

MR. STEERE moved that the order be discharged and the Bill re-committed. The new clause introduced the other day provided that the annual expenditure required for certain purposes connected with the Loan shall be annually submitted to "the Council." It had been pointed out to him that these words might apply as well to the Executive Council as to the Legislative Council, which of course was not the intention of the House. He therefore proposed to introduce the word "Legislative" before Council, in the clause referred to, and also another slight verbal amendment.

The Bill was then re-committed, and the amendments submitted by the hon. member were agreed to *sub silentio*.

#### REPLY TO MESSAGE (NO. 9): RAILWAY SURVEYS.

MR. STEERE moved the following Resolution:—"In reference to Message "No. 9 from Your Excellency, forwarding "a Memorandum from the Commissioner "of Railways as to the probable cost of "surveying the line of the Eastern Railway from the termination of the second "section to York, the Commissioner is "correct in presuming that such a survey "is intended as would connect the present "surveyed route to Northam with the "town of York by the best route possible, "the cost of which survey he estimated "at from £300 to £400. The Council "therefore recommends that a Supplementary Estimate be submitted to the "Council for a sum not exceeding £500, "for the purpose of providing for the "proposed survey."

The resolution was agreed to without discussion.

The House adjourned at a quarter to eight o'clock, p.m.

#### LEGISLATIVE COUNCIL,

Monday, 4th April, 1881.

Message (No 15): *Re* Audit Bill—Audit Bill, 1880: Reply of Secretary of State to Memorial—Transfer of Land Act, 1874, Amendment Bill, 1880—Railway Refreshment Room Licensing Bill, 1881: third reading—Stamp Duties Bill: third reading—Loan Bill, 1881: third reading—Adjournment.

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

#### PRAYERS.

#### MESSAGE (No. 15): *Re* AUDIT BILL.

MR. SPEAKER announced the receipt of the following Message from His Excellency the Governor:—

"The Governor has the honor to lay "before the Legislative Council a copy "of a Despatch from the Secretary of "State on the subject of the Audit Bill, "in which His Lordship states that he "approves of the course taken by the "Governor in withholding his assent to "the Bill; that he concurs in the views "which the Governor expressed upon the "subject of it in his Message No. 22, of "the 2nd September; that His Lordship "is therefore unable to accede to the "Memorial forwarded to him by Your "Honorable Council, wherein you requested that the Governor might be "directed to assent to a similar Audit "Bill if introduced next Session; but that "he will be happy to consider any Bill "founded on the recommendations of the "Commission appointed by the Governor "to consider and report on the question "whether any improvements could be "introduced in the mode of keeping and "auditing the accounts.

"The Report of the Commission alluded to has already been received and "considered by the Governor, and a Bill "to give legal effect to the Regulations "suggested by the Commission will, as "stated by the Governor in his Message "No. 22, of the 2nd September, be presented to you at the next Session of "Council. In the meanwhile, the recommendations of the Commission are about "to be provisionally enforced in the "Financial Departments concerned, and "the Governor has no doubt that the "changes proposed will be highly beneficial to the Service. The Report of

"the Finance Commission will be submitted to Your Honorable Council next Session, concurrently with the Bill which the Governor has directed to be prepared for your consideration.

"Government House, Perth, 2nd April, 1881."

[Enclosures.]

No. 131. 'WESTERN AUSTRALIA.

'Government House, Perth,  
'12th November, 1880.

'MY LORD,—I have the honor to submit, herewith, the following documents:—

- '1. A Bill passed by the Legislative Council on the 30th of August last, intitled 'An Act to regulate the receipt, custody, and issue of the Public Moneys, and to provide for the Audit of the Public Accounts.'
  - '2. Governor's Message No. 22, withholding his assent to the Audit Bill.
  - '3. Address of Legislative Council to Governor, No. 47, in reply to Message No. 22.
  - '4. Message No. 26, being Governor's rejoinder to Address No. 47.
  - '5. Memorial of the Legislative Council to the Secretary of State, requesting that the Governor may be directed to assent to a similar Audit Bill if introduced next Session.
  - '6. Governor's Closing Speech, 8th September, 1880.
- '2. In my Message No. 22, reference is made to the Report of the Select Committee on the Audit Bill, as also to a communication addressed to me by the Treasurer with regard to his evidence before the Committee. Copies of these documents are therefore also forwarded for Your Lordship's consideration.
- '3. Having stated in my Message No. 22 that, with Your Lordship's approval, I would myself bring in a Bill next Session to embody revised regulations for the Treasury and Audit Departments in legal form, there is in reality only one point which calls for Your Lordship's decision, namely, the proposal to make the Auditor Gene-

ral responsible to the Legislative Council by enacting that he shall not be removed from office unless upon the Address of that body.

