

LEGISLATIVE COUNCIL,

Tuesday, 5th April, 1881.

Message (No. 16): *Re* New Clause inserted in Loan Bill—New Appointments of Resident or Police Magistrates—Adjournment.

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

PRAYERS.

MESSAGE (No. 16): *Re* NEW CLAUSE INSERTED IN LOAN BILL.

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

"The Governor observes that Your Honorable Council has added the following section to the Loan Bill introduced by the Government:

'So much of the monies raised under this Act as may be required for salaries of Public Officers for the purpose of the said Act, and also for the construction of the several buildings and purchase of rolling stock which may be required for the Eastern Railway, shall be submitted to the Legislative Council for its approval and confirmation.'

"The purport of this section is a little obscure, and the Governor is not quite sure that he understands the intended object of it.

"It can hardly be the intention of Your Honorable Council to enact that contracts entered into by the Government on behalf of the Colony shall be liable to be repudiated by the Council. Such a provision might involve the Government in much litigation and loss; and moreover, in view of the uncertainty which would exist if contracts once made and entered upon were liable to be set aside or modified by the Legislative Council, no contractor would come forward without placing an amount on his tender to cover the additional risk.

"The Governor, therefore, presumes that what Your Honorable Council means is, that no contracts shall be entered into for the construction of any of the buildings connected with the Railway, or in fact for anything other than the Permanent Way, until

"the Council shall have had an opportunity of considering the plans and estimates. The Governor fears that such an arrangement as this would seriously interfere with the progress of the works, which might have to be delayed for many months at a time in order to bring forward plans and estimates at the ordinary sitting of Council, unless the inconvenient alternative were adopted of summoning a Special Session whenever minor works, which can best be let as the line proceeds, are ready to be undertaken.

"The Governor therefore proposes to Your Honorable Council to amend the Bill by striking out Clause 3. If means can be found for giving Your Honorable Council that control over loan expenditure which you desire, without at the same time paralysing the action of the Government, and causing public inconvenience and delay, the Governor will be happy to co-operate with you for such a purpose. This, however, is not an easy matter to accomplish, and certainly it is one which should be dealt with on its merits in a separate Bill, in order that it may be more maturely considered in the light of the practice adopted elsewhere, and that the coming into operation of the Loan Bill may not be endangered or delayed.

"Should Your Honorable Council think proper to omit the interpolated clause, with a view to considering it on its merits as a separate measure, the Governor will be happy to give his immediate assent to the Loan Bill.

"Government House, Perth, 5th April, 1881."

MR. STEERE moved, That this Message be taken into consideration on Wednesday, 6th April.

Agreed to.

NEW APPOINTMENTS OF RESIDENT OR POLICE MAGISTRATES.

MR. STEERE moved the following Resolution:—"That in the opinion of this Council, the salaries and allowances of all persons hereafter appointed to the office of Resident or Police Magistrate should be provisional only until such time as the Council has had an opportunity of considering the Report of the Commission appointed

"to inquire into Departmental Expenditure." It would be in the recollection of hon. members that a Select Committee of the House some years ago recommended, among other changes, that a reduction should be made in the salaries of any officers appointed after that date to the position of Resident Magistrates in certain Districts; and also that last Session of Council the House affirmed a resolution that, in future magisterial appointments, no horse allowance should be granted. These recommendations would necessarily engage the attention of the Commission now sitting to inquire into Departmental Expenditure, and he thought the Commission should not be hampered in any way by the appointment of fresh magistrates pending the result of their inquiry. He noticed that several appointments had been gazetted that very day, but he wished it to be understood that he, individually, did not feel himself in any way bound as to the emoluments attached to any appointments made in anticipation of the resolution now before the House.

THE COLONIAL SECRETARY (Lord Gifford) said, while the Government were most desirous that retrenchment should be studied in the expenditure connected with the public service, still he must point out that the resolution of the hon. member, so far from hampering the Commission, was more calculated to hamper and fetter the action of the Governor in making magisterial appointments requiring to be made without delay. As to the appointments gazetted that day, he could assure the hon. member that they had been filled before His Excellency ever saw the resolution now before the House.

MR. STONE thought, if the resolution were affirmed, it might place the Governor in a difficulty, and the public service might have to suffer. It was not likely that any magistrate would accept an appointment unless he knew what his emoluments were going to be, or if he thought that, in that respect, he was to be left entirely to the tender mercies of the Commission in the first place and of the House afterwards. He failed to see how the action of the Commission would be hampered in any way if the House declined to affirm the resolution, seeing that it would be equally competent for it

to make any recommendations as to reduction of expenditure in connection with the stipendiary magistracy, whether the resolution passed or not.

MR. SHENTON thought it would be better to let the matter drop until the House was placed in possession of the report of the Commission, which it would be at the next Session of Council.

MR. STEERE failed to see how the adoption of the resolution would in any way hamper the Government. At any rate, he wished it to be distinctly understood that, if at the next Session of Council he felt it incumbent to move a reduction in the salaries of any of the officers newly appointed, or of those who may be appointed between this and the next Session, he would repudiate any allegation of a breach of faith towards such officers whose appointments were made pending the inquiry now being conducted by the Departmental Commission. For his own part, he should feel himself at liberty to propose any reduction in this direction when the House met next Session.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) regretted that the hon. member should have anticipated the publication of the report of the Commission, and implied that it was intended to propose and recommend a reduction in the salaries of certain officers. It must be obvious that the resolution submitted by the hon. member must hamper the Government in filling appointments satisfactorily, seeing that His Excellency could hold out no certainty as to the emoluments of office to which any stipendiary magistrate would be entitled, if this resolution passed.

The resolution was then put, and negatived on the voices.

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