

The Fremantle inner harbour is now being largely utilised by all classes of shipping, and it is expected that the North German Lloyd's steamer Friedrich der Grosse, 8,800 tons register (10,500 tons displacement), will enter the harbour on Sunday next. An additional dredge and eight hopper barges, which are expected to arrive in the colony early next year, will enable the available accommodation to be rapidly increased.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY,—

I thank you for the liberal provision which you have made for the public service.

MR. PRESIDENT AND HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL,—

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY,—

The legislation which you have passed will, I am assured, be found to be of much advantage. The consolidation and amendment of the land laws into one complete Act will, it is believed, prove a valuable and liberal measure, well suited to the conditions of the colony. The Health Act extends the powers of health boards, and is urgently necessary; while the many other useful measures you have added to the Statute Book are, for the most part, much required. The amendment to the Gold Mining Act will, I trust, prove a fresh stimulus to the further investment of capital in our gold-mining industry. It is satisfactory to notice that, while security of tenure is given to the leaseholder, all rights that have been exercised by the alluvial miner are fully protected. The gold production continues to increase, and to give cause for great satisfaction. During the last 10 months the gold produced in the colony and exported was of the value of more than three millions sterling. I now prorogue this Parliament to Wednesday, April 26 next.

The session then closed.

Legislative Assembly,

Friday, 28th October, 1898.

Paper presented—Motion (urgency): Ministerial Answers (a Complaint)—Petition of J. Gibson: Motion to Rescind Resolution (adjourned)—Complimentary Remarks, close of Session—Assent to Bills: Prorogation.

THE SPEAKER took the chair at 2.15 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By the PREMIER: Meteorological Observations made in Perth, 1897.

Ordered to lie on the table.

MOTION (URGENCY): MINISTERIAL ANSWERS (A COMPLAINT).

MR. OLDHAM (North Perth): I desire to move the adjournment of the House, for the purpose of bringing before the notice of members the wilfully misleading answers which were given by the Director of Public Works, to the questions which I asked the other evening, with respect to the purchase of certain materials.

THE SPEAKER: I think the hon. member's observations are very improper, in saying that answers given by a Minister of the Crown were wilfully misleading answers.

MR. OLDHAM: I do not know that the language I have used is too strong.

THE SPEAKER: It is unparliamentary and very improper.

MR. OLDHAM: I withdraw the expression; and, in moving the adjournment, I want to call the attention of the House and the country to this matter. I think I cannot do better than read the questions I asked and the answers by the Director of Public Works, and then read the report of the Auditor General on the subject. The questions I asked on Thursday were:

1, Whether it was true that the Government had lost large sums of money on account of the habit of buying materials at higher prices than contracted for. 2, If so, what were the particulars?

The reply of the Director of Public Works was this:—

It is true that in some cases, owing to the inability of certain Government contractors to

supply materials necessary for the construction of very urgent works, the exigencies of the public requirements necessitated material being purchased at an advance on contract rates. It is not true, however, that the Government have lost large sums of money on that account.

This is what I complain of, for I am in a position to prove it is true that the Government have lost large sums of money by the method which has been adopted by the Director of Public Works in the conduct of the public affairs of this country. I will read the report submitted in another place, from the Auditor General, in which he stated to the Colonial Secretary as follows:—

1. Consequent upon the fact of the powder in question having been ordered by the Engineer for Railway Construction (Mr. Jas. Thompson), instead of through the Government Storekeeper, the contractors, Messrs. Sandover and Co., claimed and received payment for no less a sum than £90 14s. 1d. in excess of the contract rates, vide audit query 351/98 herewith.

2. I am advised by the Crown Solicitor that the "contractor is only bound to supply at contract prices such goods as may be ordered by or through the Government storekeeper," and also that "the excess is not recoverable." Such being the case, it appears to me to be a very serious matter indeed, inasmuch as public funds are not being advantageously or economically expended in this regard.