'4. My views on this point are so fully expressed in my Message No. 22, that I do not consider it necessary to trouble Your Lordship with any further remarks upon it in this Despatch. The clause embodying the principle which the promoters of the Bill have been anxious to see introduced, was only carried in a full Committee of the House by the casting vote of the Chairman, the Speaker voting with the majority; and I have the satisfaction of knowing that the course which I adopted in refusing my assent to this principle has been supported by the leading Journals of the place (the *Inquirer* and *Herald*), and I believe by public opinion generally.

'5. The action of the Legislative Council throughout this whole case might lead a casual observer to suppose that I was indifferent as to economy, and insensible of the importance of a prompt and efficient audit of the Public Accounts. A reference to my Opening Speech will show you that I took the initiative in both these matters, and had the Council been satisfied to co-operate with the Government in a friendly spirit, instead of attempting to force the acceptance of a principle which the Government regarded as both unconstitutional and unnecessary, the whole question might have been satisfactorily disposed of during the last Session of Council.

'6. Frequent reference is made, in the papers now forwarded, to the alleged extravagance of former Administrations, as showing the necessity for placing the Auditor in a position independent of the Government, and of enabling him to exercise a check on expenditure not sanctioned by the Legislature. On this point I would beg to draw Your Lordship's attention to the following extracts from my Message No. 26:

'2. Your Honorable Council dissents from the Governor's opinion that in the direct responsibility of the Governor to the Secretary of State the country pos-

'sesses as full and ample security for the proper and economical expenditure of public money as would be provided by the Audit Bill, and in support of your opinion you refer to the unauthorised expenditure which has been incurred during the last few years. In the Governor's opinion the overdrafts alluded to, except in so far as they were incurred in connection with public works of an urgent character, were to a great extent due to the practice referred to in his Opening Speech, of framing the Estimates on an insufficient scale, thus leaving it to the Governor to issue on his own authority Supplementary Warrants, which had to be legalized by subsequent legislation. That they were not due to extravagance on the part of the Government will be seen on reference to the Report of the Select Committee on the Over-expenditure for 1878—which considerably exceeded the average—in which Report it is stated that 'due regard to economy was as a whole observed by the Government.'

'3. Undoubtedly a rigid view should be taken of what constitutes such an emergency as justifies the Governor in spending money in advance of Legislative authority. Your Honorable Council have apparently somewhat misunderstood the Governor's meaning on this point. The Governor's argument is that where an Audit Act expressly states that in case of emergency the Governor may incur unauthorised expenditure, the Governor must be, as he is now, the judge of the emergency, and that therefore his sense of right and his responsibility to the Secretary of State furnish, under the existing Regulations, as ample security against extravagant or improper expenditure as would exist under the provisions of an Audit Act.'

'7. I may further observe that the Estimates for 1881 have been passed without much alteration, which is, in itself, an admission on the part of the Legislative Council that the Government have been mindful of economy, while as regards former Administrations it is frankly stated in the Memorial that 'Your Lordship's Memorialists are perfectly ready to allow that there has been but little positive extravagance on the part of the successive Administrations which have governed this Colony during the period in question, and that these Administrations in their expenditure of the public funds have been actuated by a sincere desire to promote the public good.'

'8. In pursuance of the intimation made in the twelfth paragraph of my

'Message No. 22, I am now about to appoint a commission to compare the Regulations contained in the Audit Bill with those already in operation, and to report whether any, and if so what, improvements could be introduced in the mode of keeping and auditing the accounts. The report of the commission will be duly laid before Your Lordship, and, if approved by you, will be embodied in a Bill and submitted to Council at its next Session. I shall be glad if Your Lordship will inform me whether you would wish me to include in the new Bill a provision to make the Auditor General independent of the Government, as desired by certain members of the Legislative Council, or whether Your Lordship concurs in the views which I have expressed on this subject in my Message of the 2nd September.

