with the alleged "murder of an aboriginal native named "Januberry." The hon. member read a letter from one of his constituents alleging that he understood some reflections had been cast upon the conduct of the settlers by Mr. Fairbairn, and that they were anxious to rebut any such imputations, if they had been made.

THE COLONIAL SECRETARY (Lord Gifford) said he was not aware that any confidential report made to the Government by Mr. Fairbairn had been made public, containing anything derogatory of the settlers on the Gascoyne. The Government certainly had never made use of any report of the sort.

MR. RANDELL thought the House ought to set its face against such notions as these. The hon. member had read an anonymous letter—anonymous so far as that House and the public were concerned—reflecting on the character of a gentleman who was sent on a confidential mission by the Government, and casting what appeared to be very serious strictures on his conduct, virtually charging him with making an untruthful report. Seeing that the officer in question was not there to defend himself, he thought the House ought to set its face decidedly against the course adopted in this instance to bring the matter before the public. He thought the least an hon. member could do, when he read a letter animadverting in this manner upon the conduct of a public official was to give the name of the writer, so that the House might know what weight to attach to such a communication.

MR. BROWN said he had found out that the statements embodied in the letter in question were incorrect. He knew that the writer considered Mr. Fairbairn to be a truthful man, but it was possible for any man to make a report which might be substantially incorrect, by being misled, and it was possible for Mr. Fairbairn, like anybody else, to be misled; but he thought it was only fair to the settlers that such

reports as were not of a confidential nature should be made public, so that in case of their containing any incorrect statements, the settlers might have an opportunity of contradicting them. He had not understood the hon. member for the North to insinuate that the Government had in any way divulged confidential statements made in Mr. Fairbairn's reports, but he thought it was only fair to the settlers of the Gascoyne, whose names had been bruited abroad, not merely in the memoranda laid on the Table of the House but also in the columns of the Press, that they should have an opportunity of contradicting any false accusations brought against them. It was not even known whether such a report as that referred to in the letter read by the hon. member for the North was in existence, and, if so, the Government would have an opportunity of stating so.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said that, generally speaking, when a highwayman attacked a person with a felonious intent he was generally aware whether the person attacked had his purse in his pocket or not; but the hon. member who had last spoken challenged the Government to produce this report whether it is in existence or not. With regard to the particular case referred to, the alleged murder of the native Januberry, he had the misfortune to conduct the prosecution in that case, and he was intimately conversant with its details. He assured the House that everything which the Government thought advisable should be known came out in open court, and they had nothing to withhold. Supposing, however, there should be a private communication from Mr. Fairbairn to the Government, such a communication was no more public property than a private letter of his own. The Government certainly had not made the slightest use of it, and, so far as he was aware, no such report was in existence; but even if it were, it was a private document, and, if so, he failed to see what grounds the hon. member had for asking for its production. If the Government had published such a report, reflecting upon the conduct of the settlers, hon. members would have a right to have it produced, if they conceived it contained anything

derogatory to individual settlers; but not a word, not a suspicion, had gone out as to anything which Mr. Fairbairn may have communicated to the Government, reflecting upon the actions of the Gascoyne settlers. Everything which the Government had to make known was produced in open court, at the trial, and, under the circumstances, he hoped the House would pause before it passed such an Address as this.

MR. BROWN admitted that the words "all reports received from the Government by Mr. Fairbairn" would embrace such reports as were of a private and confidential nature, but he was sure no one ever expected the Government to produce any document of that character. The Government had a right, and very properly so, of refusing to furnish any report, and he should be the last in the world to complain of the exercise on their part of that discretionary power.

MR. S. H. PARKER said he believed the trial in question was the last occasion on which he had the distinguished honor of holding a brief for the Crown, and, in that capacity, he had every opportunity of perusing all the documents connected with the case; and he certainly saw nothing reflecting in any way upon the conduct of any individual settler on the Gascoyne. If there were any private and confidential reports from Mr. Fairbairn to the Government, those reports, he took it, were privileged communications, emanating from a confidential man, sent on a confidential mission, to his principals. After all, this native question was purely an administrative question, and if hon. members were dissatisfied with the manner in which the matter was dealt with by the Administration, the remedy was in their own hands,—let them take upon themselves the responsibility of administering the affairs of the Colony.

