

1880-81.



VICTORIA.

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# PUBLIC WORKS DEPARTMENT—OFFICERS.

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REPORT OF BOARD, APPOINTED BY HIS EXCELLENCY THE GOVERNOR IN COUNCIL, ON THE 27<sup>TH</sup> JANUARY 1881, "TO ENQUIRE INTO AND REPORT UPON THE ALLEGATIONS CONTAINED IN MR. BROOKHOUSE'S LETTERS, AS PUBLISHED IN THE *ARGUS*, DATED NOVEMBER 20<sup>TH</sup> AND DECEMBER 3<sup>RD</sup> 1880, AGAINST THE OFFICERS OF THE PUBLIC WORKS DEPARTMENT;" TOGETHER WITH MINUTES OF EVIDENCE.

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PRESENTED TO BOTH HOUSES OF PARLIAMENT BY HIS EXCELLENCY'S COMMAND.

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R E P O R T.

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*To the Honorable the Commissioner of Public Works.*

SIR,

The Board appointed by His Excellency the Governor in Council, on the 27th day of January 1881, "to enquire into and report upon the allegations contained in Mr. Brookhouse's letters, as published in the *Argus*, dated November 20th and December 3rd 1880, against the officers of the Public Works Department," have the honor to inform you that three meetings have been held; the first on the 8th February, the second on the 10th, and, upon the Board assembling this day, the 16th instant. When all the books and documents asked for by Mr. Brookhouse, for the purpose of enabling him to sustain the charges, had been produced, and every facility given to Mr. Brookhouse to proceed with his case, he applied to be represented by a solicitor, when the following resolution was unanimously agreed to, viz. :—"That since the request to permit legal assistance was not made at the commencement of the proceedings, and as the evidence on two charges had been closed, and the third entered upon, it was not considered necessary at this stage to admit counsel."

Upon this resolution being communicated to Mr. Brookhouse, he, in a very abrupt manner, declined to proceed with any of the remaining charges, and left the room. As he did not return, the Board unanimously adopted the following resolution, viz. :—"The Board having thoroughly investigated charges Nos. 1 and 2 preferred against the officers of the Public Works Department by Mr. Brookhouse, are unanimously of opinion that there was not the slightest foundation for them, and do not deem [it necessary to call upon the officers of the department for their defence; the Board furthermore regret that Mr. Brookhouse should have made such serious allegations against the department, wholly unsupported by any evidence to maintain them."

Accompanying this Report is the printed evidence taken.

We have the honor to be, Sir,

Your obedient servants,

(Signed) G. R. FINCHAM, Chairman,  
EPHRAIM L. ZOZ,  
SIMON FRASER,  
J. M. BARR,  
JOHN NIMMO.

Public Works Office,  
Melbourne, 16th February 1881.



# MINUTES OF EVIDENCE

TAKEN BEFORE BOARD APPOINTED TO ENQUIRE INTO CHARGES  
MADE AGAINST THE PUBLIC WORKS DEPARTMENT BY HENRY  
B. BROOKHOUSE (LATE QUANTITY SURVEYOR IN THE DEPART-  
MENT).

(Held at Water Supply Office.)

TUESDAY, 8TH FEBRUARY 1881.

Present:

MR. FINCHAM, M.L.A., in the Chair ;

Mr. Nimmo, M.L.A.,  
Mr. Zox, M.L.A.,

Mr. Barr, M.L.A.



*Mr. Kelleher*, barrister, instructed by *Mr. Farmer*, solicitor, asked permission to appear on behalf of *Mr. J. J. Clarke*, late an architect in the Public Works Department.

The board-room was cleared.

*The Board* deliberated.

The parties were called in.

*The Chairman* informed *Mr. Kelleher* that the Board had decided that, as *Mr. Clarke's* name was not involved in the enquiry at the present time, they declined to allow counsel to appear for him; but if anything transpired in which *Mr. Clarke's* interests were involved then the Board would take into consideration his request to appear by counsel.

*Mr. Brookhouse* was called in.

*The Chairman* stated that this Board was appointed to enquire into the allegations contained in *Mr. Brookhouse's* letters to the *Argus* of the 20th November and 3rd December last, and he thought the Board could not go beyond those matters.

*Mr. Brookhouse*.—I want to know by what authority this Board meets and acts—[reading the authority for the appointment of the Board]. It appears to me that this Board can only deal with the authority with which it is invested, namely, to investigate those charges in the letters.

*The Chairman*.—One of those charges is so large that it would embrace everything.

*Mr. Nimmo*.—You say here in your letter—"In conclusion, I may state that I consider it only right the public should be made aware of the method of conducting business in the important department now under notice. Had the enquiry sought by *Mr. Fincham* been granted, I would have stated such facts as must have compelled the Government to take immediate steps to reorganize the department." I would like to have those facts, and I think the first step taken should be to have them set out specifically in writing by *Mr. Brookhouse*.

*The Chairman*.—Our powers are confined strictly to the allegations contained in those two letters.

*Mr. Brookhouse*.—Before dealing with that, I regret to say—and I have very great pain in saying—that I object to the formation of this Board in respect to one gentleman, *Mr. Fraser*. That is a preliminary objection.

*The Chairman*.—I think, under the circumstances, it would be in very bad grace to raise an objection to the appointment of the Board.

*Mr. Brookhouse*.—I will give my reason for that—

*The Chairman*.—You will see that it is neither discreet nor graceful to take exception to the appointment of the Board. Every gentleman who has consented to act in this enquiry is fully convinced of the importance of it, and will base his determinations on the evidence given, and I am sure will not allow any prejudice to affect him.

*Mr. Brookhouse*.—It is only in regard to one. It is simply that *Mr. Fraser* is biased—that he has prejudged the case, and that is proved by his own expressions in the House.

*The Chairman*.—It is perfectly futile for you to take exception to the constitution of the Board. We have perfect confidence in each other's disinterestedness, and believe a just decision will be given in accordance with the evidence tendered. Are you now prepared to put in writing specifically the charges you wish to make against the officers of the department?

