

hon. members; but, whether he did so or not, he would divide the House on the question, even if his were the only dissentient voice. As to the other proposed amendment embodied in the Bill,—with reference to claiming title under the statute of limitations—he maintained that such a provision was equally superfluous with the other. He therefore objected to the Bill altogether; he objected to it as a measure which, if passed, would encumber the statute book with an entirely needless enactment. For that reason, he would move, as an amendment on the motion for the second reading, that the Bill be read that day six months.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) seconded the amendment, which was negatived, upon division, there being—

Ayes	...	...	5
Noes	...	...	15
Majority against			10

AYES.	NOES.
The Hon. R. T. Golds-	Mr. Burt
worthy	Sir T. C. Campbell
The Hon. M. Fraser	Mr. Carey
Mr. Burges	Mr. Crowther
Mr. S. S. Parker	Mr. Grant
The Hon. G. W. Leake	Mr. Hammersley
(Teller)	Mr. Higham
	Mr. Marmion
	Mr. S. H. Parker
	Mr. Randell
	Mr. Shenton
	Mr. Steere
	Mr. Stone
	Mr. Venn
	Mr. Brown (Teller)

The Bill was then read a second time, and committed.

IN COMMITTEE.

The several clauses of the Bill were agreed to without discussion, and the Bill was reported.

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

LEGISLATIVE COUNCIL,

Monday, 2nd August, 1880.

Roads Loan: correspondence with Secretary of State—
Coastal Steam Service: correspondence between the Government and the settlers of the Southern Districts—Audit Bill: second reading; referred to Select Committee—Adjournment.

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

PRAYERS.

ROADS LOAN: CORRESPONDENCE WITH SECRETARY OF STATE.

MR. CAREY, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to direct to be laid upon the Table of this House a copy of all correspondence which has taken place between the Local Government and the Secretary of State for the Colonies relative to the Roads Loan, other than that submitted to the Legislative Council during the Session of 1878,— "Council Paper No. 12." It would be in the recollection of hon. members that Governor Ord, two Sessions ago, caused to be laid on the Table certain Despatches which had passed between His Excellency and the Secretary of State on the subject of raising a loan for road construction, and that in the scheme submitted by the Governor for controlling the expenditure of the money it was proposed that the number of the District Roads Boards should be reduced to five, corresponding with the five centres of population, and that to these five Boards should be committed, with such professional assistance as they might require, the duty of seeing to the due execution of the works approved by the Central Board. This proposal, however, was not carried out, and he thought it would be of interest to the House and to the public to know whether any further correspondence on the subject had taken place between the Local Government and the Secretary of State. There existed in the country districts a wide-spread feeling adverse to the manner in which the roads loan was now being expended, and this feeling was shared in by the

members of the various District Boards throughout the Colony. These Boards, so far as he understood, did not claim to have the right in any way of controlling the expenditure or appropriation of the money—they were quite willing to leave that, as at present, in the hands of the Central Board. But they did wish to have some voice as to the way in which the money granted to them by that Board should be spent in their own district. And he thought all hon. members would agree with him that the correspondence which had recently appeared in the columns of the *West Australian* newspaper went far to show that it would have been far wiser if the expenditure of the grants had been left to the discretion and local experience of the District Boards. He did not think there could be any valid objection to that being done now—unless there had been some further correspondence on the subject, of which the House was not cognizant—for the details of the scheme sketched out by Governor Ord when he obtained the sanction of the Secretary of State to the money being raised had not been in any way strictly adhered to. It had been said that were the expenditure of the grants made to the Roads Boards out of the loan left to the Boards themselves, they would be departing from the principle of the scheme submitted by Governor Ord to the Imperial Government, but he failed to see how, under the circumstances, it could be said there would be any breach of faith in the matter. He thought faith ought to be kept with the colonists as well as with the Secretary of State. Governor Ord, in a message which he sent down to the House last Session, said: "It was, and is still, His Excellency's opinion, that the arrangement he proposed by which there should be legally constituted a Central Road Board to decide upon the appropriation of the loan, and five instead of twenty-three Road Boards to superintend its expenditure, would have effected the objects in view in a very satisfactory manner. But as the Legislative Council in its resolution did not directly approve of His Excellency's proposals, and it appeared from the Debates that the majority of the members were opposed to them—indeed it is recorded, that in adopting the

"resolution, it was to be understood that members did not pledge themselves to the details of the scheme as put forward by the Governor, but merely affirmed the principle of borrowing a sum of money for the purpose specified—

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy): I do not like to interrupt the hon. member, but I would like Mr. Speaker's ruling as to whether it is competent for the hon. member to enter into all these particulars. There is no opposition on the part of the Government to the presentation of the Address referred to in the hon. member's motion.

MR. CAREY: I think the hon. gentleman has no right whatever to interrupt me in this manner. So long as I confine myself to the subject of the motion, I am fully entitled to enter into this explanation.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy): The hon. member may think so himself, but I believe it is perfectly competent for any member, if he considers another is out of order, to appeal to the Speaker for his ruling on the point.

THE SPEAKER: The hon. member for Vasse is not out of order.

MR. CAREY: I think I am as well up in the rules of the House as the hon. gentleman who interrupted me, at any rate. I referred to Governor Ord's Message to show that it appeared to me there would be no breach of faith towards the Imperial Government or anybody else, if we so far departed from the scheme submitted by His Excellency the late Governor as to entrust the Roads Boards with the expenditure of the money allotted to them by the Central Board.

Motion agreed to.

COASTAL STEAM SERVICE: CORRESPONDENCE BETWEEN THE GOVERNMENT AND THE SETTLERS OF THE SOUTHERN DISTRICTS.

MR. CAREY, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to direct to be laid upon the Table of this House a copy of the correspondence that took place in the early part of the present year, between the Government and the inhabitants of

"Bunbury and the Vasse Districts, on the subject of the Coastal Steam Service as carried out by the s.s. 'Otway' and 'Rob Roy,' together with any petition or petitions from either or both Districts relative to the said Service." He understood that a petition was forwarded from Bunbury to His Excellency Governor Ord, expressing a hope that, in any fresh arrangement that might be entered into with reference to the steam service on the coast, an effort would be made to afford the inhabitants of the Southern Districts greater facilities than were afforded them under the existing contract. The reply which the memorialists received from His Excellency was to the effect that if they approached the contractors (Messrs. Lilly & Co.) in a proper spirit, no doubt they would get what they wanted. As the inhabitants of the Southern Districts contributed their share of the subsidy paid to the contractors in consideration of the service which they performed, he did not think it was fair to expect that they (the memorialists) would go, cap in hand, to the contractors. They had a right to be met in a proper spirit without descending to any humiliating process of that sort. It was his intention to take some further action in the matter, when the correspondence he asked for was presented to the House, as he trusted it would be.

Motion agreed to.

AUDIT BILL.

MR. STEERE, in accordance with notice, moved the second reading of a Bill to regulate the receipt, custody, and issue of the public moneys, and to provide for the audit of the public accounts. The hon. member said he felt that if this Bill passed into law, the House would have passed a very important measure, and one which, if no other addition were made to the statute book during the Session, would entitle the Legislature to public gratitude, for the Bill would assist in a great measure to ensure the ascertainment of the correct financial condition of the Colony at any moment—a desideratum which hon. members would agree with him had been very difficult of attainment lately. Although the Bill had now been in the hands of hon. members for some days,

it might possibly be deemed advisable that, in moving its second reading, he should offer a few words of explanation as to the scope and the principles of the Bill. It had been stated, no later than last Saturday, in the Fremantle paper, that in bringing forward this Bill they were attempting to take out of the hands of the Governor the right which was now vested in His Excellency to make such appointments as he thought fit—that, in fact, the Bill involved an interference with the Royal prerogative. He (Mr. Steere) failed to see in what manner the Bill proposed to interfere with the Governor's right to make such appointments as he thought fit. It certainly did not take the appointment of the Auditor General out of His Excellency's hands, and place it, as was stated, in the hands of the members of that House; for the Bill gave no power to the Legislature either to appoint or to dismiss that officer. How then it could be said that the measure was an interference with the Governor's prerogative it was difficult to conceive. What the Bill did provide, and that in the very first clause, was that the Auditor General shall for the time being hold his office during good behaviour, and shall not be removed therefrom unless upon the address of the Legislature. But no provision whatever was made for the appointment or the dismissal of that officer by the House, nor was there the slightest intention on the part of the supporters of the Bill—and certainly not of its framer—that such a provision should be made. The second clause enacted that at any time when the Legislative Council was not sitting, the Governor would be empowered, with the advice of the Executive Council, to suspend the Auditor from his office for inability or misbehaviour; and, in order to guard against any arbitrary suspension from office, it was provided that, in the event of the Governor exercising that right, he should, within seven days after the commencement of the next Session of the Legislative Council, cause a full statement of the cause of the Auditor's suspension to be made to the House. Such a provision as that would interpose a check upon any arbitrary conduct on the part of a Governor towards the officer whose duty it was to provide for the audit of the public

accounts, and without which it would be hopeless to expect an independent audit. The same provision was introduced into every other Audit Act throughout the world, and the principle was also adopted in the appointment of Judges, who could not be removed from office, except upon an address from the Legislature. The object of such a provision was obvious. It was to ensure on the part of those functionaries a fearless discharge of their duties, and to free them from any dread of arbitrary dismissal from office; and if the present Bill was to be of any use at all, or to have any beneficial effect whatever, it was necessary that it should contain some such provision with regard to the officer whose duty it was to audit the public accounts. He apprehended that the cases would be very rare indeed in which the Legislature would feel called upon to move an address praying for the restoration to office of an Auditor whom the Governor in Council had suspended on account of his inability, or unfitness, or misbehaviour; for in such a matter as that, knowing as the Governor would that his conduct was open to review, the power of suspension vested in His Excellency would be exercised with a full sense of the responsibility attaching to it, and with the conviction that in the event of the Auditor being made the subject of any arbitrary treatment, that officer would be supported and protected by the Legislature. The third and fourth clauses of the Bill merely provided for the appointment of a deputy auditor, and that no Auditor during his continuance in office shall be a member of the Executive or of the Legislative Council. The fifth clause was a more important one. It regulated the manner in which the public moneys were to be issued, if the present Bill became law. The mode of procedure proposed was as follows: the Treasurer would, as often as occasion might require, have to calculate the amount of moneys likely to become due and payable on account of the public service, out of the public revenue, and prepare a statement thereof addressed to the Auditor, classifying and arranging the various items under the same divisions as had been employed in framing the Estimates, so as to enable the Auditor to see that the moneys proposed to be expended were such as had been voted by the