MR. GRANT said that in bringing forward the matter he was only acting in the interests of his constituents, and, as the letter in question was written in the name of Gascoyne settlers, he conceived he was only doing his duty in asking for fair play all round. If it appeared to be against the wish of the House that this Address should be presented, he was quite prepared to withdraw it.

THE COLONIAL SECRETARY (Lord Gifford) said Mr. Fairbairn was simply sent to take the depositions of the witnesses connected with the native murder referred to, and, as a matter of fact, no report whatever was received from him reflecting or commenting in any way upon the conduct of the settlers, nor had he been called upon to do so.

The motion was, by leave, withdrawn.

ABORIGINAL NATIVE OFFENDERS BILL.

MR. BROWN moved the second reading of a Bill to amend the Ordinance providing for the summary trial and punishment of native offenders. The hon. member said the object of the Bill was simply to empower two justices to try, and, upon conviction, to sentence to imprisonment for any period not exceeding three years, all native offenders who, at present, can only be so sentenced by a Resident Magistrate,—the longest period which any other two justices (or half a dozen justices) can sentence native offenders being six months. In some parts of the Colony offences were committed by natives in places where no Resident Magistrate may be found within hundreds of miles, and it would be obviously inconvenient and often a great source of expense to have the offenders brought before such magistrates. He believed that in no other of our Acts were two justices denied this power. Even under ordinary circumstances he thought there was no danger in giving justices this power, but under these Native Acts the Governor had such large powers in dealing with convictions that the danger would be still less.

The second reading of the Bill was agreed to *sub silentio*, and its committal made an Order of the Day for Thursday.

APPROPRIATION BILL, 1883.

THE COLONIAL SECRETARY (Lord Gifford) moved the second reading of a Bill to appropriate £186,204 0s. 8d., out of the general revenue for such services as shall come in course of payment during the year 1883.

The motion was agreed to, and the Bill read a second time, without discussion.

LOAN BILL, 1882.

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

THE COLONIAL SECRETARY (Lord Gifford) moved that it be discharged, and the Bill recommitted with a view to strike out the new clause introduced into the Bill on the previous day by the hon. member for the Swan. The noble lord said the Government would offer no objection to the clause as a separate measure.

MR. STEERE said had the Session not been drawing so near to a close he would have had no objection to introducing a separate measure, but seeing that the work of the Session was now almost at an end, and as he considered it necessary that the House should exercise some control over the expenditure of the loan money which this Bill proposed to raise, he thought the simplest plan would be to introduce a clause into the Bill providing that so much of the moneys raised under this Act as may be required for the salaries of public officers for the purposes of the Act, and also for the construction of buildings and purchase of rolling stock, shall be annually submitted to the Legislative Council for its approval and confirmation. The Government admitted—the Governor himself had told him so—that loan money was public money; and, that being the case, he maintained that the representatives of the people had a right to have a voice in controlling its expenditure. Under these circumstances, he could not agree to the striking out of the clause in question. He really failed to see what objection the Government could have to the clause, if, as they said, they were prepared to accept it, if embodied in a separate measure. They had been told by His Excellency, when this question was before the House at a previous Session, that he would be quite prepared to adopt the system in force in South Australia; and what was that system? The Loan Estimates were presented to, and voted by the Legislature annually, and only so much money was appropriated as was estimated to be required during the current financial year. If that was the system which His Excellency was prepared to adopt here, why was there this opposition to the introduction of this clause? He attributed it to the fact that the Government in reality did not wish that House to exercise this control over loan moneys; he

could attribute it to nothing else, and he hoped the House would not stultify itself by reversing the decision it arrived at in the matter last night, but insist upon the retention of the clause in the Bill; if not, he hoped that the majority of hon. members would join him in approaching the Secretary of State and point out that the Government, notwithstanding His Lordship's despatch, had again opposed legislation having for its object the giving to the Legislature that control over public expenditure which the Secretary of State said it was not only their privilege but also their duty to exercise.