3. Whilst on this subject I may mention that on divers occasions I have drawn attention to this matter, and on the 27th January last I pointedly drew the attention of the hon. the Director of Public Works to a similar question, vide paper A 171/98, and P.W. 1196/98. And now it has occurred to me that I cannot do better than quote my minute in extenso, in order that the Government may deal with this highly important subject from an economical point of view:—"The hon. the Director of Public Works.—It has been my duty on several occasions to query expenditure incurred in excess of contract rates, and now have the honour to draw your special attention to the fact that consequent upon the line of action adopted by the Public Works and Railways Departments in purchasing from persons other than the contractors, a very considerable sum has been and is, I fear, still being needlessly disbursed, and in support of my contention I have caused a list of items to be extracted from certain vouchers for the month of July last, which is attached hereto, disclosing a loss of £1,939 18s., and which amount, I may add, could be augmented by the inclusion of other similar vouchers for that month. (2) I refrain from making any further comments at this stage, other than by saying that the matter is so serious that I feel it incumbent upon me to place myself in direct communication with you on the subject, with a view of obtaining full and precise information on the points raised,

and also putting a stop to this most objectionable practice of ignoring contractors or, in other words, as it appears to me, squandering public money."

4. In justice to the hon. the Director of Public Works, it is only right that the previous papers should be put forward with this file, showing the action taken by him in regard to this most important subject.

When any member of this House gets up to ask a question upon a subject, and the question is a direct one, there should be no equivocation about it, but the information should be supplied as freely to this House as it is supplied to the other House. Has that been so in this case?

THE PREMIER: Yes.

MR. OLDHAM: The reply of the Director of Public Works, in answer to my question, was this: "It is not true, however, that the Government have lost large sums of money on this account."

THE PREMIER: There is a lot to be said on the other side. You do not know so much about it as we do.

MR. OLDHAM: We have the report of the Auditor General, that a considerable sum of money has been, and is I fear still being needlessly disbursed; and he caused to be culled from his accounts for one month, the month of July, sums amounting altogether to £1,939 18s. Moreover he says the list is not complete.

THE PREMIER: That was not loss, was it?

MR. ILLINGWORTH: The loss.

THE PREMIER: There is a lot to be said on the other side. Contractors will not supply, sometimes. They say they cannot supply, and that they have contracted for a certain amount, and are asked for more than that amount.

MR. OLDHAM: I think I have a right to complain of the answer given in reply to my question. It is entirely against my inclination, at this late day in the session, just when we are proroguing, to bring this matter before the House; but I certainly think that when any member of this House asks a question, he should receive a satisfactory answer.

THE PREMIER: If a member is not satisfied, he should ask again.

MR. OLDHAM: How was it possible to bring the matter again before the House?

THE PREMIER: You should have asked earlier in the session.

MR. OLDHAM: The information was not available in the fore part of the ses-

sion, and the outcome of what has taken place points to the necessity of some reform in respect to our accounts. I fail to see why the report of the Auditor General should not be placed on the table of the House before the Estimates are passed, and then we should have an opportunity of obtaining the fullest information, and of exercising criticism. It is not fair to ask this House to deal with the Estimates until all the information is available. I beg to move the adjournment of the House, for the purpose of calling the attention of the Assembly and the country to this question. I think I have proved that the answer was, at any rate, if not wilfully misleading, not one which any member of this House was entitled to expect.

THE PREMIER (Right Hon. Sir J. Forrest): It is impossible for me to discuss this matter in the few minutes we have now left us: but I may say I do not think the answer given was intended to deceive. The answer was that there had been contracts, and that afterwards goods had been ordered outside the contractor. There are many reasons, one of them being urgency; and if you cannot get a contractor to supply things just when you want him, what are you to do? You must either await his convenience, or obtain what is required from other sources. A contractor is not supposed to give up everything else and run after you, especially if your demand is very much in excess of what it was expected to be when he tendered. As a rule, people who tender find out what are likely to be the requirements; but some new work commences, and then the requirements may be tenfold what they were expected to be; and it would be hard to say to a contractor, especially if things have risen to higher value, "We want to hold you to your contract, although we only expected that we should need 1,000 of these things, whereas we really want 20,000." No tenderer would tender for an unlimited supply. I had a coal contract before me the other day, and the probable requirements were stated. It is necessary to state the quantity in order to act fairly by the tenderer; and, if we were to require a great deal more, I very much question whether it would be right to insist on his supplying all we wanted, if we

found he could not do it except at a loss. However, I am not prepared to go into the subject at the present moment, because I do not know the facts sufficiently. I know that during the time to which the report of the Auditor General relates, there was this hurry-scurry all over the country. Works had to be gone on with, and I have no doubt some loss did occur in getting the articles from persons who were not contractors, because they could supply them, with the object of pushing on the work. I know some cases in which contractors could not supply the stuff; they said it was beyond what they understood they were to supply, and they could not do it unless we would await their convenience. We could not await their convenience, and we had to get what was required from someone else, at increased cost. We could have sued the contractors, but I doubt very much whether we should have got very much out of them. If the Director of Public Works were here, he would be able to give fuller information on the subject, which it is impossible for me to deal with at this late hour.