'I have, &c.,

'WILLIAM C. F. ROBINSON.

'The Right Honorable Earl of Kimberley, &c., &c., &c.'

'WESTERN AUSTRALIA, }  
No. 10.

'Downing Street,

'19th February, 1881.

'SIR,—I have the honor to acknowledge the receipt of your Despatch No. 131, of the 12th of November last, transmitting a transcript of a Bill passed by the Legislative Council on the 30th of August last, intituled 'An Act to regulate the receipt, custody, and issue of the Public moneys, and to provide for the Audit of the Public Accounts.'

'2. Your Despatch also inclosed, with other papers relating to the Bill, a Memorial addressed to me by the Legislative Council, requesting that you may be directed to assent to a similar Audit Bill if introduced next Session.

'3. I approve of the course which you have taken in withholding your assent to this Bill; and I concur in the views which you expressed upon the subject of it in your Message to the Council of the 2nd of September.

'4. The view of the Legislative Council, that the Auditor General should be responsible to that Council instead

'of to the Governor, is opposed, as you observed in your Message, to the established rule that, in colonies not under Responsible Government, all Public Officers are appointed and removed by the Crown, and their tenure of office is not in any case dependent upon the will of the Local Legislature; and it would not be in accordance with constitutional precedents to place the Auditor General of Western Australia in a different position from that which was held by the same officer in the other Australian colonies before the introduction of Responsible Government. You will therefore be so good as to inform the Speaker that I am unable to accede to the Memorial forwarded to me by the Legislative Council; but that I shall be happy to consider any Bill founded upon the recommendations of the Commission which I understand you are about to appoint, or probably have now appointed, to consider and to report upon the question whether any improvements can be introduced in the mode of keeping and auditing the accounts.

'I have, &c.,

'KIMBERLEY.

'Governor Sir W. C. F. Robinson,  
'K.C.M.G., &c., &c., &c.'

#### AUDIT BILL, 1880: REPLY OF SECRETARY OF STATE TO MEMORIAL.

MR. SPEAKER informed the House that he had received the following letter from His Excellency The Governor, in reply to one addressed by him to the Secretary of State, forwarding a memorial *re* Audit Bill:—

"WESTERN AUSTRALIA.

"Government House, Perth,

"4th April, 1881.

"SIR,—I duly forwarded to the Secretary of State your letter to His Lordship, enclosing a Memorial from the Legislative Council, requesting the Secretary of State to instruct me not to withhold my assent again from an Audit Bill similar in its provisions to the Bill which I disallowed last Session. I am desired, in reply, to inform you that His Lordship is unable to accede to the prayer of the Memorial, but that he will be happy to consider any Bill

"founded on the recommendations of the Finance Commission which, as you are aware, I not long since appointed to advise on the Regulations of the Treasury and Audit Departments.

"The Secretary of State's Despatch will be submitted to the Legislative Council in due course.

"I have, &c.,

"WILLIAM C. F. ROBINSON.

"The Honorable Sir L. S. Leake, }  
"Speaker."

#### TRANSFER OF LAND ACT, 1874, AMENDMENT BILL, 1880.

MR. STEERE, on behalf of Mr. Shenton, asked the Colonial Secretary, "Whether any answer has been received by His Excellency the Governor on the subject of 'The Transfer of Land Act, 1874, Amendment Bill,' passed by the Council on the 6th August, 1880, and reserved by the Governor for the signification of Her Majesty's pleasure thereon, in Message No. 25, of the 7th of September, 1880."

THE COLONIAL SECRETARY (Lord Gifford) replied as follows:—"I am not in a position to reply to the question of the hon. member for Toodyay, but I take it for granted that had the Secretary of State's answer been received His Excellency would have communicated it to this Council without delay."

#### RAILWAY REFRESHMENT ROOM LICENSING BILL.

Read a third time and passed.

#### STAMP DUTIES BILL.

Read a third time and passed.

#### LOAN BILL, 1881.

Read a third time and passed.

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