MR. MARMION said they had heard from the Executive Bench that there was no objection on the part of the Government to a measure being introduced giving the Council that control over loan moneys which it was the object of this clause to confer upon them,—not only as regards this particular loan, but all future loans. Therefore, he did not think it could be fairly said that the Government had objected to legislation in this direction, and he thought it would be quite time enough to approach the Secretary of State with any remonstrance when they found the Governor refusing to give his assent to a separate measure giving the Council the power to exercise control over loan expenditure. If the hon. member would introduce such a measure, he assured him he should have his (Mr. Marmion's) support, but he did not think he could support the hon. member in the course which he now proposed, and which would simply give them the right to control the expenditure of the money raised under the present Bill. He did not think it would be to the interest of the Colony to incorporate this clause in a Loan Bill; it might lead to the Bill being held over their heads for months, and to an indefinite delay in the prosecution of the public works in question.

MR. BROWN thought it was highly desirable that the Legislative Council should have control over loan moneys, to the extent which the hon. member for the Swan contemplated; and unless the Government gave their assurance that they would co-operate with that House for the purpose of securing what the hon. member and others desired, he should feel bound to vote against the motion of the noble lord to have the Bill re-com-

mitted. But he understood that an assurance to that effect was given last night, when he was not in the House; and, if so, that would be enough for him. He thought himself it would be better to have a separate measure, and, if the hon. member for the Swan would introduce such a measure, it would have his most cordial support. He thought it ought to be done this very Session.

THE COLONIAL SECRETARY (Lord Gifford) said he had given the House this assurance,—that, so far as the Government was concerned, they had no objection to the introduction of a separate measure, embodying the clause under discussion.

MR. S. H. PARKER said he understood the noble lord merely to say that the Government would offer no objection to the introduction of such a measure, but he would ask the right hon. gentleman whether that was all? Would they offer no opposition to the passing of the Bill after its introduction? Would they offer no opposition to its becoming law?

THE COLONIAL SECRETARY (Lord Gifford): I am not going to make any objection to it at any stage.

MR. CROWTHER thought they ought to have this separate measure before they passed the Loan Bill, and if the Governor refused to assent to it, the House would then be at liberty to do what it liked as regards the Loan Bill, and the clause in question. He certainly thought that those who had the responsibility of borrowing the money and of repaying it ought to have some voice in controlling its expenditure. They wanted nothing unreasonable. They did not want to tie the hands of the Government in any way, or to impede the progress of public works; but he did think they had an opportunity of judging what was good for the country as the Government had, and he failed to see what objection there could be against giving the Legislature that power which it sought.

The question was then put—That the Bill be recommitted, whereupon the House divided as follows:—

Ayes	12
Noes	8
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Majority for	...		4

AYES.

The Hon. A. C. Onslow
The Hon. M. Fraser
Mr. Brown
Mr. Burges
Mr. Glyde
Mr. Grant
Mr. Hamersley
Mr. Marmion
Mr. S. S. Parker
Mr. Randall
Mr. Shenton
Lord Gifford (Teller.)

NOES.

Mr. Burt
Sir T. C. Campbell
Mr. Carey
Mr. Crowther
Mr. Higham
Mr. S. H. Parker
Mr. Venn
Mr. Steere (Teller.)

The Bill was therefore recommitted.

IN COMMITTEE.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) moved that clause 23 be struck out.

MR. BURT said he did not know whether the hon. members who voted against the hon. member for the Swan were aware of what took place on the occasion of the previous debates on this subject. He certainly could not fathom the attitude of the Government in regard to the matter. During the first Session of 1881, His Excellency the Governor in his Message to the House on this very subject, said: "If means can be found for giving Your Honorable Council that control over loan expenditure which you desire, without at the same time paralysing the action of the Government, and causing public inconvenience and delay, the Governor will be happy to co-operate with you for such a purpose. This, however, is not an easy matter to accomplish, and certainly it is one which should be dealt with on its merits in a separate Bill, in order that it may be more maturely considered in the light of the practice adopted elsewhere, and that the coming into operation of the Loan Bill may not be endangered or delayed." The House would observe that the reasons then given by His Excellency for not accepting the clause then proposed to introduce was in order that the matter might be more maturely considered on its merits, in the light of the practice adopted elsewhere. His Excellency at that time was not aware of the practice adopted elsewhere, but the reasons then urged did not exist now. The whole question had been very maturely considered, and in the light of the practice existing in the other colonies. At the time referred to, His Excellency was altogether astray, as regards the practice in force in those colonies, and he took