Question put and negatived.

PETITION OF J. GIBSON: MOTION TO RESCIND RESOLUTION.

THE PREMIER (Right Hon. Sir J. Forrest), in accordance with notice, moved:—

That the resolution regarding the petition of John Gibson, agreed to by this House, be rescinded.

He said: I do not wish to say more than two or three words in relation to this subject; but I think it would be very dangerous for us to leave on the records of the House a resolution which provides that the Engineer-in-Chief shall take into consideration, in giving his award in regard to this contract, any loss the contractor sustained by reason of trucks not being supplied by the Railway Department. All I can say is that, if it does remain on the records of this House, we will have lots of other claims against us, and it will then be curious to see the action which the House may take on the matter next session. I know we would never be able to sustain the basis agreed to the other evening with regard to certain contracts.

MR. ILLINOWORTH : Have we injured so many people?

THE PREMIER : We say we have injured no one. We assert that, if people take a contract, they have to carry it out, and they cannot go back to another branch of the service and say that branch did not do this or that, and therefore another branch must give compensation, because a common carrier, which the railway is, has not been able to comply as quickly as possible with the demands made. The thing is absurd. The whole lot of them would "go for us." It will not hold water for a moment. I do not intend to pay one single sixpence under this resolution, until I have had a vote in this House. We will have the matter over again next session. We will investigate the subject, and if the House still adheres to its decision, we will have to propose a sum on the Estimates, and members will have an opportunity of saying whether they will pass it or not. This House is the guardian of the public purse, and it must have the opportunity of saying how far it will go. At the same time, I am prepared to do what I think may fairly be done, and that is not to seize upon that money which belonged to the Fremantle road contractor for another contract in regard to some work at Waterloo, the amount being £456. I think we may, in equity, not seize upon that £456. If this resolution be rescinded, that is the view the Government will take in regard to the matter and they will act upon it to that extent, feeling that in so doing they will be meeting the wishes of this House.

MR. MONGER (York) : I am deeply sorry that I am unable on this occasion to support the motion of the Premier, and I am more than surprised that he should have thought fit to bring forward a motion of this kind at this late moment. The other evening, the matter was discussed at some considerable length, and the Government side of the House were well represented, I think ; the result being that the majority of members were of opinion that the prayer of Mr. John Gibson should be granted.

THE PREMIER : It is not his petition only, but there are many other cases.

MR. MONGER : I am not dealing with the many others.

THE PREMIER : They were all in the same boat.

MR. MONGER : As to the remarks of the right hon. gentleman that he will be prepared to repay a sum of money which the Government have taken in connection with the contract referred to, I say the Government cannot hold the money. At the time the Workmen's Lien Act was introduced and carried in this House, this contract had been let : consequently how could they deduct moneys coming to a man in relation to this particular contract, to meet a loss in some other portion of the colony?

THE PREMIER : It is our money, and we cannot pay it twice.

MR. OLDHAM : You do pay twice, sometimes.

MR. MONGER : The Premier says the Government are quite prepared to pay the sum of money which they illegally retain.

THE PREMIER : I did not say illegally, but inequitably.

MR. MONGER : I do not think the Premier is offering anything by way of a compromise. As I informed the House, before I brought the petition before the Assembly I showed it to the Commissioner of Railways, who desired me to bring it under the notice of Parliament. Parliament decided the matter.

THE PREMIER : Parliament has not decided. There has been no vote yet.

MR. MONGER : Parliament has decided that this man is entitled to have his claim fairly and equitably inquired into.

THE PREMIER : There was more than that in the motion.

MR. MONGER : I do not know whether Mr. O'Connor, in his position as Engineer-in-Chief, will accept this claim—he may cut it down to a mere nothing ; but I say that, in accordance with the resolution carried in this House the other evening, the Government are bound to re-open the case, and to give the man a fair and equitable hearing. I do not think the right hon. gentleman quite grasps the principal points that were referred to in the petition.