*Mr. Brookhouse*.—I still maintain my former position, that if *Mr. Fraser's* name is retained on this Board I shall not disclose any information at all.

*Mr. Zox*.—By persisting in such a course you are doing a gross public injustice, as well as an injustice to yourself.

*The Chairman*.—The inevitable result must be the inference that the allegations you have made against the officers of the department cannot be sustained by evidence.

*Mr. Brookhouse.*—Will you kindly adjourn this Board until to-morrow?

*Mr. Nimmo.*—I am not prepared to be played with in this way. There are four gentlemen independent of Mr. Fraser; and it is a reflection on the whole Board to say that four gentlemen who are magistrates, and accustomed to taking evidence, are likely to be governed by one man; and besides, all the proceedings will be recorded in the Press.

*The Chairman.*—The Board are determined not to permit any exception to be taken in any shape or form to the constitution of the Board, and they are perfectly prepared to devote any amount of time and trouble to a thorough investigation of your charges.

*Mr. Zox.*—Are you prepared to go on, and bring evidence to sustain the allegations contained in your communications.

*Mr. Brookhouse.*—In answer to that I say I shall give no information to a Board on which Mr. Fraser sits, because I consider he has prejudged the case. I say so with all due respect to the gentlemen present.

*The Chairman.*—The inevitable result of your determination will be that the public will arrive at the conclusion, as the Board undoubtedly must, that the charges are not sustainable by any evidence you have.

*Mr. Brookhouse.*—I shall have other very good opportunities of sustaining them.

*The Chairman.*—The inevitable conclusion will be that your allegations were either dictated by malice or made without justification in any shape or form.

*Mr. Brookhouse.*—Would Mr. Fraser kindly withdraw from the Board?

*The Chairman.*—I would not ask him—nonsense! I have as much confidence in him as in any member of the Board, and believe that he would listen to the evidence fairly, even if it were the case that he had been indiscreet in giving an opinion on it. I feel it to be a most cruel reflection on him and on the Board.

*Mr. Barr.*—The opportunity that Mr. Brookhouse has asked for that the public may hear his charges is now given him. The Press are present, and whatever decision the Board may arrive at the public will be made fully aware of the evidence, and even if the decision of the Board were altogether against Mr. Brookhouse, it would be to his advantage to have publicly made out his case. If he declines to go on there can be, as the Chairman has stated, but one inference.

*Mr. Brookhouse.*—Rather than have the members of the Board think I am against them, I will go on. Will you accept my protest against Mr. Fraser, and allow the matter to proceed?

*The Chairman.*—No; we cannot admit any protest against a member of the Board.

*Mr. Brookhouse.*—Then I will proceed with the case.

Henry Bowler Brookhouse examined.

*The witness.*—I am called before this Board to show that I was justified in writing those letters to the *Argus*.

1. *By the Board.*—You initial those two letters as having been written by you to the *Argus*?—I do. —[*The letters were handed in, dated respectively 20th November and 3rd December 1880, as follow:—*]

#### THE CASE OF MR. BROOKHOUSE.

TO THE EDITOR OF THE "ARGUS."

Sir—The Minister of Public Works stated in the Assembly on Thursday last that he had taken the advice of his officers before dispensing with my services. I think it would only have been fair had he also mentioned that there exists a very bitter feeling towards me in the department, owing to the action I have been compelled to take with a view of conserving the Government's interest.

I have lately complained officially of the Inspector-General (Mr. Steel) for not supporting me in the proper discharge of my duty, and reported the senior superintending officer (Mr. William Finlay) for interference with my duties, and so preventing the Government reaping the full benefit of the system of carrying out the work under schedule of price contracts.

Why were these and other matters I have reported not investigated and dealt with before dispensing with my services? Such treatment is not likely to encourage other officers to fulfil their duties conscientiously, at the risk of being similarly dealt with. I have frequently detected improper measurements and entries made by one of my officers, whose only excuse was that Mr. Finlay had told him to do it in that manner; and I have objected to the returns for monthly progress payments on account of being falsified.

Upon complaining to the Inspector-General, the only satisfaction I got was the advice to not send in any more of my objectionable memos., because, forsooth, they only created illwill amongst the officers.

The following is an example of the manner in which abuses are dealt with:—Soon after taking charge of the quantity surveyor's branch I had occasion to prepare a return that included some old work. Therein a number of discrepancies appeared, and upon my questioning the officer connected with it he admitted the books were crammed full of errors in the early part; and as he had endeavored to get my books made to agree with his without my knowledge, I reported the matter; the officer was called upon for his explanation, and then Mr. Steel positively declined to proceed further with the case, as it would be likely to compromise Mr. W. Finlay; and it was only when I threatened to resign unless he did deal with it he made a minute to the effect that Mr. Brookhouse was right in bringing the matter under his notice, and at the same time censured the offending officer for his conduct.

The Minister also alluded to the cost of my branch. For this he ought not to hold me responsible. Nearly twelve months ago I notified Mr. Steel that one of my officers could be dispensed with. He said there was no necessity to reduce the staff, and declined to do so. Since that time the office has been saddled with an unnecessary officer receiving £300 per annum. Now, had Mr. Langridge desired to retrench, why did he not adopt the report he had previously directed me to furnish, and which showed how a greater saving could be made (with advantage to the department) than his present one, besides which he has actually reinstated an officer who was under suspension for neglect of duty.

It will be within the recollection of many of your readers that a few years ago a Royal Commission was appointed to enquire into the Public Works Department, and in consequence of the revelations then made a quantity surveyor was appointed as a check between the Government and the contractors; and it does seem somewhat strange that Mr. Langridge (who years ago carried out contracts under the department), now that he is Minister of Public Works, should dispense with the quantity surveyor at a time when it is proposed to lay out about half a million sterling in contracts for work at the Houses of Parliament, the new Prince's Bridge, and South Channel Fort, for from what transpired at the official visit on the 8th ult. it is intended to proceed with the last-named work at a probable cost of £200,000 sterling.