means, by telegraphing, to ascertain what the practice was; but, it appeared, as pointed out at the time by the hon. member for the Swan, that His Excellency was misinformed, and that he had since discovered that out. The hon. member for the Swan, in the course of the debate which took place on August 31st last year, said: "He might state "that since the receipt by His Excellency "of this telegraphic summary from the "Governments of the sister colonies, he "had had a conversation with His Excellency on this subject, and had "pointed out to him, from a report "recently published by the Controller "and Auditor General of New Zealand, "—dealing with the system of Audit "obtaining in the several Australian "colonies, as regards the public revenue "and the expenditure of loans—that, so "far from the respective Legislatures of "those colonies possessing little or no "control over loan monies, as would "appear from the telegraphic summary "furnished to His Excellency, as embodied in his Message, the Legislatures "of those colonies possessed considerable "control over the expenditure of borrowed funds." His Excellency now, however, was satisfied as to the practice obtaining in the other colonies, and the whole question had been maturely considered on its merits, so that the reasons urged by His Excellency last year in opposing this clause no longer existed. But, notwithstanding this fact, the Government still made the same stand, and offered the same objections against the passing of the clause; and, so far as he could understand, their reasons simply amounted to this—that they deem it would be inadvisable to have the clause inserted in this particular Bill. He understood from the noble lord the leader of the Government, in answer to the hon. member for Geraldton, to say that the Government would co-operate with the House in adopting this legislation; but he would point out that they had the same assurance from the Governor himself, in his Message of the 5th April, 1881. Upon the receipt of that Message, the House adopted a reply asking the Government to bring in a Bill dealing with the subject, but nothing had been done in the matter. He could not help thinking that if the Government were

really in favor of the proposed legislation, they would have brought in a Bill of their own before now; and he was very much afraid the Government were not in earnest in the matter. He could not understand the position taken up by those hon. members who opposed the clause. It could not be said for a moment that loan moneys were not public moneys, or that it would embarrass the Government in any way if the Legislature were to exercise this control over the expenditure of borrowed funds. Those arguments had been dropped, and he was very glad to find it so. Yet the same opposition was still offered, unsupported by any reason or ground, beyond the simple fact that they thought the clause would be better as a separate measure. If they allowed this Bill to pass without the clause in question, the result would be that the House would have no control over the expenditure of the Loan, and he appealed to hon. members whether they did not think, judging from past experience, that it would be wise to give the Legislature some control over the expenditure of borrowed money, expended on public works.

THE COLONIAL SECRETARY (Lord Gifford) said he had distinctly stated that the Government had no objection to the principle of the clause; nor would they object to submit estimates of loan expenditure for the information of the House, following the South Australian practice. This, in fact, had to a certain extent been already done, as regards some of the works proposed in the present Bill,—the telegraph to Roebourne, and jetty improvements for instance; and, if the final survey of the railway had been completed they would have furnished the House with the same information as regards that work. He had already given his assurance that the Government were prepared to co-operate with the House in passing a separate measure. He did not think the Government could be regarded as the proper party to introduce such a Bill, as they did not acknowledge the necessity for it, as some hon. members did.

MR. STEERE said that simply laying estimates of loan expenditure on the Table of the House for the information of members was not all that was done in South Australia; the Estimates were

not only laid on the Table, but also voted by the House.

MR. CAREY said the matter at present appeared to him to resolve itself into very few words—did hon. members wish to exercise control over loan expenditure, or not? The Session now was too near its close to admit of a separate measure being introduced by a private member, and passed through all its stages, and those hon. members who really wished the representatives of the people to have some control over borrowed capital should show it by their votes.

MR. RANDELL asked the hon. member for the Swan whether such a clause was usually introduced in the Loan Bills of the other Australian Colonies, who possessed a larger control over such moneys than, under our present constitution, we did?