House, and that their appropriation was for the purpose for which such sums were approved by the Legislature. Upon the receipt of this statement, duly signed by the Treasurer, it would be the duty of the Auditor to ascertain that the sums therein mentioned were then legally available for, and applicable to, the service or purpose mentioned. If so satisfied, he would prepare a form of warrant, such as was prescribed in the Bill, authorising the issue of the sums mentioned, and attach this warrant to the Treasurer's statement. Both those documents would then have to be submitted to the Governor for his approval, and it would be only upon such approval that the Treasurer would be justified in issuing the money. These regulations, he thought, would constitute a wholesome and salutary check upon the expenditure of the public funds, and could not fail to operate beneficially in every respect. It would ensure a satisfactory and efficient control over the issue of the public moneys, and, in practice, would be found to act as much in the interest of the Governor himself as it would of the Colony, for it would enable His Excellency to exercise a more strict control over the public expenditure, and ensure such a system of keeping the public accounts as would enable him at any moment to ascertain, without any difficulty, the actual financial condition of the Colony. It could not be said that this was the case now. In the course of the first interview he ever had with their late Governor, Sir Harry Ord, His Excellency informed him—the conversation turning upon the financial position—that the first time he had ascertained there was no money in the public chest was when the Acting Treasurer (Mr. Phillips) informed him that it was empty. Now if such a Bill as that now before the House had been in operation, such a state of things as that admission on the part of the Governor disclosed could never have happened—His Excellency would have been in a position to know, all along, what funds were available for expenditure, and the necessity for having recourse to the Banks to borrow money to carry on the Government would have been obviated. He had merely mentioned this circumstance to show how desirable it was, in the interest of all

parties, that some such measure as this should come into operation. It might be said that, in bringing forward the present Bill—he was obliged to anticipate some of the objections that would probably be made to it—it showed a feeling of distrust in the Governor. But he failed to see how anyone could make such a statement, and much less put it forward as an argument against the measure. Was it showing any mistrust in the Prime Minister of England to have such an Audit Act in operation there, providing that no public moneys shall be issued unless duly certified by the proper authority? And did not the Prime Minister of England occupy quite as exalted a post as that of the Governor of this Colony? Yet that minister did not conceive himself mistrusted because, as regards the issue of public moneys, he was controlled by an Act of Parliament. The directors of Banks, again,—did they consider themselves distrusted by the shareholders because auditors were appointed to examine and check their accounts? Certainly not. Did such an important and influential body as the London School Board feel that they were mistrusted because auditors were appointed to audit their accounts? Nothing of the kind. On the contrary, it was regarded as a very proper provision in connection with the expenditure of public funds by any public bodies, and a provision calculated to assist rather than to hamper or embarrass those entrusted with such expenditure. Another objection which he had heard made to the Bill—and made by a gentleman who had since become satisfied that the objection was groundless—was, that occasionally it might be necessary for the Governor of a Colony like this to expend moneys for purposes that had not been provided for in the Estimates, and that it might lead to embarrassment, and even be the cause of some hardship, if the Governor were compelled to rigidly adhere to the votes of the Legislature. He did not suppose that many cases of pressing necessity would arise, requiring the Governor to expend moneys that were not legally available; we were not likely here to become involved in such a thing as a European war, or an invasion, which it would be necessary to resist by force of arms, involving a sudden demand upon

the public purse. No such contingencies were within the range of probability here. At the same time, he admitted that cases of emergency might arise, requiring the expenditure of small sums of money for purposes not included in the votes of the House, and the present Bill contemplated such an emergency, and made provision for it. For instance, it might be necessary to exceed the vote for poor relief or charitable institutions, and no one would be so unreasonable as to expect the Government to adhere rigidly to such a vote, if people were starving. Or, the expenditure in connection with gaols might, for reasons which could not have been foreseen, exceed the grant for that purpose, and no one would be so foolish as to expect the Governor, on no consideration, to exceed the vote made for the maintenance of prisoners. The regulations appended to the Bill provided for such contingencies as these, and empowered the Governor in cases of real emergency to appropriate moneys for such purposes although not provided for in the Estimates; but in any case of excess in expenditure, under the authority of the Governor in Council, provision was made that an immediate intimation of such authority should be made to the Auditor, who would be required to report to the Treasurer that the expenditure had been duly authorised by the Governor, before it would be lawful for the Treasurer to make any payment. It would thus be seen that, although the votes of the Legislature might, in certain cases, be exceeded, still every possible check was placed upon such excess of expenditure. One very important change proposed in the Bill was, that the financial year shall commence on the 1st July and close on the 30th June, instead of, as at present, commencing on the 1st January and ending on the 31st December. He believed that in all the other Colonies, with the exception of Tasmania—he was not sure about that Colony—the year of account commenced about the middle of the ordinary year, and that such an arrangement had been found much more convenient, as the Legislatures of the various Colonies generally met in the winter season, about the same time as our own, and it was found to be of great assistance to them in voting the supplies for the ensuing year. Under

our present system, the House voted supplies for services which were not to commence for six months afterwards; and who was to know what might be the position of the Colony, financially, by that time. In the course of a day or two, the House would be asked to vote the supplies for 1881, but how were they to know what might be the state of the public funds and of the public revenue by the time the votes began to take effect? If the financial year were to commence on the 1st July, about the time the Council usually met, the House would then be in a position to know what the exact financial position was when voting the supplies, which would be a very great improvement indeed upon the present arrangement, under which the supplies for the ensuing year were, to a very great extent, voted in the dark. The other clauses of the Bill were merely of a routine character, and were intended for the guidance of the Treasurer and the Auditor in keeping and rendering the public accounts. In the speech with which the Governor opened the present Session, His Excellency recommended very strongly the adoption of some such course as this Bill provided, with a view to keep the expenditure as near as possible within the amount voted by the House; and he therefore failed to see how the Government could consistently oppose the present measure. Another point upon which some stress was laid by His Excellency was that due economy had been observed by the Government in the expenditure of the public money; and the hon. gentleman opposite, when moving the second reading of the Excess Bill the other day, had told the House the same story, and that no unnecessary expenditure had been incurred. But that was altogether beside the question; for if the members of the Government were to be the judges of what really was necessary expenditure, it was no use calling that House together to go through the farce of deciding that question. The principle which at present seemed to guide the Government in the expenditure of the public funds was illustrated by the admission once made by one of its members—that it did not signify what sums that House voted, the Government would spend what they deemed necessary. That was the position

at present. An objection that had been raised against the adoption of the system of audit contemplated in the Bill was the increased expense which it would entail; but he failed to see why the expense should be very materially increased; at any rate, he was sure of this—the extra cost would be more than counterbalanced by the benefits which such a system would confer upon the Colony. The provisions of the Bill were mainly compiled from the Audit Act in force in Tasmania, where the amount of money passing through the Treasury—taking the revenue and the expenditure as his guide—amounted to about three-quarters of a million sterling annually, being almost three times as much as the financial transactions conducted by the Treasury in this Colony. Yet, he found that in the Audit Office in Tasmania there were only two more clerks employed than were at present engaged in our own Audit Office, while in the Tasmanian Treasury there was only one more clerk employed; and if this staff could deal with the comparatively extensive transactions of that Colony, surely the increased expenditure here need not be very great. Another objection he had heard urged against the adoption of the proposed system of audit was that the whole of the revenue received here was not under the control of our local Legislature—the exception, it was said, being the land revenue. But that was a great mistake, for the land regulations expressly stated that, after deducting the expenses of survey and administration, the proceeds of all sales, leases, and licenses of land, “shall be carried to the credit of the general revenue of the Colony, until Parliament shall otherwise provide.” As to the necessity for making some provision for better regulating the issue of the public moneys, few persons he thought would deny the existence of such a necessity. He had recently been looking over the returns of the expenditure and revenue of the United Kingdom, and comparing the estimated expenditure with the actual expenditure at home; and he found that during the past fifteen years the actual expenditure had on an average been £700,000 a year less than the estimated expenditure. He should very much like

to see the same state of things existing here; but what was the case? Why, that during the past ten years, the actual expenditure had exceeded the estimated expenditure by £129,000, showing, on an average, an excess of over £12,000 a year. That was the state of affairs here. And, in the face of these figures, he would like to know how anybody could say there was no necessity for introducing such a Bill as this in this Colony. Possibly some hon. members opposite would be inclined to regard the introduction of the Bill as the introduction of the thin edge of the wedge for bringing about Responsible Government; but, in his opinion, so far from regarding the Bill in that light, he thought it would tend in a great measure to allay the existing feeling in favor of such a change. What was it that had created that feeling? Simply the fact that the people felt they had not at present any control whatever over the expenditure of their money—for it *was* their money, and not the money of the Government, which was expended for public purposes. And he believed, himself, that such a Bill as that now before the House, instead of expediting the adoption by the Colony of a system of self-government, would be the means of warding it off, for some years to come at any rate—he did not expect it could be warding off very much longer. But the main objection which he believed would be urged against the Bill was that it is unconstitutional, inasmuch as we have no right to graft on the existing constitution another constitution differing from it—as those who object to it say—in its very essence and principle. As to that, he supposed that hon. members would agree with him that, when the Imperial Parliament framed the statute under which our constitution was formed—he might almost call it our charter—it would not have passed an Act empowering us to deal with matters that were unconstitutional. And what did the Imperial statute enact with reference to the very question now before the House? It was this: “Be it enacted that the “revenues of the said colonies of Victoria, “Van Diemen’s Land, South Australia, “and Western Australia respectively, “shall be permanently charged with all “the costs, charges, and expenses inci-

dent to the collection, management, and “receipt thereof;.....and all such costs, “charges, and expenses of other branches “of the said revenue which are subject “to be appropriated by the Governors “and Councils of such Colonies, shall be “regulated and *audited* in such manner “as shall be directed by laws of such “Governors and Councils.” Hon. members would see that the Constitution Act expressly empowered us to do what the present Bill aimed at; it was therefore absurd to talk about such a measure being unconstitutional. They were asking for nothing at all that the Imperial Government had not contemplated, and provided for by legislative enactment; and, if he had thought for one moment that there was anything unconstitutional about the Bill, he would be the last man to have brought forward such a measure. He had brought it forward simply in the belief that it would confer a great benefit upon the Colony, and tend to allay much of that feeling of dissatisfaction which existed in the public mind with regard to the present system of expenditure. He emphatically disclaimed that the Bill was in any way intended to show the existence of any feeling of mistrust whatever in the present Governor. Such a Bill had been spoken about for years past; it formed one of the topics introduced into the election addresses of several members long before Sir William Robinson assumed the administration of the Colony, and the Bill therefore could not be regarded as being directed in any way against His Excellency. As he had already said, his sole object in bringing forward the Bill—and he believed the same feeling animated every hon. member who supported him—was the introduction of some more efficient system of audit than at present existed, in order to restore public confidence, and to allay public dissatisfaction—in short, to ensure for the people of the Colony, through their representatives in that House, that control over the public expenditure which they ought to possess, and which the Constitution Act contemplated they should possess.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said the hon. member who had brought forward the Bill had, no doubt, to the best of his

ability, set forth all the advantages and all the benefits which the Colony was likely to derive if the measure became operative. The hon. member had lately been travelling about the world in search of a new sensation, and he reminded him very much of the words of a popular roundelay or ditty he had heard on the occasion of a recent visit to England—

"All the world is on the move—

Nobody can doubt it,

Looking out for something new,—

Cannot do without it."