I am, &c.,

HENRY BOWLER BROOKHOUSE,

Late Government Quantity Surveyor.

Nov. 20.

24.11.80.

## THE CASE OF MR. BROOKHOUSE.

TO THE EDITOR OF THE "ARGUS."

Henry Bowler  
Brookhouse,  
continued,  
8th Feb. 1881.

SIR—The Minister of Public Works insinuated in the House last Tuesday that in writing to the *Argus* I was influenced by parties "for a certain purpose." This is quite a mistake, my object being to show why there was animus against me in his department; and Mr. Langridge knows full well that my statements are correct, though at the present moment it may not be expedient for him to admit as much.

To show how the Minister is being deceived, the discrepancies in the return referred to in my former letter amounted to several hundred pounds, but it was after I caused investigation and correction that the difference was reduced to the few shillings mentioned by him. This was in a contract let at £12,820, but increased by extras to over £20,000.

Nearly two years ago I warned the Inspector-General in writing, that as things were going on at the new law courts it was impossible to foresee the cost of that building; and now I find the average cost per cubic foot for freestone and labor thereto is coming out fully 20 per cent. over the average contract price. This is only one instance of many. Mr. Steel was advised long ago that the bluestone in this work was actually costing nearly 75 per cent. more than the contract price.

Then, again, I discovered that the vaulting to arcade next William street was falling in. This gave offence in the office, as Mr. William Finlay had certified that the work and materials were satisfactory, and payment for same had been duly made. Nevertheless, this vaulting had to be taken down to prevent total collapse, and was re-erected at considerable extra cost to the Government.

Let me assure Mr. Langridge that I do not feel personally aggrieved at being dispensed with, quite the reverse. No one knows better than myself that the whole department needs reducing, and would be the better for it; and as he thought my services were not required I bowed to his decision, and cheerfully relinquished my office, the duties of which I was asked by Mr. Patterson to undertake in January 1878; and have the consolation of feeling that the faithful discharge of my obligation to the Government has resulted in my leaving the service.

In conclusion, I may state that I consider it only right the public should be made aware of the method of conducting business in the important department now under notice. Had the enquiry sought by Mr. Fincham been granted, I would have stated such facts as must have compelled the Government to take immediate steps to reorganize the department.

I am, &amp;c.,

HENRY BOWLER BROOKHOUSE,  
Late Government Quantity Surveyor.

Dec. 3.

4.12.80

2. You propose to show that you were justified in writing those letters?—Yes.
3. And to take the charges in the order in which they appear in the letters?—Yes.

*The Secretary* read a portion of the first letter embracing the

## FIRST CHARGE.

(A.) Against the Inspector-General, Mr. Steel—"For not supporting me in the proper discharge of my duty."

(B.) Against the senior superintending officer, Mr. Wm. Finlay—"For interference with my duties, and so preventing the Government reaping the full benefit of the system of carrying out under schedule of price contracts."

*Mr Nimmo*.—I would like a statement in writing of what Mr. Steel did.

4. *By the Board*—(to the witness).—What was the nature of the complaint?—I would ask for my letter book.

5. The complaint is in writing?—Yes.
6. And will be in the department's records?—Yes.
7. You ask for that book to be produced?—I do.

*Mr. Steel*, Inspector-General of Public Works, and *Mr. Finlay* were called in.

*The Chairman* read the first charge to Mr. Steel.

*Mr. Steel*.—Before proceeding any further, as it is said that those charges are actually brought against certain officers of systematic manipulation of accounts, I would ask, on behalf of the officers of the department, that clear and specific charges be made in writing of such fraud and manipulation, stating what officers have committed or have been accessory to the committal of such fraud, and the particulars of such instances. And then on such charges being made, I simply ask for sufficient time to answer them after seeing them in writing.

*The Board* resolved—"That Mr. Brookhouse be requested to specify, in writing, the distinct charges he has to make against the Public Works Department, referred to in his communications to the *Argus* under dates November 20th and December 3rd."

*Adjourned to Thursday next at eleven o'clock.*

THURSDAY, 10TH FEBRUARY 1881.

Present:

Mr. FINCHAM, M.L.A., in the Chair;	
Mr. Nimmo, M.L.A.,	Mr. Zox, M.L.A.,
Mr. Fraser, M.L.A.,	Mr. Barr, M.L.A.

Mr. Steel, Inspector-General of public works; Mr. Finlay, superintending inspector of public Works; and Mr. Barbour, a measuring officer of the department, were called in.

H. B. Brookhouse further examined.

8. *By the Board*.—Have you prepared the full statement of your charges which the Board asked for?—Yes. [*The witness read the same as follows*:—]

Melbourne, February 9, 1881.

Henry Bowler  
Brookhouse,  
10th Feb. 1881.Board *re* Public Works Department.

To G. R. Fincham, Esq., M.P., Chairman.

Sir—In accordance with your request that I should specify in writing the distinct charges I make against the Public Works Department, I have the honor to submit the following—

1. That Mr. Steel, as Inspector-General, did not support me in the discharge of my duty, when I complained of the interference of Mr. William Finlay with my duties, and so preventing the Government reaping the full benefit of the system of carrying out the work under schedule of price contracts; and also when I complained of Mr. Barbour for having disregarded my instructions.

Henry Bowler  
Brookhouse,  
*continued,*  
10th Feb. 1881.