MR. STEERE believed that a clause to the same effect was introduced in recent Bills passed by the Victorian Parliament.

MR. S. H. PARKER could not help thinking that this idea of having a separate measure had been prompted by a desire on the part of the Government to have the control of this expenditure in their own hands, while as regards those hon. members who expressed themselves as ready to vote for the clause as a separate Bill, but not if incorporated with the measure now under discussion, he must say their action appeared very inconsistent. Still more inconsistent was the argument put forward, that they would be prepared to approve of the principle if it regulated the control of all loan moneys, but not if it simply applied to the control of the loan now proposed to be raised. We were told that in all probability this would be the last loan we would be allowed to float for a long time, and, unless they passed this clause, the money would be expended before they could have a chance of exercising any control over it, for he understood from the tenor of the remarks which fell from the noble lord opposite, that although the Government might offer no opposition to the passing of a separate measure, the Bill would have to be sent home, for the approval of the Secretary of State, and goodness knows when we should have it back. He could not help thinking that

those hon. members who voted for striking out the clause really wished the Government to have the spending of this money entirely in their own hands, without regard to that House.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said considerable stress appeared to be laid on the fact that the Legislatures of the other colonies possessing Ministerial Government exercised this control over loan funds; but he would point out to those hon. members who used this argument that the reasons which existed for giving Parliament this control in those colonies did not exist here, under our present Constitution. In those colonies possessing party Government, large loans might be raised during the continuance in office of one Ministry, for a particular purpose, but it might so happen that long before the money so raised is expended, another Ministry with a majority at its back might come into power, and wish to alter the public works policy of their predecessors. It would, therefore, be necessary to divert the unexpended portion of the loan from the original purpose to which it had been dedicated, and the Ministry who had been instrumental in raising the money would then be in a minority, and it was very proper that Parliament should exercise some control over the expenditure of loans. This, he knew, had been particularly the case in New Zealand, where successive Ministries had on various occasions changed the public works policy of their predecessors under whose Administration the money had been borrowed. Here, however, our public works policy might be said to be a continuous one, and was not dependent upon Ministerial changes, and the same necessity for parliamentary control over loan expenditure did not exist. Therefore the argument used, that because it was the practice in the other colonies it also ought to be the practice here, lost much of its force.

MR. STEERE failed to see that it made the slightest difference as to the right of the Legislature, as a representative body, to control the expenditure of public funds, whether they had Ministerial Government or not. The representatives of the people in our own Legislature were quite as much interested in exercising a vigilant watch over public

expenditure as were the representatives of the people in other Legislative Assemblies,—more so, in one sense, as the Government here was not responsible to the colonists for its actions, and the Executive were not dependent upon the votes of the electors. It could not be gainsaid that if that House had been in a position, in the past, to exercise control over loan expenditure, a great saving would have been effected to the Colony. He was somewhat surprised to hear the sentiments expressed by the hon. the Commissioner of Crown Lands on this subject. That hon. gentleman, at any rate, did not seem to be in accord with the other members of the Executive as regards the principle at stake. They were told by the noble lord, who, he presumed, spoke with some authority, that the Government were quite prepared to co-operate with the House in this matter, and the noble lord admitted there was no objection to the Legislature exercising this control; but the noble lord's colleague, the Commissioner of Crown Lands, did not think so. That hon. gentleman did not think it was at all necessary that the House should have that power.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser): I never said so.

MR. STEERE: That it is not essential.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser): Pardon me; I never made use of such an expression, but simply pointed out that the mere fact of this control being exercised by the Legislatures of the other colonies, under a system of Ministerial Government, did not necessarily prove that the Legislature here ought to exercise the same control. I made use of no expression tending to show that I was at variance, on this point, with my noble colleague; but I thought, as no other hon. member had referred to the difference between our form of Government and that obtaining in the other colonies of the group, and that as we are not likely to reverse our public works policy, the argument which existed in favor of legislative control over loan expenditure in those colonies did not apply in the same degree here.