THE PREMIER : Do not talk the motion out.

A MEMBER : Withdraw it.

THE PREMIER: I certainly will not withdraw it.

MR. MONGER: I cannot understand if the Premier can ask me quietly to accept his motion this afternoon, seeing that the motion which I brought under notice of hon. members was carried. I can't ask me to eat my words and admit that I was wrong in bringing that motion forward, when I say I was right doing so?

THE PREMIER: We have met you more than half way.

MR. MONGER: I join issue with you. I never met me. You say the Government will give the man what we know he is perfectly entitled to, and what I could should never have been retained, it should have been handed over at the time. If hon. members will allow a motion like that which was agreed to—

THE PREMIER: The motion was not carried by a large majority, and it was a very thin House.

MR. MONGER: I am not going to give you an opportunity of carrying your motion. If you like to withdraw—

MR. A. FORREST: You will talk it out.

THE PREMIER: He will not get anything by that.

MR. ILLINGWORTH: It is a very unfair situation.

THE PREMIER: I cannot understand you, upon my honour.

MR. MONGER: The right hon. gentleman had an opportunity, the other evening, of expressing himself; and I would like to be able to quote from *Herald*, and repeat to the House what he then said. His views then were entirely opposite to those which he holds to-day.

THE PREMIER: Not at all.

MR. MONGER: All that the petition asks for is that the Engineer-in-Chief be authorised to re-open the inquiry into his claim.

THE PREMIER: Not at all. Read it, and you will see it is not the question at all. The last part is what I object to. do not mind an inquiry, but look at the basis of the inquiry. The principle is that we are to be liable for the Railway Department in not carrying the stuff as quickly as this contractor may have wanted it.

MR. MONGER: This petition says:

6. Your petitioner took as the basis of his tender the ruling rates for freight from the Darling Ranges to the site of the work, as advertised by the Commissioner of Railways, and you petitioner also calculated that to perform the work by the nineteenth June, one thousand and eight hundred and ninety-six, the time limited by the contract, he should require from twenty to thirty trucks per day to bring material from the hills. The Department of Public Works impliedly undertook that the required number of trucks would be available for the contractor.

7. It was well known that if these trucks were not supplied, your petitioner would be unable to obtain material and bring it upon the site, and that it would be impossible to complete the contract within six months.

8. After your petitioner had commenced the work, he was unable to obtain trucks from the Railway Department to carry his material from the Darling Ranges to the site of the work.

I say that no man with any sense would be inclined to carry out that contract in six months, unless it was practically implied by the Government that they would supply the necessary trucks.

THE PREMIER: It took two or three years to do it.

MR. MONGER: That arrangement, to my mind, was distinctly understood, and I say the man lost considerably through the department being unable to carry out, virtually, the portion of the contract which they entered into with the petitioner.

MR. A. FORREST: Everybody lost, at that time.

MR. MONGER: The right hon. gentleman has said there will be numerous other claims on the Government for the same thing, if this resolution is allowed to remain; but I contend, as to the other claims, that the contracts for that road have all been settled by the Government, and a clean receipt has been given for the balances due on the various works; but in this case Mr. Gibson and those who represented him refused to take the various payments in final settlement, and they refused to give a receipt accordingly, but simply gave a receipt for the amounts received on account of the contract. They contend, and I think rightly so, that there is a certain balance due on the work; and that claim is fairly and equitably put forward in Mr. Gibson's petition. I believe the Engineer-in-Chief to a great extent admits the correctness

of his claim, and has said that, if he had the power, he would like to deal with that portion of the claim for the non-supply of trucks; but he said also it was out of his power to do so. If the Government hand this claim back to the Engineer-in-Chief, as the sole arbitrator for the Government in matters of this kind, and say to him, "Inquire into the justness of it or otherwise," I think the decision which he will come to will be that the petitioner is entitled to something. I do not say he is entitled to the full amount he asks for, but he is entitled to something, and, if he is, he should certainly get it. After the House having agreed, by a majority, that the prayer of the petition is worthy of consideration, then I say it would be one of the greatest mistakes made by this Parliament to allow a resolution carried only a day or two ago to be rescinded, on the eve of the prorogation of Parliament. I need hardly say that I am more than grieved to have to take a stand like this against the Premier; but I certainly do not think, in the position I hold, that I would be fair to allow this matter to go to a division this afternoon.