The hon. member, like the rest of the world, appeared to have been on the move looking out for something new and sensational in the shape of legislation, and the result was, the Bill now presented to the admiring gaze of his fellow countrymen, and which was intended to remedy what the hon. member regarded as a crying evil. On a former occasion, when speaking upon a measure dealing with another evil—the wild cattle nuisance—he (the Commissioner) found his utterances thus recorded in the third Book of Chronicles: "The principles appertaining to our statutory enactments might be divided into four divisions. Firstly, there were the statutes which applied to measures in which it was the province of the Administration of the Colony to propose amendments to meet existing circumstances. Secondly, legal measures, with regard to which the Government might well be guided by the opinion of the Crown Law Officers and the members of the Legislature. Thirdly, political measures which dealt with colonial matters, rightly brought forward by the Government, and with respect to which they trusted always to receive the support and the co-operation of the Council, or, at any rate, to meet with that consideration which the measures deserved. Lastly, there were measures which dealt with matters of social concern," and so on. But now another addition would have to be made to the list, in the shape of "sensational enactments," of which the present Bill was the pioneer. The hon. member who was responsible for its appearance had brought it forward, he really believed, for no other purpose than with a view to add *kudos* to his reputation as a statesman, and in order to produce a "sensation," and thus

to captivate the minds of those hon. members who appeared in the House for the first time this Session. He would be sorry, however, to think that the hon. member had no ulterior object in view of a more ambitious nature. (Something had been said about the "thin end of the wedge"—but he would not follow up the simile). He had known the hon. gentleman for some years now as a prominent member of that House, and he believed his intentions, as a rule, were good—in fact, he might say, of the very best description; but as to the present Bill he really did think that the object in view was to produce a sensation. When he looked back upon the speech with which His Excellency had opened the Session, he found the following statement made by the Governor on that occasion: "You are aware that during the last few years the Legislature has authorised, by resolution, the expenditure of considerable sums on services for which no provision was made in the Estimates. I cannot but think that this practice—imprudent at any time, but doubly so when the public resources are straitened—is to some extent to blame for our difficulties; and I would strongly urge on you to sanction in the future no items of expenditure but such as are included in the Estimates." Proceeding further, His Excellency said—and he would ask hon. members to listen attentively to what fell from the Governor on this subject: "On the other hand," His Excellency said, "the Government should adhere strictly to the Appropriation Act. I do not for one moment (he added) say that any items of expenditure—large as they have sometimes been—which the Government may from time to time have incurred in advance of legislative authority were unnecessary. Indeed, I find it stated by the Select Committee on the over-expenditure for 1878, which considerably exceeded the average, that 'due regard to economy was, as a whole, observed by the Government.' But the practice is equally as faulty as the appropriation of moneys by resolution, and should certainly not be continued." Further on, and still showing His Excellency's determination to do all within his power to effect a reform in this direction, the Governor

remarked that "whatever causes may have led to our present temporary embarrassment, the greatest economy should now be exercised in all branches of the service, and I am sure you will agree with me that, however loath we may be to postpone important and desirable undertakings, our first duty is to replace our finances on a sound and satisfactory basis." What more could that House, what more could the country require, to show that, so far as the present Administration is concerned, such a Bill as the present one was a superfluous measure, and that His Excellency was resolved—Audit Bill or no Audit Bill—to do all within his power to restore the financial equilibrium, and, in doing so, to have recourse to the strictest economy. This being the case, was he not justified in regarding this measure merely as a novelty—a new sensation? "Nobody could doubt it." The hon. member, "looking out for something new," came to the conclusion that "we could not do without it." Seriously, he maintained there was nothing whatever before the House to show that such a measure was necessary. The Government, as he had already pointed out, were fully alive to the necessity for adjusting the public accounts, and for more effectually regulating the public expenditure in the future. Not only were they fully alive to the importance of such a reform, but were fully prepared and determined to carry it out. Hon. members should bear in mind that our circumstances had changed within the last few months—that the administrator of the Government of the Colony had been changed, and that the present Governor had come before them in a straightforward candid, and open-minded manner, and most emphatically stated that he entirely agrees with hon. members of this House that a more prompt and efficient system of audit should be adopted, and that, to that end, it was proposed to strengthen the staff of the department. Apart altogether from any question as to whether the measure now submitted to the House is a constitutional one or unconstitutional, he must say that he could neither see the utility nor the expediency of introducing such a Bill; nor could he understand what benefits were likely to accrue from its becoming law. It did

not appear to contain any provisions that were not already embodied in the Treasury regulations. It had been brought forward simply in the belief that it would produce a temporary sensation, and, having now fluttered it before the House and the country as a panacea for the many ills which the political body was heir to, he thought the best thing the hon. member could do with it was to lay it aside; for, if passed into law, it would only needlessly encumber the statute book, as the Treasury regulations already existing with regard to the management of the public funds provided all that the measure before the House sought to enact. He would say no more, beyond adding, that if the hon. member pressed his motion for the second reading of the Bill, his voice and his vote would be found in opposition to it.

MR. RANDELL said that, under other circumstances, he should have had great pleasure in supporting the measure brought forward by the hon. member for the Swan; but he thought that under the circumstances in which we were now placed, under the constitution which the Colony now possessed—a constitution which in its very essence and principle was entirely opposed to the system which this Bill proposed to apply to the management of the public funds—he felt himself constrained to oppose the Bill. They all held the hon. member who had brought forward the measure in high esteem in all the relations of social life, and also as an able and useful member of that House; at the same time, he could not help thinking that as a statesman, as a politician, he frequently looked at things from a one-sided point of view. He believed that on this subject the hon. member's judgment was somewhat warped by his prejudices in favor of Responsible Government. That, at any rate, was his (Mr. Randell's) opinion. The hon. member had endeavored very fully to combat the objections that might be raised to his measure, and some of those objections were such as had presented themselves to his own mind, the moment he read the Bill,—which, taken on its merits, and under different circumstances to those existing here at present, was no doubt a measure that would have been accepted by the House, and very

cheerfully too, for it appeared to him to embody all the safeguards that it was almost possible to apply for controlling the expenditure of the public funds. When saying that, he might also add that, in his opinion, no safeguards which the Legislature might enact could effectually and entirely prevent that over-expenditure which was sure to take place in the administration of every form of Government—whether under a system of ministerial responsibility or under a constitution like our own. He considered it was impossible to foresee and to provide for every possible expenditure that might arise within the year; and more especially was this the case here, where the Legislature had to pass the Estimates six months before the commencement of the financial year for which they were framed. Although he had been no advocate of the change in the form of Government which took place some few years ago from the old system to the present constitution, he might say that he had accepted the change loyally, and it had always been his endeavor, so far as lay within his power, to do his best to make the existing constitutional machinery work smoothly, for the benefit of the Colony. And he thought he might add that, if he felt that the time had arrived for adopting a further change, he would cordially support a direct motion in favor of that change. At the same time, he felt bound to say he should be very unwilling to lend himself to anything which he looked upon as a side-wind to attain that end. What were our circumstances at the present moment? We had administering the affairs of the country a Governor appointed by the Secretary of State, to whom alone His Excellency, it might be said, was responsible for the administration of the Government. And what did the present Bill propose to do? The hon. member who brought it forward had referred to the provisions of the first clause, which to his (Mr. Randell's) mind constituted a blot on the Bill, for it proposed to create an authority within an authority—it proposed to elevate a public officer appointed by the Governor to discharge the functions rightly and constitutionally appertaining to the Governor himself. It could not be denied that upon the Governor of the Colony rested

the responsibility of its financial administration, and yet the House was asked to approve of a proposal that the Governor should appoint to that position of responsibility an Auditor who should be responsible, not to the Governor himself, but to the Legislature. One of the reasons assigned for introducing the Bill was the necessity for putting an end to Excess Bills—Bills which had figured on the statute book, regularly, almost every year since the Colony had obtained representative institutions; yet the testimony given by a Select Committee of that House at their very last Session with reference to the Over-expenditure Bill for that year—which considerably exceeded the average—was that due economy was, as a whole, observed by the Government. In looking over the past history of the Colony from the very beginning, he found that these Excess Bills, even under the old form of Government, were matters of annual occurrence. Even under Governor Hampton, who, to his mind, was an ideal Governor, these over-drafts happened; and also in the time of Governor Weld, whom others regarded as the model of a constitutional Governor. Let hon. members turn their attention to those countries already protected by an Audit Act and see what was the state of affairs in some of those countries. It was not so long ago since a British Ministry expended £4,000,000 without the authorisation of Parliament in the purchase of Suez Canal shares; and those who studied the contemporaneous history of our sister colonies need not be reminded how, in spite of Audit Acts, the Ministries of the day exceeded the votes of the Assembly to the extent of hundreds of thousands of pounds. An Audit Act did not prevent Excess Bills there—did not compel Ministers to keep within the Parliamentary grants—though those Ministers were responsible to, and elected by, the people. And how could it be expected that such a measure would produce different results here, where the Executive did not hold office at the popular will? Talking about popular will and popular clamour, it appeared to him that one of the redeeming features of our present constitution was that those entrusted with the expenditure of the public money were less liable to the influence of popular impulse, which,

generally speaking, was in favor of a liberal expenditure. The public, as a rule, preferred a Ministry that put plenty of money in circulation, to a niggard or even thrifty ministry. And a Governor here was less liable to be moved in the direction of lavish expenditure, by reason of popular clamour, than a Prime Minister was, where the Ministry was elected by the people. He thought he might illustrate the position in which this Bill would place us by a very simple illustration. Supposing the hon. member for the Swan was about to undertake a journey which would necessitate his absence from home for some time, and that he appointed a manager to take charge of his estate while he was away, pointing out to him what he expected him to do in his absence, and giving him an estimate of what it would cost, and furnishing him with the money to carry it out, to a penny, but with authority to incur other expenses in case of emergency. Supposing, however, that, instead of trusting implicitly to his manager to carry out his instructions, he gave secret orders to a third party, say his banker, not to let the manager have a single penny over and above the money he had placed in his hands! What a very unpleasant position the man would find himself in. Yet that was just the position in which he thought the Governor would be placed by this Bill. The Bill was a very stringent one, and he had failed for a long time to find that the Governor was empowered under it to spend any money at all, beyond the votes appropriated by that House; but, upon reference to the regulations appended to the Bill, he found that the Governor in Council was permitted, in cases of emergency, to exceed the votes of the Legislature. But even then it was left to the Governor's own discretion and judgment to decide what was a case of emergency, just as it was at present. What, then, would they gain by such a provision as that? He thought he might safely, and he hoped successfully, appeal to the hon. members, especially on the other side of the House (the elected members), if their minds were not already made up on the subject—if they had not come to a private arrangement amongst themselves—a course which he very much

deplored, for in all these cases he would like to see hon. members come to that House—he did not mean to say that they had not come there that evening—open to hear arguments and to receive impressions, and not, by a secret compact or agreement entered into outside, with their minds already made up as to how they should vote. He hoped hon. members were not allowing themselves to be made mere voting machines like that; but were prepared to exercise their own unfettered judgment in this matter. If they were so, he thought he might safely appeal to them not to place the Governor in the unpleasant and invidious position in which the present Bill would place him. He could not see how any Governor with any self-respect could ever assent to such a measure. The Governor here was the supreme authority in the Colony, and was entirely and solely responsible for the administration of its affairs and the expenditure of its public funds; and yet it was proposed to appoint—to ask him to appoint—an officer holding a subordinate position to supersede him in his high functions, thereby placing him in a most unfortunate position, having to work in this singular way. There were other arguments which might be adduced in opposition to the Bill, but he trusted that enough had been said to convince hon. members of the inexpediency and the inutility of such a measure, especially under our present circumstances. He believed there already existed ample provisions for auditing and checking the public accounts of the Colony, without having recourse to such a measure as this, which would only have the effect of producing confusion and irritation, which could not fail to prove prejudicial to the best interests of the Colony.