2. That the Inspector-General neglected to dispense with the services of one of my subordinates when I reported, in January 1880, that his services were no longer required, owing to the completion of certain works.
3. That Mr. Steel neglected to take proper cognizance of my complaints against such subordinate for having made improper measurements and entries, and that he tried to silence my complaints as to irregularities.
4. That such officer is still retained in the department after being censured by Mr. Steel for gross misconduct in endeavoring to get my books made to agree with his without my knowledge.
5. That a contract let at £12,820, containing a quantity of work for which the contractor had low prices, was increased by extras to over £20,000, and that the contractor was relieved from executing a quantity of the low-priced work, which was re-let by the department to another contractor at enhanced prices, and that these two contracts were carried out almost simultaneously.
6. That at the new law courts serious departures have been made from the original contract by material alterations and deviations, and that, owing to the manner in which the schedule attached to this contract was prepared, serious loss has occurred to the Government; that this might have been obviated to a great extent had my suggestions, made to the Inspector-General, been carried out.
7. That, owing to the manner in which the arcade of new law courts was carried out, the Government has been put to several hundreds of pounds unnecessary expense, after Mr. William Finlay had certified that the work was satisfactory and had been paid for as such.
8. That the department has made payments to contractors contrary to conditions of contract.
9. That the department has furnished unreliable information to the Government, as instance Mr. Patterson's statement respecting the law courts' arcade, and also respecting the cost of the west front and dome of the Houses of Parliament.
10. That the professional staff is incompetent to discharge its duty.

I have the honor to be, Sir, your obedient servant,

HENRY BOWLER BROOKHOUSE.

#### FIRST CHARGE.

"That Mr. Steel, as Inspector-General, did not support me in the discharge of my duty when I complained of the interference of Mr. William Finlay with my duties, and so preventing the Government reaping the full benefit of the system of carrying out the work under schedule of price contracts; and also when I complained of Mr. Barbour for having disregarded my instructions."

9. *By the Board.*—Will you proceed with the first complaint?—I would like my letter book, if you please.

10. That will show the first date of your complaint?—Yes, respecting that first charge.

11. What was the date of your first complaint made in writing to Mr. Steel?—July 5th, 1880  
—[reading the same].

Department of Public Works, Melbourne, July 5th, 1880.

To Charles Le Cren, Esq., Secretary Department of Public Works,

Sir—I beg to bring under your notice the conduct of Mr. Barbour in having disregarded my instructions as to entering certain work in last return, Contract No. 5, Houses of Parliament; and as I have before had to complain of this officer, resulting in his censure, I respectfully suggest that his services as measurer be discontinued.

I have the honor to be, Sir,

Your obedient servant,

H. BOWLER BROOKHOUSE, Quantity Surveyor.

12. You wanted this officer discharged?—Yes, his services to be dispensed with.
13. What were his duties?—He was a measurer on the works.
14. What were your duties?—Surveyor and head of the measuring branch.
15. And this officer was under you?—Yes.
16. And you wanted him dismissed?—Yes; or rather, I wanted his services discontinued.
17. There is nothing on the face of that to show what his delinquencies were?—Yes, it is there.
18. What was your position in the department?—Quantity surveyor.
19. What were the duties of that office?—I furnished the quantities of all the work, and I was responsible for the measurements, and I had officers under me who took those measurements.
20. Is that the taking out of the quantities for each contractor to tender upon them?—That is one portion of the work.
21. For which you received a salary from the Government?—I did.
22. Were there any fees attached to it?—No, there were not.
23. What other duties did you perform?—To furnish returns of works executed.
24. To the Minister or to the head of the department?—Well, I suppose to the Inspector-General—to the head of the department.
25. To whom did you address those returns?—I did not address them at all. I handed them to Mr. Pfund or to Mr. Finlay.
26. Who was your next superior officer?—The Inspector-General, I suppose.
27. Were you next to him in rank?—He was my superior officer.
28. Were you next to him in rank?—There were several in the same rank as myself.
29. Have you got a copy of your gazetted appointment?—I was not gazetted as far as I am aware.
30. What was the nature of your appointment?—On Black Wednesday Mr. Patterson, then Minister of Public Works, sent for me, and asked me if I would undertake the duties of quantity surveyor.
31. Which you accepted, I presume?—I did.
32. Were the duties that you were to discharge then defined by the Minister?—They were not.
33. How did you come to know your duties?—As quantity surveyor I knew what was wanted of me.
34. What authority had you, or from whom did you receive authority, to check quantities in any way?—I was the responsible officer as head of the branch.
35. Did you get your appointment in writing?—No.
36. Did you ever have your duties defined by the Minister or by any officer of the Public Works Department?—No.
37. Then from whom did you receive authority to occupy the position of quantity surveyor?—From Mr. Patterson, when he asked me if I would undertake the duties, and I was then furnished with a letter signed by Mr. Le Cren instructing me—I forget the wording of it—instructing me to take over the books and papers.
38. Did the letter define your duties?—No, not that I am aware of.

39. Did you consider by virtue of the position you occupied on that occasion that you were justified in making any charges that you thought necessary against these gentlemen?—Certainly. They were my subordinates. My status was quantity surveyor to the Public Works Department. I was head of the branch.

40. How many officers had you under you?—I may say first that the day that Mr. Patterson asked me to undertake the office of quantity surveyor I went to Mr. Steel and asked him, "Do I understand, Mr. Steel, that I hold this office directly responsible to you, and you only, as Mr. Fox held in relation to Mr. Wardell?" His reply was, "Yes."

41. Was that position ever properly defined in writing?—Not that I am aware of. I never saw it; still the Secretary may be able to produce some documents.

42. What position did you hold before that, were you in the Government service before?—Yes.

43. In what position?—I was the assistant in the office in the Public Works Department, and previous to then I was assistant quantity surveyor; but I went to Adelaide after that, and came back again to the department, Mr. Wardell having sent for me.

44. Just prior to this appointment were you in the service?—Yes.

45. As a permanent officer?—What we call on the temporary staff; I have been on the temporary staff ever since.

46. In what capacity did you act on the temporary staff?—Draftsman; but before then I was assistant quantity surveyor. You will see my appointment in the records of the department.

47. You acted in the capacity of assistant quantity surveyor?—I did. I then left the department.

48. To whom, at that period, were you responsible?—Mr. Fox.

49. Was Mr. Fox then the recognised quantity surveyor of the Government?—He was.

50. What were his duties?—The duties of quantity surveyor to the Government.

51. Did he occupy the same position that you now assumed to occupy, or did occupy?—That I did occupy.

52. In reference to the department generally?—He did. The only difference was that he was a staff officer, a classified staff officer.