MR. STEERE said the reason he had referred to the practice existing in the other colonies was because it had been

urged as an objection against the adoption of the same principle here that it would tend to hamper the Government, and have a paralysing effect upon its actions in connection with the expenditure of loan money. In reply to this objection, he had pointed to the practice obtaining in the sister colonies, and shown that the exercise of this legislative control did not paralyse or unduly hamper the action of the Government in those colonies.

MR. MARMION said there was this difference between this Colony and the colonies referred to. There they went in for loans amounting to millions of money, the expenditure of which extended over some years, and upon works which in the course of construction might have to be altered very materially from the original design; whereas, here, our loans were raised for a specific purpose, and the work was done by contract, for which public tenders were invited. What, after all, was this great principle which the hon. member was contending for? Simply that they should exercise control over the salaries of a few officers employed in connection with the proposed works, and the buildings necessary to erect. He believed that, as a rule, these buildings were included in the contract, and therefore there would be no necessity for that House to exercise any supervision in the matter. How many officers were likely to be employed, who would have to be paid out of borrowed funds, in connection with the construction of the railway to York? How many new stations would be required? The whole expenditure would not be more than a few paltry thousands—if it reached thousands, at all—and this was the grand principle which the hon. member for the Swan was fighting for.

MR. BROWN said that, in supporting the Government, he did not feel at all sure in his own mind that he was on the right side. Constitutional questions were ticklish questions, and he felt himself in this position: it was just possible that if this particular clause were introduced into the Loan Bill, they might run some risk of losing the benefit of this loan, which was a very grave phase of the question under consideration. It would certainly be a departure from what had been done before, as regards any previous Loan Bill, and

possibly the result might be that we would jeopardise the raising of the loan. Nevertheless, he should run that risk, were it not for the assurance given by the noble lord, on the part of the Government, as he understood him that the Government would not only not object to the granting of this control, if introduced as a separate measure, but that they would, in the words of the reply to His Excellency's Message, "be prepared to co-operate with this Council for the purpose of securing to it, if possible"—that is, if constitutional—that control over Loan Expenditure "which it desires." It would not take a very long time to prepare a separate measure, and, regard being had to the important principle involved, he thought hon. members would not begrudge giving it an additional day or two of their time.

MR. CAREY said the hon. member for Fremantle had altered his mind wonderfully on this subject since last year. On that occasion the hon. member not only spoke in favor of this identical clause, but it was at his suggestion that an amendment was made in the resolution on the same subject last year, in order to ensure the adoption of the principle—he (Mr. Carey) himself having, at the hon. member's request, proposed the amendment—and it certainly did seem a most extraordinary change of front on the part of the hon. member to see the opposition he now raised to the clause.

MR. BURT said the hon. member for Geraldton stated in the course of his remarks that, in the face of the assurance given by the Government that they would co-operate with the House in securing for it Legislative control over loan expenditure which it desired, he felt disposed to rest satisfied with that assurance. He would again remind the hon. member that a similar assurance was given by the Government eighteen months ago, and they were reminded of it afterwards by the hon. member for the Swan, who, on July 28th last year, moved an Humble Address to the Governor praying that His Excellency would be pleased to inform the Council what steps be proposed to take to carry out the undertaking that a separate measure would be introduced to give the Legislature control over the expenditure

of loan monies, in accordance with the practice obtaining in the other Australian colonies. That address was adopted by the House without discussion, showing that there existed a general concurrence of opinion on the subject at that time. In reply to the address, the Governor, by Message, dated August 8th, stated that he was not aware of any "undertaking" on the part of the Government of the character alluded to; but accompanying this Message was an enclosure, giving an extract from His Excellency's Speech at the close of the previous Session, in which the Governor expressed his obligation to the Council for removing this clause from the Loan Bill pending further consideration, adding that "while the subject of further legislation on the point alluded to is pending"—showing clearly that His Excellency contemplated some further legislation on the subject—he would take care that the House was consulted, as far as possible, on all questions of loan expenditure. The hon. member for the Swan, in moving a reply to His Excellency's Message (*Hansard* Vol. VI., p. 363), said: "He thought hon. members would agree with him that if they wished to carry out the object in view effectually, and to exercise that control over the expenditure of borrowed money, which they now did over the expenditure of the public revenue, it must be done by legislative enactment." And the reply to the Message expressed it as the opinion of the House that nothing short of a legislative enactment would give them that control which they desired, the address in reply concluding with a request that His Excellency would be pleased to introduce a measure for that purpose. "Although the present Governor"—the hon. member for the Swan added—"had expressed his readiness to adopt the South Australian plan, and to present Loan Estimates for the confirmation of the House annually—and he was quite sure His Excellency would carry out what he said he was prepared to do—still they might have another Governor who would not be prepared to do anything of the kind." The House unanimously adopted that address, and he was surprised and grieved to find it now engaged in the profitless occupation of splitting