MR. BROWN said the hon. member who had last spoken had expressed a hope that the elected members had not come into the House with their minds made up on this Bill, and deaf to all arguments. He (Mr. Brown) trusted that the hon. members who occupied the official and the nominee benches had come there equally unfettered in their judgment, and prepared to listen to reason. He very much feared such was not the case. He was afraid the nominee members were pledged to a

certain course with respect to this Bill. [Several members: No, no.] He was very pleased to hear it. He was very glad to find his own notion of the independence of a nominee member carried out, for, as Governor Weld once said, those members were, in reality, more independent than the elected representatives of the people, who were to a certain extent pledged to their constituents, whereas the nominee members were pledged to no one, but free to follow the dictates of their own judgment. If the nominee members now in the House accepted that position—if they came there prepared to listen to argument, and open to conviction, then indeed the fate of the Bill was settled, for no doubt it would then be carried by an overwhelming majority. The hon. member who had just sat down appeared to him—and he said it with all due deference to the hon. member's superior wisdom and intelligence—to have entirely misunderstood the Bill. He appeared to view the measure as one that drew a hard and fast line as regards the actions of the Governor, and that it restricted His Excellency from going in any way beyond the Estimates as passed by that House. But having given the Bill a little more consideration, the hon. member was compelled to admit he had made a mistake, and that the Governor would still be empowered to expend what money he liked, under the present Bill. That at any rate was the view which he (Mr. Brown) took of the Bill, and he intended to support it, notwithstanding that provision. The fifth clause did not distinctly show the position of the Governor under the Bill, with reference to the manner in which the public moneys were to be issued, and if the hon. member would look at Schedule A, he would see that the authority which the Auditor gave for the expenditure of money, in conformity with the votes of the House, contemplated an expenditure by virtue of the simple authority of the Governor. And the Treasurer was not allowed by the Bill to expend any of the public funds, for which expenditure the Governor had not given his warrant. So that it might be said the Governor would be, under this Bill, as responsible for the public expenditure as he was at present. But, in addition to that, they had the

Auditor General, who would be responsible to that House. He would not have voted for the Bill if it had drawn a hard and fast line beyond which the Governor would not be allowed to pass; for he conceived that it would be impracticable for the affairs of this Colony to be administered properly unless a margin for extra expenditure were allowed to the Governor. The hon. member for the Swan said that Governors in the past had spent just what they liked: but he (Mr. Brown) thought that a very improper handle had been made of that fact, by public men and public writers, from one end of the Colony to another, and from which one would think that our Governors had, metaphorically speaking, been riding the whirlwind and sowing quite a storm of financial disasters; that Her Majesty's representatives in this Colony—they did not say so in so many words, but in effect—did not care a single sixpence how much of the public funds they spent, so long as they themselves were able to live in luxury upon the people's money, and that the Legislature had no control whatever over this reckless expenditure. He thought this was an altogether unjustifiable charge. He felt bound to say that the Government had expended "what they liked," but he believed that what they had liked to spend was entirely in the furtherance of the public interests; what they had liked to spend was spent in accordance with the wishes of the Legislature. And he did not believe that the passing of this Bill would make the slightest difference in the expenditure of the public funds—not the slightest difference in the world. They would probably have the same over-expenditure in the future as in the past. But he thought the Bill would effect this purpose—it would cause the public accounts of the Colony to be kept in an intelligent and understandable manner, so that that House would be able, within any reasonable time, upon notice being given, to ascertain what was the actual financial condition of the country, and under what heads or services the public funds had been expended. This, up to the present time—up to the present Session, at any rate—it had been impossible to ascertain; and if the Bill now before the House effected this purpose, it must prove of very great value

to the country; and it was on that account that he would vote for its second reading. As to the question of whether the Bill was a constitutional measure or not, he was perfectly content to leave the final decision of that question in the hands of the Governor himself, or of the Secretary of State, feeling quite certain, as he did, in the face of the section read by the hon. member for the Swan from the Constitution Act, that if the Bill passed that House it would not be rejected as unconstitutional, unless it really was in contravention of the Act. It appeared to him that nothing could be plainer than the section referred to, and that the House had full power to pass such a Bill. An hon. gentleman on his left, the Commissioner of Crown Lands, in the course of his speech that evening, had referred the House to the speech delivered by His Excellency the Governor at the opening of the Session, in proof, that as regards financial administration we had now arrived at a position of affairs that we had never arrived at before, and that the present Administration was fired with a strong desire for reform, and that the strictest economy would be the order of the day. All this appeared to imply that previous Administrations had been guilty of great extravagance, and it struck him as a rather unmerited reflection upon our former Governors. [The Commissioner of Crown Lands: No, no.] He was prepared to admit that Governor Robinson was animated by an earnest desire to rule the Colony economically and wisely; and he claimed as much for all his predecessors in office. If, then, it was His Excellency's desire so to rule, and so to deal with the public funds of the Colony, he hoped His Excellency's representatives in that House would, by their actions that evening, and by their votes, prove that such was the case, by supporting the representatives of the people in carrying through this Bill. It was sheer nonsense to view the Bill as a measure brought forward—for what? The Commissioner of Crown Lands said it had been brought forward simply to create a sensation! Would anyone be so stupid, so idiotic, as to go to the trouble of compiling and bringing forward a measure of this important character merely for the sake of

the novelty of the thing, or in order to produce a momentary sensation? The hon. gentleman was entirely wrong in his estimation of the motive that had actuated the framer of the Bill, which was neither brought in for the sake of creating a sensation or for the sake of adding *kudos* to the reputation of the hon. member for the Swan. Nothing of the kind. And if the representatives of the Government in that House were going to view the honest endeavors of the representatives of the people in that light, all he could say was,—their proceedings were not likely to result in much good to the country.

MR. MARMION said it was his intention to support the motion for the second reading, but in doing so he was free to confess that he had not that full confidence in the Bill which he should have liked to have had when according a measure of this important character his support. He could not agree with the Bill in its entirety. There were principles involved and there were many matters of detail which he conceived ought to be modified and amended in Committee. He coincided in a great measure with much that had fallen from the hon. member opposite (Mr. Randell). Many of the supporters of the Bill deemed it necessary to show the Government that in their opinion the system of bringing in Excess Bills and of expecting the Council to pass these Bills, year after year, simply because they could not do otherwise, must be put a stop to. That, he believed, was the desire of hon. members who supported the Bill. But he would ask the House to examine whether the Bill really would put an end to what hon. members deprecated—whether it tied down the hands of the Governor or the Executive from spending, as they had hitherto expended, sums of money in excess of the votes of that House. He submitted there was nothing whatever in the Bill to prevent the Governor, with the advice of the Executive Council, from spending money—not perhaps beyond the specified votes of the Legislature, but in excess of the other items. It had been said by a local newspaper, the *Herald*, that the Bill was a step in advance of the times—that it proposed to graft on the present constitution another and a more advanced form of constitu-

tion, and that being inconsistent with our present system of Government it was not likely to meet the approval of the Imperial authorities—that, in fact, such approval was out of the question. But apart from any such considerations as these, and with every desire to see a measure passed that would tend to remedy the existing state of things, what did they really find in the Bill before the House? The first clause provided that “the Auditor General for the time being shall hold his office during good behaviour,”—the same provision, he presumed applied now—“and shall not be removed therefrom unless upon the address of the Legislative Council.” The sixth clause enacted that, in case the Auditor shall, on examining the Treasurer’s statement, find that the sums therein stated are not legally available, he shall withhold “his counter signature from the form of warrant necessary for the payment of the money.” He assumed there were provisions in the existing regulations which enforced the Auditor to adopt the same steps. But in the regulations appended to the present Bill, he noticed that the Governor was empowered, in case of emergency, to authorise, upon his own warrant, any expenditure of public money, and the Auditor had to sign the warrant, the same as he would at present. In fact, the Governor would be the judge of what constituted a case of emergency, under the Bill, just in like manner as he was the judge in such matters now. And what would be the result? When the Governor sent down the Excess Bill to that House, as on former occasions, he would inform the House, through his mouth-piece there, that the money so spent had been expended in cases of emergency, and could not have been avoided, that due economy had been exercised, and so forth. And what could the members of that House do? They would simply do what they had done heretofore—pass the Bill, and smile upon it. The hon. member for the Swan stated that in some of the other Colonies of Australia, and also in Great Britain, such and such was the case—that, as regards the mother country, the actual expenditure was considerably below the estimated expenditure. But the hon. member seemed

to forget that this Colony was not under the same form of Government as the countries he referred to, where the ministers who were responsible for the public expenditure were also directly responsible to the people. But what was the case here? The regulations attached to this Bill provided that, “in cases of emergency,” the Governor in Executive Council may authorise the expenditure of public money for purposes not recognised or provided by that House. The Governor, as had already been pointed out, was simply responsible to the Imperial authorities; and who were the members of the Executive Council? Gentlemen who were in no way responsible to the public of this Colony, and who could not be turned out of office for acting in opposition to the expressed wish of that House. A Governor and a Ministry under Responsible Government occupied a very different position, for the latter were elected by the people, were responsible to the people for any laches, and were liable to be turned out of office by an adverse vote of a majority of the representatives of the people. The Bill provided (as had already been shown) that the Auditor General should not be removed from office unless upon the address of the Legislative Council; and, again, in the event of the Governor suspending that officer, the cause of such suspension was to be laid before the Legislative Council, and if an address at any time during the Session should be presented to the Governor by the House praying for the restoration of the Auditor to his office, the Bill provided that he should be restored accordingly. That was all very well under a system of ministerial responsibility, for a Ministry might be turned out of office upon a distinct motion—“that the Auditor be restored to his office”—for if that motion were carried, after a Ministry suspending that officer, the Ministry would of course consider themselves defeated and would go out of office, and the mover of the motion would be called upon to form another Ministry. That was just the difference between a measure of this character under Responsible Government and a measure of the same kind under the constitution enjoyed by this Colony. No one, he supposed, was opposed to the adoption of some improvement in our