53. And you were merely on the temporary staff?—Yes.

54. But the duties you performed were the same as his, and the responsibility the same to the department and to the same officer?—Precisely.

55. That was Mr. Steel?—Just so.

56. Then you never received a written appointment?—As quantity surveyor?

57. Yes, as quantity surveyor?—No.

58. Your appointment was just verbally made?—Just so, from what Mr. Patterson told me that morning. Perhaps there were some records in the department. I performed the duties at the request of Mr. Patterson.

59. From what date?—Black Wednesday, January 8th, 1878. He appointed me, on the spot, quantity surveyor.

60. Did you receive a reply to that letter you have read, dated July 5th, in reference to the charges you made?—That is what I have to complain of, that no notice was taken of it.

61. That was written to Mr. Le Cren?—Yes; and I went to him to ask why he did not reply; and he said, "Mr. Steel is keeping these things back, and some day he will have to answer for it."

62. Had Mr. Steel, as your superior officer, taken exception to the performance of your duties as quantity surveyor up to this date?—Certainly not.

63. Had there been any exception taken to your appointment?—No.

64. Had you and the other officers worked in harmony up to this date?—My subordinate officers, you mean.

65. I mean, did you, as the recognised officer, and the other officers of the department work in perfect harmony up to this period?—No.

66. Had you, up to that period, any cause of quarrel between yourself and your superior officer, Mr. Steel?—Yes—up to what period?

67. This first complaint, 5th July?—I had. I would not say quarrel, that is rather a strong word.

68. Well, misunderstanding or disagreement?—Yes, disagreement, I prefer that word.—[*The letter referred to, acknowledging the appointment, was read*]:—

(Copy.)

SIR,

Department of Public Works, Melbourne, 10th January 1878.

I have the honor to report that, in accordance with the instructions of the Hon. the Commissioner, Mr. J. H. Fox has handed over to me the books and documents connected with the quantity surveyor's branch of this department; he has likewise informed me of the duties of the office, and kindly volunteered any further information required.

I have the honor to be, Sir,  
Your obedient servant,

H. B. BROOKHOUSE,  
Acting Quantity and Measuring Surveyor.

The Acting Inspector-General.

69. What were the duties of the office of acting quantity surveyor?—The duties of acting quantity surveyor were the same as of the quantity surveyor.

70. What were the duties—I want to know definitely?—I just informed the Board that I was the head of the branch, and in that branch all the quantities were taken out for any large works.

71. And measured by you?—And measured by my subordinate officers.

72. And reported to you?—Sent to me.

73. And to whom did you forward them?—I signed the returns, and sometimes put them on Mr. Finlay's and sometimes on Mr. Pfund's table. You will see by the return forms that it is necessary for two officers to sign them.

74. To whom were you immediately responsible?—To Mr. Steel, the Inspector-General.

75. And to no intermediate officer between yourself and him?—No, certainly not, that was an understanding I had with him when I took the office.





Henry Bowler  
Brookhouse,  
continued,  
10th Feb. 1881.

76. In checking these returns, you examined as to their correctness, and you certified to that, and passed on the certified record to Mr. Finlay?—Yes, or to Mr. Pfund.

77. Why did you do that?—Because he was the officer who had to sign for the work being satisfactory.

78. I want to get at this : since you were solely responsible to Mr. Steel, how did it come to pass that your documents went to an officer under you in status?—Mr. Finlay was not under me.

79. I do not see the exact connection—having those certified copies, I should have thought you would have forwarded them to Mr. Steel?—I followed out the rule of the department in forwarding to the travelling superintendent or the clerk in charge of the contracts.

80. You acted in that just the same as your predecessor did?—Exactly, as far as I could.

81. Was it your duty to certify to the correctness of the measurements before payments were made to the contractors?—It was.

82. Was your signature affixed to the document to prove that?—It was. Of course I had to rely on my officers furnishing correct information.

83. Would it be competent to pay till your signature, as quantity surveyor, was on it—was it necessary for the payment of the accounts that your signature should be attached?—I cannot say it was necessary ; it was usual.

84. Is there a warrant for that?—Yes ; you will see that on the return form—[*one of the printed forms was handed to the Board and inspected*].

85. I see this required your signature and that of the travelling inspector of works?—Yes.

86. Then this would pass on as a certified document, and it would be competent then for the officer to pay on seeing those signatures, but not until then?—I cannot say whether it would have been competent to pay without, but I know it was usual to have those signatures.

87. Did the Minister of Public Works in making your appointment define your duties more fully than that letter does?—He did not define my duties at all.

88. I thought you said when he sent for you he verbally instructed you?—He asked me would I undertake the duties of quantity surveyor, and I said I would.

89. What was the particular ground of complaint that you had to make against Mr. Barbour—more specially than is contained in that letter?—Mr. Barbour came to me and asked me how certain work on the sills was to be entered.

90. Of what building?—Contract No. 5, Houses of Parliament, Mr. Pigdon's contract.

91. Was there anything unusual in that question?—No.

92. What led up to the complaint here?—As I have stated, Mr. Barbour asked how certain work was to be entered. I told him, and at the end of the month I found he had not done so.

93. What were your instructions?—I told him to enter them under "sunk work"; I think I would like to see the contract.

94. He asked you a certain question as to what items sills were to be charged under. You gave him instructions, and he deviated from those instructions by not entering them according to your instructions?—That is just it.

95. What was involved in his disobedience of your orders ; was it a larger amount of money in entering in the class he did, rather than the class you instructed him?—I complained of him as not having entered the work as I directed him to do.

96. Do you know what his object could be in disobeying your instructions?—I have nothing to do with his object. I cannot furnish motives at all.

97. You instructed him to enter under the heading you told him?—Just so ; he did not carry out my instructions.

98. What was the consequence of that, was it a loss to the department, or was it merely a disobedience—a want of discipline?—It was a want of obedience to orders I complain of.