hairs, over this same subject, without any reason whatever, except that the matter would be better dealt with as a separate measure. One hon. gentleman, the Commissioner of Crown Lands, said there was a great difference between our Government and the Governments of the other colonies, inasmuch as those Governments are engaged in carrying out a certain policy as regards public works,—the inference being, that our own Government had no line of policy, and that consequently there was no necessity for the House to exercise any control over the expenditure upon public works. He congratulated the hon. gentleman upon his argument.

MR. MARMION said the hon. member for the Murray and Williams had referred at some length to the action of the House in dealing with this same subject last year, and to the stand then made by the House in favor of the clause in question. But what was the end of the whole matter? Was not the Bill sent back by the Governor in order to have the clause struck out, and did not hon. members swallow the leek? He was very much afraid, if they insisted upon the introduction of the clause again, the result would be precisely the same at last.

The question was then put—That the clause proposed to be struck out stand part of the Bill; whereupon the Committee divided with the following result:

Ayes	...	...	7
Noes	...	...	12
Majority against ...			5

AYES.

Mr. Burt
Mr. Carey
Mr. Crowther
Mr. Higham
Mr. S. H. Parker
Mr. Venn
Mr. Steere (Teller.)

NOES.

The Hon. A. C. Onslow
The Hon. M. Fraser
Mr. Brown
Mr. Burges
Mr. Glyde
Mr. Grant
Mr. Hamersley
Mr. Marmion
Mr. S. S. Parker
Mr. Randell
Mr. Shenton
Lord Gifford (Teller.)

Question—That the clause proposed to be struck out be struck out—put and passed.

Bill reported.

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

LEGISLATIVE COUNCIL,

Thursday, 21st September, 1882.

Powers of Roads Boards to close gates across Minor Roads—Officers and men employed at Railway Station, Fremantle—Loan Monies Control Bill: first reading—Aboriginal Native Offenders Bill: in committee—Appropriation Bill, 1883: in committee—Martini Rifles for Metropolitan Rifle Volunteers—Message (No. 14): Clerical error in Trepas, Fencing, and Impounding Bill—Reply to Message No. 14—Loan Bill, 1882: third reading—The Native Question—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

POWERS OF ROADS BOARDS TO CLOSE GATES ACROSS MINOR ROADS.

THE COLONIAL SECRETARY (Lord Gifford), in continuation of his reply to Mr. Carey's question of the previous day, as to the power of Roads Boards to put and remove gates across Minor Roads, said "that the Government think "perhaps it might be advisable to give "the Boards such power, but, before "giving any definite opinion on the subject, it is necessary to most carefully "consider the question."

OFFICERS AND MEN EMPLOYED AT FREMANTLE RAILWAY STATION.

MR. MARMION, in accordance with notice, asked the Colonial Secretary, "To "lay upon the Table a return showing "the number of men employed at that "date in and about the Eastern Railway "terminus and workshops at Fremantle; "such return to specify the names, present occupation, and salary of each "person so employed."

THE COLONIAL SECRETARY (Lord Gifford) said the return asked for should be laid on the Table as soon as it was ready. (This was done next day.)

ABORIGINAL NATIVE OFFENDERS BILL.

This Bill, introduced by MR. BROWN, was passed through Committee without discussion or amendment.

LOAN MONEYS CONTROL BILL.

MR. STEERE, in accordance with notice, moved the first reading of a Bill intituled "An Act to provide for the more effectual control of all moneys