present system of audit and of keeping the accounts, and, though he would give the present Bill his support, so far as he could, because it aimed at such improvement, still he was bound to say that the principle which it involved—the principle referred to by one hon. member as that of an authority within an authority, appeared to him to be open to objection. Possibly this objection might be overcome when the Bill was committed, and the measure might be brought more into harmony with the principle of the constitution by which we are governed, while at the same time ensuring a more prompt and efficient system of audit.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) said it appeared from the tenor of the debate, so far, that there was no positive evil to be remedied, or that, if there was, there was no satisfactory remedy to apply, and that those hon. members who were prepared to vote for the Bill did not see any absolute necessity for it. He thought the discussion of the question before the House would be greatly simplified if hon. members would bear in mind the classification of Colonies, as given in that valuable and supremely interesting compilation "The Colonial Office List." In that classification, Western Australia came within the category of colonies possessing representative institutions (but not Responsible Government), and in which the Crown had no more than a veto on legislation, "but the Home Government retained the control of public officers." The House, he thought, would do well to bear that in mind, throughout the discussion. In the remarks that had fallen in the course of the debate from the hon. member on his right (Mr. Randell), a hope was expressed that the members on the opposite benches had come down to the House, each with his mind a *tabula rasa*, open to receive such impressions as might be created by the oratorical efforts of the evening; in other words, that every gentleman was open to conviction—a remark that was received with what, he believed, in parliamentary phraseology was described as "cheers and counter cheers." The hon. member said he should be sorry indeed to think that hon. gentlemen had come down to the House prepared, on such a subject

as this, to give a party vote. He (the Acting Attorney General) was free to confess that he did not share the hon. member's sorrow, for to his mind a party vote was one of the most healthy features of a deliberative assembly. But when members came down to that House prepared to give a party vote, that party vote, he ventured to say, was not given to further personal interests. Whenever such a vote had been given—he did not know the occasion on which it had been—he was sure it was given to abolish abuses, and that if a party vote were again given, it would likewise be to abolish abuses. But the principle of the present Bill was objectionable. It was a principle that had already been disapproved by the Secretary of State in connection with a Bill passed last Session, and repealed, in consequence of that disapproval, this Session—the Public Officers Bill. That measure was repealed because it was superfluous, and because it implied a doubt of the power of Her Majesty's representative to make such appointments as he thought fit, and because it involved an interference with the Royal prerogative. The despatch received from Her Majesty's Secretary of State on the subject, had been laid on the Table of that House, and if members would peruse it, they would see that the principle there enunciated and the principle which the present Bill sought to introduce were analogous, and that, if the House passed the Bill, it was such a measure as was not likely to meet the Secretary of State's approval. The principle of the Bill was novel not merely as regards the Colony itself; it would be novel also to that great disposing power that so carefully scrutinised our legislation, and so anxiously watched over our welfare—the much abused Secretary of State for the Colonies. And what were the reasons urged in favor of introducing this novel principle into our legislation? It was not contended, it was not even hinted, that one single penny of the public funds had ever been misapplied or misappropriated, much less that any Governor had ever put any of the people's money into his own pocket; or that any public officer entrusted with the control of the public funds had ever done so, or in any way abused the trust placed in him. Yet the House was asked to

interpose some check to prevent an abuse that had never had existence, in the annals of this Colony at any rate. And what check upon public peculation, he would ask, would an Audit Act be? The days of such venal malpractices as Sir Robert Walpole had, in England, rendered historical—the days when officers holding responsible positions under the Crown lived in profuse hospitality out of the public funds which they manipulated, and then, worthy men, retired from public life with a competency, secured from the same source—had gone by; and since that time public virtue had shifted its position from the people to the Minister rather than from the Minister to the public. No Audit Bill was necessary now-a-day to check the profusion or the rapacity of a Prime Minister; for one seldom heard of such a public officer using his power or his position for his own aggrandisement. It was not always so in private life. Need he remind hon. members of the rigid system of audit in operation among the directors of the notorious Glasgow Bank? There was a perfect system of audit, if they liked; and yet the very auditors themselves were the means, in connection with that institution, of a most gigantic fraud. He would again remind the House of the fate of the Public Officers Act, rejected simply because it implied a doubt of the power of Her Majesty, or of her representative, to make such appointments as might be deemed necessary in the interests of the public service. He would again remind the House that, as regards this Colony, although the Crown had no more than a veto on legislation, still the Home Government retained the control of our public officers; yet, here was a Bill which, in reality, proposed to create a new officer, to exercise what, under our circumstances, could only be regarded as very anomalous functions. How could the Secretary of State view such a measure in any other light than as an interference with the functions of the Crown? The hon. member for the Swan said this principle of local audit was contemplated in the Constitution Act; but he would ask the hon. member whether that point was conceded? Formerly our accounts were audited in England, when the public

expenditure was carefully checked with the vouchers in every instance, and yet the question of an Excess Bill was not at all affected. Nor was it likely to be under the system of audit now proposed to introduce, and which in reality afforded no further check upon the expenditure of the public funds than was already provided by the existing Treasury regulations. The Auditor would be as much open to influence then as he was open to influence now; and, so far as concerned the mere question of putting figures on one side of the public ledger or on the other, he failed to see how our position was likely to be for one single moment improved by the passing of the Bill. The Governor, as now, would be the supreme authority in the administration of finance; and Audit Bill or no Audit Bill, he would be responsible to the Imperial authorities who appointed him. If he wasted the public funds, if he misappropriated the public moneys, he was liable to be called to account by the Secretary of State, to whom he was responsible for his acts. Some hon. members might recollect how in the early days of New Zealand one of the Governors of that Colony, Sir Chas. Fitzroy, by his financial measures brought the country to the verge of ruin. And how long was that gentleman allowed to remain, administering the Government? He was immediately withdrawn. Something had been said about grafting one constitution upon another, and about the Bill being 'in advance of the times,' so far as the constitution of this Colony was concerned. Perhaps it was. Perhaps hon. members would divert their gaze to the neighboring Colony of Victoria, where they had a full-blown constitution, and where their system of audit was, he might say, in full blast. Had Ministers there kept their fingers out of the public purse? Had an Audit Act there checked in any way undue expenditure? Did public exposure and the condemnation of their fellow men shame these Ministers into submission to its provisions? Not in the slightest degree. And did they lose power, did they lose office, were they deprived of the opportunity of dipping further into the public purse, because they had wasted the public money, or created an Excess Bill? No.

SIR T. COCKBURN-CAMPBELL said the hon. member for Fremantle, when speaking in support of the Bill, said he could only do so in a half-hearted way, because he did not think it would have the effect which was desired. He (the hon. baronet) believed that those hon. members who drafted it did not pretend that it was perfect, and one or two provisions which apparently were inconsistent had already been pointed out—that in particular to which the hon. member for Geraldton alluded, namely, that whereas the 5th clause restrains the Governor, except in cases of emergency, from issuing a warrant for the payment of monies which are not legally available, one of the regulations seemed to imply that he could issue warrants whenever he liked without the Auditor's countersignature. This was probably one of the few imperfections which may have crept into the Bill, and which could readily be amended in Select Committee,—for it was, he believed, the wish of all those hon. members who supported the Bill that it should be referred to a Select Committee. He would like to point out in reference to remarks which fell from several hon. members about the great excesses of expenditure which frequently occurred in the other Colonies—and which their Audit Act seemed powerless to prevent—that in many of them the auditing took place *after* the monies were spent, instead of in the manner which the 5th clause of this Bill designed. Though hon. members said that such an Act would not have any restraining influence upon the Government in regard to the expenditure of public money, he contended that it would. Why, otherwise, was it that they found such an opposition to the measure on the part of the Government—and they were quite well aware that the opposition to the measure was most bitter—why, indeed, except that the Government themselves believed that it would place a curb upon unauthorised expenditure? Auditors in other Colonies did exercise such a curbing influence, to a greater or less extent. It was only the other day that the hon. member for the Swan, in addressing his constituents at Guildford, told them a story of Governor Weld going up to the Auditor General of Tasmania at a reception at Government

House and saying, as he patted him on the back, "Here is a man whose hand is 'against every man, and against whom 'every other man's hand is raised.'" That showed how the Auditor was regarded there. He had also just been reading what a well known humorous journalist in the other Colonies said on the same subject. "If ever I enter public 'life' he declared 'it will be in some 'place where they have not an Audit 'Act.'" It was therefore evident that these Audit Acts, more or less—as they were more or less stringently drawn—*did* exercise a restraining influence to prevent illegal expenditure. And that the time had come when we urgently required some such restraining influence here, he thought none would attempt to deny. When our present representative institutions were given us, it was in order that the people should have some share in the Government of the country, and more especially in order to give them the control of the public funds. While we were a Crown Colony the accounts, as was well known, were audited by the Imperial authorities; but our present Constitution Act provided, as had been pointed out by the hon. member for the Swan, that such enactments for auditing the accounts should be made, under this representative form, as the Governor and Legislature might consider it desirable. And that it was desirable, both for the sake of the Government, and of the Legislature, and the people, that such an enactment should be made, there could be no doubt. For the Government, it was surely desirable that a properly organized system of keeping the public accounts should be introduced to prevent the muddles they had seen of late. For the Legislature and the people, it was equally desirable in order to prevent what he might call that contempt for the privileges given them by the constitution which they now saw exhibited. As for that provision in the Bill which prevented the Governor from arbitrarily dismissing the Auditor, and which was said to be unconstitutional—whether it was unconstitutional or not, we did not know—we could wait and see what the Imperial Government had to say to it. That they would reject the Bill, as hon. members opposite declared, he did not believe; for all that the Bill sought was

to enforce the observance of the Constitution. And it had never been hinted even, that the Imperial Government, when they gave our Colony this representative constitution, did not intend that the privileges it conferred should not be a reality—that they contemplated that these privileges should be the mere farce which they were at present. That the local Government should oppose the measure, he was not in the least surprised. Every one in the possession of arbitrary power would naturally oppose an effort made to dock them of some part of that arbitrary power. But for the Government to use such arguments as they had heard that night was indeed extraordinary. During the past six years, our Administrations had, through financial mismanagement, through their muddled account-keeping, and through unauthorised expenditure, involved the Colony in serious debt and difficulties—difficulties which just at this time were disastrous. They had left us (as they saw from the Governor's speech) to find our way out of these difficulties the best way we could, and then, when an endeavor was made to find a remedy which would prevent the recurrence of such a lamentable state of things, they turned round upon hon. members and said that their action was absurd and unnecessary.