99. What ensued from this disobedience to your orders—was it a loss or gain to the Government?—It would have been a loss to the Government if I had not noticed it. [*A schedule was handed to the witness, and examined by him.*] The item is—"272, medium axed sunk work." Can I see my diaries? [*The same were sent for.*]

100. What we want to know specially is this : is the sole cause of your complaint the want of discipline in his disobedience, or is it that there was a loss to the country involved in it?—There might have been. I stopped it ; I objected to it.

101. That answer is not clear ; the question is a special one requiring a special answer ; you say he disobeyed your orders by charging under a different item?—He came to me, and asked me under what item certain work was to be charged ; I told him under "272, medium axed sunk work."

102. The question put to you is : what was the result of that disobedience of that order?—If I had not noticed this there would have been a loss to the Government in all probability.

103. Why "in all probability"?—I asked Mr. Barbour why he did not obey my order, and he said that Mr. Finlay had told him that he (Mr. Finlay) was going to put it under a special rate.

104. Did Mr. Barbour carry out what you complain of?—Not that I am aware of.

105. You asked him to enter it under item 272—did he do so?—I am not aware whether it was ever entered in that way afterwards. I say Mr. Barbour gave as his reason that Mr. Finlay told him he was going to give a special rate for it.

106. How do you know he disobeyed your instructions if you are not aware that it was put under another item?—He did not put it under the item I told him.

107. I thought you were not sure whether it was entered or not?—I said I was not aware whether it was afterwards so entered.

108. Was there a return in the department with that item under another heading instead of the one you instructed him to put it under?—Decidedly. If you will send for Mr. Barbour's returns and books and my diaries, I will find it out.—[*Mr. Brookhouse's official diaries were handed in, Mr. Steel stating that they had not been opened since they were presented to him on Mr. Brookhouse leaving the department.*]

109. Under what heading do you state this work was returned?—That is what I am looking for now.

110. What work was it you desired to be so entered?—Some sunk work on the sills.

111. Did that come exactly under this heading—medium axed sunk work?—It did.

112. Was it under that heading in your specification; was there any disagreement between the department and the contractor as to what heading it should appear under?—I believe there was afterwards.

113. Was that the first time it appeared in the progress payment sheet?—I believe so.

114. Was that the first time you had detected it?—I do not like the word "detected." It was the first time I had noticed it.

115. Well say observed?—It was. Then I reported it was not entered as I had ordered it. I instructed him to put certain work down to a certain item, and I found he had not done it, and I reported him.

116. Had not the officer you are now complaining of specifications under his hand, and had he any power to interpret them for himself?—No; it was my instruction he ought to have carried out.

117. Was Mr. Barbour clerk of works?—No, measurer.

118. That is progress payment measurer?—That is it.

119. He had nothing to do with the inspection of the work?—Nothing whatever.

120. And Mr. Barbour was subject to you?—He was.

121. And to you only?—To me only. What I have to say is that I gave Mr. Barbour certain instructions, which he disregarded; and I reported him to Mr. Steel for disregarding them, and Mr. Steel took no notice of my report.

122. Ultimately did the item go under its proper heading, and if it did what was the loss that accrued to the Government in the meantime?—I am not in a position to say, because I was away before the final payments were made. The department ought to explain that. I did not certify to the final measurements.

123. I see this medium axed sunk work is put at 1s. per foot—under what item was that put?—I am not aware.

124. How do you know, then, that a loss would have accrued?—I have not said it would.

125. You said that in the event of this item not being placed under the proper heading, in accordance with your instructions to Mr. Barbour, that a probable loss would have accrued to the Government?—Yes.

126. The question is that the item in dispute having been fixed at 1s. per foot, what was the price by its being placed under another heading. If I understand you correctly, you say you do not know?—I did not certify to the final measurements. I was away.

127. If you say there was a loss to the Government by this item being placed under a wrong heading cannot you say the difference between the amounts charged in the two instances?—I cannot tell what Mr. Finlay would have allowed the contractor, assuming that what Mr. Barbour said was correct—that Mr. Finlay had told him he would allow a special rate.

128. Might it have been less or more?—It might have been less; it is not likely.

129. How do you know?—How do I know what Mr. Finlay would have given in.

130. The first act of yours arose from this cause, that the Government would lose by this work not being placed under the item you directed?—Just so.

131. What was your dread—was it not the loss that would accrue?—By a "special rate" I naturally inferred a higher rate.

132. Was this a progress measurement?—Yes.

133. You were responsible for the measurements that were made?—Yes.

134. You say it was not entered in the heading you directed—what heading was it entered under?—  
I want the books.

135. Do you consider you have a right to make serious charges on what you now state was inference?—I have a perfect right to made the charges I have.

136. You state distinctly that you were the responsible officer up to a certain date?—Yes.

137. You say the item was not entered in the classification directed—in what classification was it entered?—I must have all the returns. I have only seen the abstract sheets. My report about Mr. Barbour is for having disregarded my instructions—that is what I complain of.

138. You have gone further than that—you say that probable loss would have accrued by those orders?—Yes.

139. Were you there to over-ride the Inspector-General?—No.

140. For aught you know the Inspector-General might have given contrary orders—there might have been a loss or a gain?—Mr. Barbour should have told me that, then. He only said Mr. Finlay had said he would put it under a special rate. I complain that Mr. Steel took no heed of my communication.

141. But allowing that Mr. Steel was the head of the department, and that this statement made to you by Mr. Barbour was all correct, viz., that Mr. Finlay told him he had placed it under a special rate, that matter reported to Mr. Steel would free Mr. Barbour altogether from disobedience to you?—Mr. Steel I consider should have enquired into the matter.

142. He might perhaps think he was the proper judge of that?—I complain that he took no steps.

143. That brings it to this, that Mr. Barbour's instructions were referred to another officer who may have taken the matter out of Mr. Barbour's hands, and so absolved him from disobedience to you?—I do not see that he is absolved at all.

144. Was he responsible more to you than to Mr. Finlay?—To me. Mr. Finlay had nothing to do with it; he had no right to interfere at all.