THE PREMIER: I will agree to the adjournment of the debate, if someone will move it. Leave the matter till next session, and let us go on with the business. We will not do anything until next session.

MR. MONROE: That will satisfy me.

MR. HARPER: I move that the debate be adjourned.

Motion put and passed, and the debate adjourned.

COMPLIMENTARY REMARKS, CLOSE OF SESSION.

THE PREMIER: I am sure I shall be acting in accordance with the wishes of all hon. members: if I extend to you, Mr. Speaker, and ask you to accept, before we separate, our best thanks for the consideration, kindness, and courtesy we have experienced at your hands during this session. We always have experienced kindness and consideration from you. Our thanks are also due to the officers of the House for the attention they have given us, and the assistance rendered during this rather prolonged session. We have had the longest session yet experienced in this colony, and I

think no one will say that we have worked very hard. The session has been prolonged on account of any interruption of our labours. On the contrary I do not think we have ever kept to work so steadily and so busily as we have during the session now closing. Under this form of Government, in which there are two parties in the State, we sometimes have debates which might even be called, perhaps, acrimonious; but I am glad to say that we are parting to-day as good friends as we were when we met four and a half months ago. I think that is a subject for congratulation, because every one of us must regret that the heat of debate we may say something, and we all do it, that gives offence for which we are sorry afterwards. It does not always go about and say that it is sorry for it, because really one likes to forget; and to bring it up again by pressing regret would perhaps re-open an unpleasant episode. Before we part I may say, on behalf of all hon. members that we wish you, sir, a very happy voyage to your old home in England. We are glad you are able to take the opportunity of going to your old home, meeting your friends and revisiting the scenes of your youth. I can only say we hope your visit will be a thoroughly enjoyable one; that you and your family will be in good health; and that you will soon come back to us reinvigorated, after having spent a pleasant and enjoyable holiday. I feel that I am speaking on behalf of every member of the House—and I need go further, and say the whole community of this colony—in wishing you a very happy voyage home, and a speedy return to us. [General applause.]

THE SPEAKER: Hon. members, have to thank the right hon. the Premier for his kindly words of thanks to me, the way in which I have performed my duties during the session. The session has been a wearying and trying one, and especially so have I felt it myself. I have not calculated it, but I am sure I have been in the chair a great many more hours than has generally been the case in former sessions. I have had a comparison made between the number of days and hours we have sat during this session, and the days and hours we sat during previous sessions, and I find that, on the

average, we have sat one hour longer each day than in former years, and we have met on 64 days, so that there has been a great difference in the amount of time we have devoted to our duties in the House during this session, as compared with those of the past. I am sure hon. members will not bear any ill feeling towards me because I have, at times, exercised my authority in preserving order. My great object since I have been Speaker has been to make this House respected, not only in Western Australia, but in the other colonies; and I believe we are generally respected. The right hon. the Premier has alluded to my visit to my old home in England. Of course I have long looked forward to the pleasure of such a visit, but up to the present time I have not been able to accomplish my desire. I hope the House will be indulgent to me if I am not back by the commencement of next session, and I think it probable I shall not have returned until the House has been in session a month; but, on looking at former Votes and Proceedings, I find that, generally, three weeks at the commencement of every session have been made use of for the purpose of debating the Address-in-Reply or for some

formal business, and there has not been very much work done during the first month; therefore I hope to be back in my seat before the real work of the next session commences. I hope, as I said before, that the House will grant me indulgence for taking an extra month, and I thank hon. members for the kind consideration they have shown me in so readily obeying all my rulings, which has made my duty rather a pleasure than otherwise to me. I thank hon. members for the courtesy they have always extended towards me. [General applause.]

PROROGATION.

ASSENT TO BILLS.

At ten minutes past three o'clock, a message was received from the Governor's Deputy (Sir Alex. Onslow, Chief Justice); and, accordingly, Mr. Speaker and hon. members proceeded to the Legislative Council Chamber, where His Excellency was pleased to give assent in the name of Her Majesty to 30 Bills of the session, and also delivered an address proroguing Parliament [*vide* Council proceedings].

The session then closed.