MR. STONE said, had the hon. gentleman who introduced the Bill been Premier of a Government under the constitution which he (Mr. Stone) was desirous of seeing established in this Colony before long, he should most heartily have supported such a measure. As a hint had been thrown out by his hon. friend the member for Geraldton, that the nominee members were pledged to a certain course of action with reference to the Bill, and that they therefore approached its consideration with their minds prejudiced, he wished to state that, so far as he was concerned, his prejudices had so far warped his better judgment on this question that he had actually informed His Excellency he intended to support the Bill—and he might say that His Excellency did nothing whatever to try to interfere with the judgment he had then expressed. But as he had just said, his prejudices had so far warped what he now considered his better judgment that,—although at

one time strongly in favor of the Bill, and looking upon it as a panacea for all the evils we had suffered under in the shape of over-expenditure—he now, after more carefully considering the whole question, and after listening with some interest to the arguments put forward by the hon. member in charge of the Bill, and by other hon. members who had spoken on the subject, felt bound to say that the Bill, under existing circumstances, was one to which he could not give his adherence. The hon. gentleman who brought it forward had not pointed out a single precedent where such an Act had been introduced in any Colony possessing the same constitution as ours, and he challenged the hon. member to do so. He appealed to those members in the House, who, like himself, were desirous of seeing the Colony accepting the responsibilities of self-government—but who nevertheless were loyally prepared to accept the position in which that party had recently been placed by the voice of the country; he appealed to those hon. members who were of the same opinion as himself on the constitutional question, to bear in mind what the mover of the Bill stated in reference to its effect upon that movement—namely, that, instead of expediting the adoption of Responsible Government, it would stave off the introduction of that system, at any rate for some years to come. Those who were in favor of the introduction of that system would therefore stultify themselves in supporting the present Bill—if they took the same view of it as the hon. member for Swan. The hon. member for Fremantle had very fairly stated the position we should be placed in, under the existing constitution, if the Bill became law, in contradistinction to the position we would find ourselves in were the Colony administered under a responsible ministry; and he quite concurred with what had fallen from the hon. member on that point. The House should not lose sight of the fact that the object of the Bill was to make the Auditor General responsible—and to whom? Responsible to an irresponsible body. The hon. member for the Swan stated that in other parts of the world similar Acts were in force, and that the same principle applied to the appointment of

the Judges, who were only removable upon an address from the Legislature. But did that principle apply to this Colony? Was that the case here? Was the Chief Justice here responsible to that House, and removable at its pleasure? He thanked God he was not. The Judge here, under our existing constitution, was responsible alone to Her Majesty the Queen, by virtue of whose warrant he was appointed. And he hoped that he would always remain so,—so long at any rate as our present form of Government lasted. He did not intend to dwell upon the arguments put forward by other hon. members against the Bill, for his principal objection to it was in respect of the constitutional principle which it violated, and he hoped the Council would not lose sight of that point. There were hon. members belonging to the same profession as himself, on the other side of the House, who were more conversant with constitutional law than he was, and he did trust, if their prejudice,—like his own had done,—did not warp their better judgment, they would give due consideration to the important constitutional question which the measure involved, and would join him in opposing the motion for its second reading.

Mr. BURT hoped hon. members were not going to run away with the idea that there was anything very novel or very sensational in what was proposed by the Bill, but that they would view it from a practical and common sense point of view. Let them, in the first place, bear in mind the title of the Bill—"An Act to regulate the receipt, custody, and issue of the public moneys, and provide for the audit of the public accounts." That was all the Bill, and the supporters of the Bill, sought to do. And he maintained there was no ground whatever for the observation that there was anything novel or anything sensational about that. Reference had been made in the course of the debate to the audit system in operation elsewhere, and some capital was sought to be made from the fact that an Audit Act did not necessarily prevent over-expenditure; but in this Colony, we had no audit system at all. They had been told that the Treasury regulations provided such a system, and the Commissioner of Crown Lands had

informed them that there was nothing in this Bill that was not already provided for in those regulations. If so, he (Mr. Burt) failed to see what objection either the Government or the Secretary of State could have to the Bill. But he maintained there was a great difference between the provisions of the Bill and the existing Treasury regulations; at any rate, the supporters of the Bill intended to make a difference. They intended to make this difference—that the Government would no longer be allowed to put the Treasury regulations behind their back. How was it that those regulations did not enable Governor Ord to find out, before he was informed of the fact by Mr. Phillips, that the public chest was empty—that the spring to which the Government had been in the habit of resorting, had suddenly and unexpectedly failed? Such a state of things would be impossible under the present Bill—such a complete ignorance as to the state of the public finances. Did the Treasury regulations prevent the Government from spending what money they liked, no matter what that House chose to vote, as had been boasted they could and would do, by a member of the Government? The Treasury regulations did nothing of the kind, nor had they placed any check whatever upon unauthorised expenditure, which was one of the main objects of the present Bill to provide. At present if the House voted £5000 for a particular service, and the Government chose to spend twice that amount, or three times that amount, all they had to do was to bring in their Excess Bill, and there was an end of it. Allusion had been made in the course of the debate to the paragraph in His Excellency's speech relating to the practice of appropriating money by resolutions of the House, which it was said had been much to blame for the present state of the finances. That might be. But he conceived that the Governor for the time being, whoever he might be, was, in a great measure, to blame for expending moneys voted by resolution, outside the Estimates, when it was known that there was no money available for such expenditure. When the House passed these resolutions it was in the belief that funds would be available for carrying them out; and, if there was

not, the Government were to blame for giving effect to them. But the main feature of the present Bill, so far as he had read it,—or at any rate its main object—was that the representatives of the people in the Legislative Council should know exactly, and in detail, how the moneys which they voted had been spent, and also know what amounts had been illegally and improperly spent, or expended in such cases as His Excellency had ruled to be cases of emergency within the meaning of the Act. Inasmuch as the Governor would still be empowered to spend money in such cases, without a previous vote of the House, he failed to see how it could be said that the Bill involved any distrust of the Governor. He did not anticipate for a moment that there would be an end to Excess Bills if this measure passed; but the House at any rate would then have a check upon such excesses—and such a check was, in his opinion, calculated to effect a great deal of good, for a Governor would naturally hesitate before he created any case of emergency that was not so in reality. That there was not some necessity for such a check no one would maintain for a moment, for if we went on much longer spending money at the rate we had been going on in the past—he did not mean to say that any Governor spent the people's money other than for objects which, in his opinion, were for the benefit of the Colony; but if we went on much longer at this game, one thing was certain—the Colony would very soon go where the proverbial beggar on horse-back was booked for. As to the constitutional question said to be involved in the Bill, it appeared to him that this was the only point which the opponents of the measure had to urge against it. As to what fell from the hon. member Mr. Stone, as to there being no precedent of any Colony possessing the same form of Government as we have, adopting such a measure,—that was very likely; but he challenged the hon. member or anybody else to point out where this hybrid form of Government—which was admittedly intended as a stepping stone to a more advanced system—had ever remained so long in force as it had done in this Colony.

MR. STONE: Tasmania.

MR. BURT said all he could say about Tasmania was—it would have been in a far better position financially to-day than she was, if she had adopted the change earlier. And if in this Colony we had failed as yet to change the present hybrid constitution for one of self-government, was that any reason why we should not endeavour to check unauthorised expenditure, pending the arrival of the time when we obtained a complete change? As to making the Auditor General responsible to the Legislature, he failed to see what would be the good of the Bill at all, unless it provided for that. It would be utterly useless. When shareholders of banks and similar institutions entrusted their moneys to the directors they did so on the understanding that they (the shareholders) should have the right to appoint their own auditors—and surely there was nothing unreasonable in that. The Bill now before the House merely sought to introduce the same principle as regards the public funds. The people's representatives, who were the shareholders in our colonial concern, entrusted the people's money to their directors, in other words the Government, and surely there was nothing unreasonable in the representatives of the people, or the shareholders, asking to have some voice in controlling the auditing of their accounts. He was sure the Legislature would hesitate a long time before it supported an Auditor whom the Governor had deemed necessary to suspend. Such an officer would require a very strong case to appeal, with any hope of being successful in his appeal, to the Legislature. He took it that the House would only exercise its right in this respect when some important principle was involved. To say that the Bill showed any feeling of distrust in the Governor, or that it was an insult to the Administration, was simply ridiculous. As had been pointed out, the measure was one that would act as much in the interests of the Governor as it would of the governed. As to the probable increased cost of working the system of audit contemplated in the Bill, he did not see that the cost need be very little more than we paid at present,—and paid for what? Nothing at all. If it cost twice as much, or thrice as much, he would support the change, for he believed

it would be dirt cheap at the money. No large staff would be required to audit the accounts of a Colony like this, whose transactions were eclipsed by many a mercantile establishment. In fact, he believed he could keep the accounts of the Colony himself. He hoped the Bill would pass.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) moved, as an amendment, that the Bill be read a second time that day six months. He did so as a matter of principle. He thought the House was desirous of trenching upon the prerogative of the Crown. He begged hon. members to bear in mind by whom the Bill had been introduced—an hon. gentleman who a short time ago was a strong advocate of Responsible Government. He was afraid the hon. member was not altogether off with his old love before he took on with the new; and he could not help thinking that the House would yet find that in introducing this Bill the hon. member was only inserting the thin end of the wedge to bring on Responsible Government. "British Colonies"—he was reading from the Colonial Office Rules and Regulations—"may be divided into three classes. (1)—Crown Colonies, in which the Crown has the entire control of legislation, while the administration is carried on by public officers under the control of the Home Government." That did not apply here. "(2)—Colonies possessing representative institutions, but not Responsible Government, in which the Crown has no more than a veto on legislation, but the Home Government retains the control of public officers." Hon. members, he thought, would agree with him, that this was just our position in this Colony. "(3)—Colonies possessing representative institutions and Responsible Government, in which the Crown has only a veto on legislation, and the Home Government has no control over any public officer except the Governor." If this Colony came within that category, no doubt the Bill now before the House would be a very desirable and a workable measure; but with our existing constitution, under which the Home Government still retains the control of public officers, it did seem somewhat anomalous that a measure should be introduced vesting

the local Legislature with the control of an important public officer, who could only be suspended with their concurrence, and who might even be restored to office by that House in spite of the fact that the Governor had thought fit to suspend him. If that was not an interference with the prerogative of the Crown's representative, under our existing constitution, he failed to see what would be. Some hon. members in the course of the debate had spoken of the misdeeds of past Administrations, and notably the hon. member for Albany, who spoke of "muddled accounts" and of un-called for and excessive expenditure; and yet if he (the Colonial Secretary) remembered rightly, the hon. member was one of the Select Committee appointed by that House at its very last Session to report upon the Over-expenditure Bill, and whose conclusions were summed up in the admission that, after all, due regard had been observed by the Government as regards the excess votes.