145. You assume that Mr. Finlay was about to give a higher rate. When Mr. Barbour told you, did you remonstrate with him as to Mr. Finlay's authority to instruct him?—I did. I told him he had nothing to do with it.

146. I am anxious to know from you whether Mr. Finlay had any authority over Mr. Barbour at all?—None whatever.

147. Could Mr. Barbour have had any direct interest himself in disobeying this order of yours?—Not that I am aware of.

148. What was Mr. Barbour's excuse given by him for not complying with your instruction?—That Mr. Finlay had told him he would put the item under a special rate. That is the only excuse he made to me, and therefore I reported him to the Inspector-General for not entering the work as I had instructed him.

Henry Bowler  
Brookhouse,  
continued,  
10th Feb. 1881.

149. *By Mr. Steel (through the Board).*—Were you aware that Mr. Barbour had ever received instructions from your predecessor during the time he was there, and had been in the habit of receiving certain instructions?—Certainly not. Mr. Barbour was entirely under me. There is the document. Of course I do not know what instructions my predecessor might have given.

150. *By the Board.*—Prior to your undertaking the duties of this office, was there some of this work performed that was placed under the heading that you objected to?—No; this contract was let long after I was appointed surveyor.

151. *By Mr. Steel.*—The effect of my question is to ask Mr. Brookhouse if there had not been a question of somewhat divided authority between the quantity surveyor and Mr. Finlay with regard to Mr. Barbour?—There had been.

152. *By the Board.*—You were aware of that?—I was—oh yes.

153. Was the effect of this that Mr. Barbour had received instructions from you, and at another time from Mr. Finlay?—I believe it was allowed under my predecessor, Mr. Fox.

154. Since you have acknowledged you were not ignorant of that fact, did you ever after this knowledge came to your mind instruct Mr. Barbour not to take Mr. Finlay's directions?—I did, distinctly.

155. Before you made this complaint?—I did.

156. In writing?—No, I had no right to.

157. Did you not consider it of sufficient importance to write about?—No, Mr. Barbour was my measurer and under me only, and he ought to have obeyed me.

158. Were the items after entered in the place you desired?—I cannot say, I was away before that.

159. You were aware then, I presume, that there was a divided authority between Mr. Finlay and yourself about Mr. Barbour?—No, that was Mr. Fox. I never admitted that Mr. Finlay had any authority over my measurers.

160. Can you prove that satisfactorily to the Board?—Yes.

161. In what way?—I shall want the "guard" books; there are some memos. in them.

162. Your simple charge is disobedience in this case?—Yes.

163. You do not deal with the case as against Mr. Finlay?—No, it is only the case against Mr. Barbour.

164. I want to know what was the actual result of this disobedience, whether it was loss or gain to the department?

*Mr. Steel.*—As the Board appears to consider it such a small matter, would it do if the officer complained of were allowed a few minutes to explain, to show what the difference was?

*The Chairman.*—That will be the best course.

*The witness withdrew.*

Robert Thomson Barbour examined.

R. T. Barbour,  
10th Feb. 1881.

165. *By the Board.*—What position do you hold in the public service?—I am resident measurer at the Parliament Houses.

166. How long have you been in that position?—Four or five years—I am not exactly sure which—four years, I think, at the end of this month.

167. You have heard the statement made by Mr. Brookhouse this morning?—Yes.

168. Do you remember the time of the complaint he made against you of disobeying his orders?—No, I do not. I may state, in connection with that, that till he left the office, and I saw those published letters in the newspaper, I never heard a word of that complaint having been sent to the Inspector-General or the Secretary.

169. Nor to yourself?—He spoke to me verbally as to such a thing being in question when I brought the matter under his notice, I think in the month of May. He at that time was uncertain under what item this particular measurement should go. He said, "I will tell you some time hereafter." That work therefore, was not returned in the list of work done at the Parliament Houses in May, so that a progress payment could be made for it. The same thing exactly occurred about this item in June. It had not appeared on any return up to July, and on the 2nd of July I received a letter, which is no doubt in the letter book, asking why the work was not measured and returned. I immediately saw Mr. Brookhouse, who definitely informed me for the first time that the work was to be classed as No. 272, medium axed sunk work. I at once placed it under that heading, and it was so returned to the department, but it took me from the 2nd to the 6th of July to measure up all the various kinds of work done during June of which the sill work was a part, so that the return could not be sent in till the 6th of July. I wish you to observe the dates. The complaint is made since Mr. Brookhouse left the office, and I then find that he was so anxious I should be in the wrong and afraid I should send it in right on the 6th that he writes his letter of complaint on the 5th of July, although the Government were not compromised to the extent of one penny. The item was simply held over, it was not entered in one form or another.

170. Under what heading should it have been properly entered?—I am yet uncertain. The state of the case is this—the item is medium axed sunk work at per foot super., which, according to custom, it is usual to measure for anything over six inches. This item is 3½ inches and is done within an enclosed end, what we call "stop-ended," that is stopped at the back and both ends. Mr. Brookhouse says that he instructed me, though I have no recollection of such. There was an indefiniteness and want of clearness about his first instructions and about his own opinion of the matter, and I may state that was characteristic generally of anything that was doubtful with Mr. Brookhouse. I may mention that from the commencement of the contract there was 65 feet 4 inches run., and it involved an expenditure of one guinea and fourpence, up to the date of the June return, had it been returned then as Mr. Brookhouse wished it.

171. If it had been returned as Mr. Brookhouse wished it, do you say it would have made a difference of £1 1s. 4d.?—No, that is the amount of the whole thing if it had been returned at all.

172. That is the sole amount?—Yes, the total amount up to the June return, the time of which he complains of my not having entered the item, as he states, on the making up of the last return.

173. That was the whole amount involved?—That was the whole amount involved.

174. As your actual measurement?—Yes, as the actual measurement he wished me to make. In May there was 54 feet 7 inches which was not entered. It was held over. In June there was 10 feet 9 inches, making a total of 65 feet 4 inches; and he charges me with having disregarded his instructions in not sending in this item in the last return.