SIR T. COCKBURN-CAMPBELL: On the whole.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy): And that whole was a very large one—£41,000. Government admitted that there was room for improvement upon the present system, and His Excellency in his speech had already told the House that it was proposed to increase the staff of the Audit Office, in order to ensure a more prompt and efficient audit of the public accounts. But hon. members were not satisfied with this. They placed no reliance upon the good faith and the good intentions of the Governor, but, in effect, said to His Excellency, "We must bind you by an Act." Suppose the same course were adopted in the private relations of life, what would be the feeling which it would create? He could only speak for himself, of course, but, judging from what his own feelings would be, he thought such conduct would be not only irritating, but insulting. It was not as if Governor Robinson were a stranger among them, or his qualities unknown to them; and he must say that, in his opinion, this Bill was a direct insult to His Excellency. The hon. member for the Swan had referred to what was told him by Governor Ord, as to the Acting Treasurer informing His Excellency one

day that there were no funds in the public chest. And a very right and proper thing to do, too,—a very proper thing indeed. He failed to see what any Auditor could have done more, or could do under the present Bill, under similar circumstances. He failed to see any force in that argument. The hon. member had also attempted to show that the position of the Governor and of a Prime Minister were analagous. That he denied, in toto. The Governor was responsible to the Queen, whereas a Prime Minister was certainly not so. In those Colonies possessing Responsible Government, the Ministry of the day were responsible to the public for the appointment of public officers, and under those circumstances such a Bill as this might answer very well; but here, where the Home Government retained the control of public officers, he failed to see how such a measure could become workable. And the beauty of it was—the Bill still empowered the Governor to spend any money he liked in cases of emergency, and His Excellency alone was to decide what were cases of emergency. Was not this exactly the position now? No one maintained that any over-expenditure had been incurred except in such cases. He did not expect that the Government would be victorious in this matter, for he believed the whole question had been pretty well cut and dried, outside the House; at the same time he felt bound to oppose the Bill, on the ground that, in his opinion, it trenchd upon the prerogative of the Crown.

MR. BURGESS, in seconding the amendment, denied having been pledged (as a nominee member) in any way with respect to the Bill. But he thought the hon. member for Fremantle had pointed out very plainly that the Bill was contradictory in itself, and that the result must be to bring the Governor and the Legislature into loggerheads.

MR. CROWTHER said if the Bill did not provide all they wanted, it was at any rate a move in the right direction. While disagreeing altogether with the hon. gentleman who had characterised the Bill as a 'sensational' one, he was bound to say that he should very much like to see it producing the kind of sensation which was wanted in the Government offices. His Excellency

in his opening speech led the House to understand that he was very anxious to remedy the evils which this Bill sought to remedy, and that the system now obtaining should be discontinued. But His Excellency was moved by a like anxiety when he was here before, and since then they had had some very heavy Excess Bills indeed. And so it would be again. "As it was in the beginning, 'is now, and ever shall be,'"—that's what it would be, unless some measure such as this became law. Governor Ord when he came here impressed the House with the fact that the finances of a country were undoubtedly the most important matter with which its Administration had to deal, and pointed out the absolute necessity for exercising the strictest economy, and of adhering to the votes of the House. And what was the result? An Excess Bill at the very next Session of over £40,000. Of one thing he was certain, and that was this—money had been spent in the past which, if such a Bill as this had been in force, would never have been spent. And yet it was said there was no new feature in the Bill—that all the checks it proposed were already provided for in the Treasury regulations. All he could say if such was the case was—it was much to be regretted that the Government had not more strictly adhered to these regulations. All the present Bill aimed at was to ensure this being done in the future; and if it produced that result the country would have cause for congratulation. The Attorney General had referred to the case of Capt. Fitzroy, some time Governor of New Zealand, who, it appeared, did all he could, in days gone by, to blast the credit of that Colony, and who so far succeeded as to bring the country to the verge of ruin. "And 'what was done to him?'"—the hon. gentleman asked triumphantly. He (Mr. Crowther) would tell the hon. gentleman what was done to him: he was called home and afterwards got a much better Governorship. But the mischief had been done before he was recalled; and the object of the present Bill was to take timely steps to prevent such mischief being wrought here, in the belief that there was much wisdom in the old proverb which told them that there was no use locking the stable door

after the steed was stolen. One hon. member had sought to stir up the advocates of Responsible Government, because it was said that the Bill was calculated to stave off the advent of the millenium, which some people thought that form of Government would bring about. He (Mr. Crowther),—who certainly was no advocate for such a change at present,—supported the Bill for that very reason (among others), namely, that it would stave off that change. He believed that if this Bill became law it would tend in a very great measure to allay, if not to remove altogether, that feeling which was prevalent in some quarters in favor of what was called constitutional reform; and, if it did nothing else, it was deserving of the support of the House and of the Government. The Colonial Secretary had made some reference to what the feeling would be if the course which the House proposed to adopt towards checking unauthorised expenditure were adopted in private life. All he could say was, if any private individual so managed the accounts of his employers as the Government of Western Australia had managed the public accounts, and if the result in the former case had been the same as it had been with regard to the public finances of this Colony, the deficit would have been called by a very different name.

MR. CAREY said he merely rose to refer to an observation that had fallen from the Commissioner of Crown Lands with reference to the change that had recently taken place in the Administration. The hon. gentleman said, in effect, that the Colony now had a Governor who was prepared not only to preach economy, but to practise it,—as much as to say that we had had Governors who did not do so. The House was led to believe that there would be no more over-expenditure, no more Excess Bills, no more unauthorised spending of the public funds, and that consequently there was no necessity for any such Bill as this. Now, all this seemed to imply that past Administrations had been culpable of indulging in unlimited expenditure, whether authorised or not. It might be interesting to hon. members, if he referred back to the financial history of the Colony during the past seven years,

commencing with Governor Weld's Administration in 1873, when the over-expenditure was only £4,688. Next year, under the same Administration, the Excess Bill was for £9,318. That was the last year of Governor Weld's administration; and then Governor Robinson appeared on the scene, when the over-expenditure, during the first year of His Excellency's administration, jumped up from £9,000 to £20,925; and next year it reached no less than £22,498, giving an average for the three years of £20,726, as compared with £7,000, the average of the two previous years, under the Weld régime. The excess during the last year of the administration more particularly referred to by the Commissioner of Crown Lands (Governor Ord's) was £18,477, which was less than the excess in any year of our present Governor's previous administration. Therefore, he thought, if the House judged Governors by their acts rather than by their words, the comparison intruded upon the attention of hon. members by the Commissioner of Crown Lands was anything but satisfactory to the administration now in power. It was all very well to say that due economy had been observed, and that due economy would be observed, whether the present Bill passed or not; but he ventured to say that, if a Bill of this nature had been in force, we should not have had an excess of £1,593 in connection with the special survey at the North-West. A sum of £1,000 was placed on the Estimates and voted by the House for that service, and yet no less than £2,593 was expended. That would not have been the case if a stringent Audit Act had been in operation. Nor would the sum of £1,251 have been expended on the "red and yellow van," without any authority whatever from that House. It was nonsense, therefore, talking about such an Act being unnecessary.

MR. BROWN said the remarks that had just fallen from the hon. member for the Vasse suggested to him that he ought to have said something about these excesses. The hon. member had quoted these figures as if the overdrafts were respectively attributable to the Governors during whose administration they had occurred; but, as one of the members of that House he (Mr. Brown)

wished to say that, in his opinion, that Council itself was clearly chargeable with these excesses. It was all very well to say, "here is an overdraft that occurred under Governor So-and-So," and, "here is one that occurred during the administration of another Governor," when hon. members knew very well that these overdrafts were due to the system which had obtained in that House for some years past of addressing the Governor by resolution, praying that this and that expenditure, altogether outside the annual Estimates, should be incurred. And he thought it was extremely ungenerous on the part of any hon. member to get up and say that these excesses were chargeable to this or that Governor. When this over-expenditure came to be investigated by Select Committees of that House, the result was that those Committees were able to report that the money had been expended in the interests of the Colony, that the expenditure had been, in most instances, unavoidable, and that had the House been summoned at the time for the purpose of authorising the various items of expenditure, the House would have been in honor bound to confirm them. He meant to say that thousands upon thousands of pounds of these excesses were due entirely to resolutions passed by that House, in favor of services for which no provision was made in the Appropriation Act.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said the hon. member for the Vasse, in the persistence which he showed in performing upon one string, reminded him of another great and equally skilful master of the same accomplishment—Paganini. What his one string fiddle was to Paganini, the North-West special survey was to the hon. member for the Vasse. The theme was one susceptible of endless variations at the hands of the hon. member; and the House would probably have to submit to the infliction until he found a more congenial theme. There was one point in connection with this subject of overdrafts which appeared to have been lost sight of, and which had escaped his attention when addressing the House at an earlier stage of the debate. The question of a deficiency in the revenue and the question of excess of expenditure were, clearly, distinguishable, and should

therefore not be confounded together. He had held a seat in that House when the Government of the day had come before the Legislature with an Excess Bill, when at the same time they knew there was £20,000 in the Treasury chest; and they had done so in order to follow a constitutional practice, because on some items there had actually been an excess, though at the same time there was no actual deficit as regarded the public revenue, but on the contrary a surplus. He need not point out to the House that no Audit Act, however lax or however stringent its provisions, could affect the revenue of the Colony, or alter its condition as regards its income. A country's ordinary expenditure must in the first place be regulated by its ordinary income, which no system of audit could swell or diminish; and the question of whether there shall be any overdraft or a surplus at the end of a given period, must to a great extent depend upon whether the revenue, as estimated by the Legislature, came up to their expectations, or whether, on the contrary, it fell below the estimate. And in the event of the latter contingency happening, an excess which—so far as the actual overdraft went—was apparently not more than £10,000, might in reality be three times that amount, over and above the actual revenue received. Under these circumstances, he need hardly say, an Audit Act would not be worth that!—(suiting the action to the word).

SIR T. COCKBURN-CAMPBELL said the hon. member for Geraldton had stated it was ungenerous on the part of hon. members to attribute these overdrafts to the Governors of the Colony, because they were caused by the resolutions of the House. That might be true. But at the time when they began to have resort to these resolutions—he could remember the time well, it was during Governor Weld's administration—the revenue of the Colony was increasing at the rate of many thousands a year, and was always in excess of the estimate; and the House got into the habit of passing these resolutions, requesting the Government to expend the surplus revenue for this purpose and for that. He did not for a moment defend such a course; but he challenged the hon.

member to point out a single resolution asking the Government to expend these sums, when there was no money available for the purpose. The resolutions were invariably adopted, and presented to the Governor, on the understanding that there were funds to carry them out; and what they complained of was, that they were acted upon whether there was money available for services outside the Estimates or not. The Government, in fact, never knew whether there was or whether there was not.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) thought the House was drifting from the main question into a collateral issue—into a discussion upon the relative extent of the Excess Bills under successive Administrations, when the real question before the House was the question of audit. Now what would be the effect of this Bill, or of any Audit Act, upon an emergency that might arise necessitating the Governor to expend money (which would be lawful for him to do, according to the Bill) for purposes not recognised or provided for by that House? The effect would be—*nil*. Did the Bill before the House propose to fetter the discretion of the Governor as to what were cases of emergency! Had that discretion been exercised, or was it likely to be exercised prejudicially to the interests of the Colony? What was the cause of the Excess Bills to which reference had been so frequently and flippanantly made by some hon. members in the course of the debate? Were they not the price paid by the Colony for the benefits accruing from the steps it had taken in the paths of civilisation? Were they not the price we paid for the benefits conferred by the electric wire, by coastal and by intercolonial steam communication, by increased and more efficient postal facilities,—what the hon. member for the Vasse eloquently described as the “red and yellow van,” thereby fixing a nickname upon a very deserving branch of the public service. Were not these among the benefits accruing to the Colony from Excess Bills? Did hon. members wish to avoid Excess Bills in the future? Then, let them eschew such undertakings as the Eucla telegraph, which had placed the most sequestered hamlet in the Colony in what he might

call instantaneous communication with the whole civilised world. Let them abandon steam communication, and the facile means thereby afforded of intercourse with our neighbours. Let them abandon railway enterprise, and all hopes of improving the facilities for internal transport, the facilities for internal communication, the facilities for the development of trade and of commerce—let them do this, and they might then reduce expenditure, they might then even get rid of Excess Bills.

MR. S. H. PARKER said the issue before the House was a very simple one. It was this—was the Bill now under consideration likely to do the Colony any good, and ensure the public accounts being systematically and intelligibly kept, so that the House and the country at large might at any time it thought proper ascertain what sums of money had been expended, and what was still available to be expended? At present, the country was entirely in the dark as to these matters; and even those entrusted with the management of their finances appeared to be equally so. So long as the supply lasted, so long as the spring did not run dry,—well and good. That was the policy at present in operation, as it also was in the past; but was it wise that it should continue? If not, then the Bill before the House was a necessity. It was all very well to say that the regulations already in existence provided all that was wanted; but did those regulations render it incumbent upon our public officers to keep their accounts correctly, each item under its proper head of service, instead of mixing them up higgledy-piggledy under the convenient head of “miscellaneous”? Did the present regulations afford any guarantee that items of expense incurred in the Colonial Secretary's Department, and properly chargeable to that department, should be shown under another head, so as to mislead that House? If they didn't they were useless for the purpose of the present Bill. That they were so—that they afforded no check whatever upon such practices as he had alluded to, was very clearly shown to the Select Committee on the Over-expenditure Bill at a previous Session. Among the items examined by the Committee was a sum of £261 placed under the head

of "miscellaneous," which, upon inquiry, the Committee discovered was properly chargeable to the department of the Colonial Secretary,—being expenditure incurred in that gentleman's own office, but which it had been found more convenient to place among the miscellaneous items. That was a thing that could never happen if they had such a Bill as this in force. Last year, again, in the comparative statement furnished to the House, showing the probable and the actual expenditure, a list was furnished purporting to show all the items (amounting to over £150) constituting the total under the head of "miscellaneous," but when those figures came to be investigated, what did they find? That nothing whatever had been said about the travelling allowance of officials, which the House was afterwards told amounted to £400. Yet, when the Select Committee came to investigate the accounts, they found that no less than £850 had been spent in travelling expenses by officials. This was the sort of thing which the present Bill was intended to prevent. The Bill did not, as had been pointed out, preclude the Governor from exceeding the Estimates in any case of emergency; all that was asked was that the House should be furnished with full particulars of such unauthorised expenditure. And if the public accounts were properly kept, there would be no difficulty in furnishing such particulars at any moment. As an illustration of how extremely lax the present system of audit was, and how utterly unreliable was the system adopted in keeping the public accounts, he need only refer to the financial returns which he asked for during the Session of 1878, showing the balance in the Treasury chest available for ordinary public expenditure. Hon. members would recollect that the House was first told that on that date there was a sum of £4,000 available in the Treasury, to the credit of the Colony. A day or two afterwards, the Colonial Secretary stated that upon investigation—he gave the hon. gentleman credit for not knowing any more about the matter than he himself did—so far from there being £4,000 available for expenditure, the spring had not only run dry, but there was a deficit of over £11,000. If such a

Bill as that now before the House had been in force, the Government would have been saved the humiliation of making such an admission as that, in the face of the official statement made a couple of days previously. As to the constitutional principle said to be involved in this measure, he failed to see himself why the Bill should be opposed on constitutional grounds. The hon. member for the Swan had shown, by reference to the Imperial Act, under which the present constitution was given us, that the Colony is empowered to adopt any system of audit which the Governor and the Legislature may think proper. What, then, was there unconstitutional in the present Bill? Why should it be opposed by hon. members on the Treasury benches? Could there be any reason, beyond the fact that if this Bill became law an effectual curb would be placed upon the expenditure of the public funds, a wholesome check upon that reckless extravagance which had characterised their proceedings in the past; and that that House would then be able to obtain at any time a clear and lucid statement of the public liabilities, without there being any necessity for thwarting the House in its desire to obtain information upon such a point, as it had been thwarted on a former occasion by Governor Ord. As to trenching upon the prerogative of the Crown, that was all nonsense. There was no wish on the part of that House, nor was it contemplated in the Bill, that the appointment of the Auditor should be vested in the Legislature: all they asked was, that he should not be rendered liable to be removed from office arbitrarily, without his removal being confirmed by the House; so that the Colonial Secretary should not be in a position to go to the Auditor's office and direct him not to charge to the Colonial Secretary's Department a sum of £261 which had been wrongfully expended in that department, but to put it under the head "Miscellaneous."

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake): Has such a thing occurred?

MR. PARKER: Yes, and I am prepared to prove it, if necessary.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy): I rise in explanation.

A statement has just been made by the hon. member for Perth that the Colonial Secretary has sought to mislead the House, by instructing an officer whose duty it was to prepare a financial return for the information of the House to place items that properly belonged to his own department under another head. If the hon. gentleman will take the trouble to look at the return referred to, he will see the name of the official who prepared it attached to it, and he alone is responsible for it.

MR. MARMION said hon. members who were wedded to the Bill had been cautious not to allude to the financial embarrassments of those countries which happened to possess an Audit Act under a different form of Government to our own. It was only recently, in looking over the financial returns of the other Australian Colonies, he had noticed that, in Victoria—one of those Colonies blessed with Responsible Government and consequently with an Audit Act—a sum of not less than £600,000 had been expended last year in excess of the votes of the Legislature. In South Australia—another Colony similarly blessed with self-government and an Audit Act—the excess last year was £300,000. In New South Wales, one of the wealthiest and happiest of the Australian Colonies, and similarly circumstanced with the rest as regards its constitution and its audit system, the sum of £400,000 was expended without the authority of the Legislature; while in New Zealand the over-expenditure last year was no less than one million sterling. It would thus be seen that an Audit Act did not necessarily provide against Excess Bills; nor did he expect that the measure now under consideration would do so, in our own case. He therefore did not support it so much on that ground, as in the belief that it would ensure a simpler, and a more intelligible, and a more efficient system of keeping the public accounts.

MR. RANDELL said no doubt there was room for improvement in that respect, and if the House addressed the Governor on the subject, they would no doubt obtain, in a constitutional manner, what was sought to be obtained by means of this Bill in violation of the constitution. The hon. members for Albany and the Vasse had made use of

what he could only regard as very unjustifiable expressions in referring to the actions of past Administrations in connection with this question. The latter hon. member had quoted certain figures with the view of showing the comparative amounts of the overdrafts during the Administration of Governor Weld and the former Administration of the present Governor, and from those figures attempted to show that the comparison was altogether in favor of Governor Weld. But the hon. member had hardly acted with fairness in this matter, for he had taken the two years in which the over-expenditure during Mr. Weld's Administration showed most favorably; and had he gone back to the year next preceding that which he had referred to—but it did not suit the hon. member's purpose to do so—he would have found that the over-expenditure was three times as much as it was in the years which he quoted, and that in the year before that, again, the overdraft was a very large one. The hon. member had also forgotten to say that Governor Weld inherited something like £30,000 from his predecessor, Governor Hampton.

MR. CAREY said no "unjustifiable expressions" would have proceeded from him, but for what he conceived to be the far more unjustifiable remarks of the Commissioner of Crown Lands, about a Governor that was absent.

The question—that the Bill be read a second time—was then put, and the House divided, when there appeared—

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

AYES.	NOES.
Mr. Brown	The Hon. G. W. Leake
Mr. Bart	The Hon. M. Fraser
Sir T. C. Campbell	Mr. Burges
Mr. Carey	Mr. Stone
Mr. Crowther	Mr. S. S. Parker
Mr. Grant	Mr. Randell
Mr. Higham	The Hon. R. T. Goldsworthy (Teller.)
Mr. Marmion	
Mr. S. H. Parker	
Mr. Steere (Teller.)	

The Bill was then read a second time.

MR. STEERE then moved that the Bill be considered in Committee of the whole House.

MR. BROWN moved, as an amendment, that it be referred to a Select Committee, consisting of Mr. Steere, Mr.

Stone, Sir T. C. Campbell, Mr. Burt, and the mover, and, by leave, Mr. Marmion and Mr. Randell, with power to call for persons and papers.

The amendment was agreed to.

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

LEGISLATIVE COUNCIL,

Tuesday, 3rd August, 1880.

Superintendent of Roads: salary and travelling expenses of—Eastern Railway: terminus station at Fremantle—Jury Act: report of Select Committee—Real Property Limitation Act, 1878, Repeal Bill: re-committed—Adjournment.

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

PRAYERS.

SALARY AND TRAVELLING EXPENSES OF THE SUPERINTENDENT OF ROADS.

IN COMMITTEE.

MR. SHENTON, in accordance with notice, moved the following resolution: "That, in the opinion of this Committee, the expenses of the Superintendent of Roads have been large in proportion to the amount of the Road Loan expended." So much had been said and written recently about this matter, that it would be quite unnecessary for him to trespass on the time of the House at any length. He found, on reference to the return he had called for the other day, showing in detail how certain items of expenditure incurred by the Superintendent of Roads had been made up, that the salary paid to that officer up to the 31st March, 1880, amounted to £549 6s. 6d., while the travelling expenses amounted to £150 13s. 2d., making a total (in round numbers) of £700; in addition to which a sum of £91 11s. had been expended in the purchase of a car-

riage and pair for the Superintendent. On referring to the return furnished by that officer, showing the financial position of the Road Loan at that time (31st March), he noticed that the expenditure on account of the loan up to that date was £5,875, and that the amount of liabilities on contracts then existing was £1,608 10s., being a total expenditure, incurred under that officer's superintendence, of £7,483. So that it cost the Colony £700 at this rate to superintend the expenditure of £7,000—apart from the carriage and pair. In one of his reports, the Superintendent said the cost of supervision was less than six per cent. on the total amount expended; but that statement did not at all agree with the figures which he had just quoted, and which showed a per-centage of about ten per cent. Under the old system, before the Superintendent of Roads appeared on the scene, when the supervision of the roads and the control of the money voted annually for road purposes were in the hands of the District Boards, the grants for the year (£11,000) never involved an expenditure in one year of more than £450, which was considerably less than the per-centage under the present system of supervision. He had brought this matter under the consideration of the House with a view to solicit an expression of opinion thereon, on the part of hon. members, and in order that some recommendation should be made to the Government as to the manner in which the road work should be carried out in future by the Superintendent. No doubt there existed considerable difference of opinion on the subject, but he thought few would deny that there was room for improvement upon the present system. As to the Local Road Board in the district which he represented, the Government communicated with them asking them what works they considered most necessary to be done on the main road between Newcastle and Perth. In reply to that communication, the board sent down a memorandum showing what they considered was required, but their recommendations did not receive any attention whatever at the hands of the Superintendent, and other work was undertaken by him which anyone who had travelled on the road could see was not so urgently required as the work which had been recommended