175. And the whole amount involved?—Was £1 1s. 4d.

176. At that time?—At the time of the last return.

177. Did you ever enter this under any other heading than that directed by Mr. Brookhouse?—I can shorten matters by narrating the story as it comes.

178. We do not want to go into particulars unnecessarily. The bare facts of the case will be enough in this instance?—One word, and I am done. I did not return that item at all up to that date, so that, as to the question of loss or gain, the Government simply had the benefit of the interest on the unpaid amount £1 1s. 4d. It was not entered on any other return.

179. Then the Government lost nothing?—Nothing at all. They gained if anything.

180. What heading was it subsequently entered under?—After Mr. Brookhouse told me distinctly verbally about it, it was entered as he wished, and is so now.

181. Is that finally settled and put under the heading according to his instructions?—Yes.

182. You never did enter it, as I understand you, under any other heading?—No, not that item. I may state that I first entered it as "run.," because the contractor protested against its being returned under this item, and naturally I paid some respect to his protests, because he has to sign those things as agreeing with my dimensions. It was suggested it should go under the item "at per foot run."

183. How much?—1s. per foot run.

184. Then you say that the total amount, from the commencement of the contract involved in that item was this one guinea and fourpence—the whole total up to the end of the June return?—Yes.

185. The gross amount?—Yes.

[A letter book was produced containing a letter which Mr. Brookhouse stated would show that Mr. Barbour was in his department.]

Cross-examined by Mr. Brookhouse.

186. Did you ask me to what item that work was to be placed?—Yes.

187. Did I tell you to place it to No. 272?—Not at first; ultimately you did, after the June return went in.

188. Did I then tell you to place it to 272?—You did, after the June return. On the 2nd of July you sent me a note, and in accordance with that I sent in the item on the 6th of July.

189. Was that entered in that return under item 272?—In July, yes; but it had never been returned, one inch of it, up to July.

190. *By the Board.*—Therefore, if Mr. Brookhouse charges you with disobedience to his instructions by not entering this item under No. 272, he says what is incorrect?—Yes, substantially that is so, up to July.

191. And when you did enter it in July you did so on Mr. Brookhouse's instruction, and you placed it under heading 272 in accordance with his directions?—Yes.

192. And previous to that, supposing there was anything wrong, as Mr. Brookhouse thinks, it appears, on its being put right in July, that the gross amount involved up to that date was no more than £1 1s. 4d.?—Yes.

193. *By Mr. Brookhouse.*—Then before July 5th you entered that work to item 272?—Yes.

194. Will you show me where it was entered before July?—It was on the 1st or 2nd of July.

195. Show where it is brought on to the abstract sheets?—I have not got them here, they can be produced. This is a duplicate—[referring to a book]—and I will accept that in regard to this sum as a duplicate of mine.

196. Will you show me where you have entered it before July 5th?—Here it is in this book.

197. Will you show where you entered the item of sills under 272?—It is included there.

198. I want the abstract sheets?—There they are—[pointing to some papers on the table].

199. Those are my sheets. I want your sheets?—I will go and get them.

200. *By the Board.*—Have you now got those sheets?—Yes.

201. Have you examined them?—Yes.

202. Do they correspond with the book?—These are the originals—Mr. Brookhouse's are only copies, and are only correct so far as they agree with mine.

203. Do they agree?—Yes, they agree with mine, and with the return I sent in to him.

204. Are those the official sheets of the department showing the payment is under 272?—I can scarcely answer that without a little explanation. The work I do is copied by a deputy of Mr. Brookhouse's, and that copy of my original is the official one.

205. *By Mr. Brookhouse.*—It is those I want now?—You have got them now.

206. No, I am asking for the returns?—There is a letter-press copy of them.

207. I have not got it?—It has been sent for.

208. You say you heard nothing of my reporting you till some considerable period after; when did you first hear of it?—When I first knew you had reported me to the Inspector-General for having disregarded your instructions in this affair was after October 1880, since the publication of the letters in the newspapers.

209. I told Mr. Barbour at the time I had reported him, and the document was handed to the Secretary, and I would ask the Board whether it is likely those letters could have been sent in and he not have heard of it—reporting him for dismissal?—Absolutely I state that such was the case.

210. I informed him at the time I had reported him for his services to be discontinued?—That I deny. Until the publication of this in the newspaper I never knew of the existence of that letter.

211. All I aver is that I had informed Mr. Barbour that this letter was in the possession of the Secretary, Mr. Le Cren, who told me he had sent it on to Mr. Steel.

212. *Mr. Steel.*—I may state that Mr. Barbour, when I showed him this letter, after Mr. Brookhouse's letters had been published, informed me then that that was the first time he had heard or seen it.

213. *To Mr. Steel.*—You do not remember ever having sent him any intimation?—No.



M. T. Barbour,  
continued,  
10th Feb. 1881

214. *By the Board to Mr. Barbour.*—Are these the official papers?—Those you have in your hand are official papers, but they are copies of those abstracts of monthly measurements.

215. Does that item appear in that sheet you have now?—Yes.

216. Under what heading?—"Run. 3½ inch check."

217. Is that item 272?—No, it is here entered; and, as I have said, the question was put to Mr. Brookhouse as to what item it should go to. In the month of May he did not give me an answer, and it was held over, that is, nothing was done in the way of returning it. In the month of June a similar proceeding took place, and his decision was again asked as to what was to be done, and an indefinite answer was again given, and it was again held over. On the 2nd July 1880 he wrote to me, stating that he wished to know what was the cause of its not being returned, when up till that time he had not definitely instructed me to so return it.

218. *By Mr. Brookhouse.*—I say distinctly I did so instruct him?—That is a matter of credibility, and can be judged of by subsequent evidence. In the meanwhile it was held over, and the department was not compromised to the extent of 2d. In fact, the contractor objected to its going under that item even in July. However, at Mr. Brookhouse's explicit instruction in July it was returned under that item 272, and up till the end of June it amounted to 65 feet 4 inches running measurement in length, 3½ inches wide, which, measured, made 21s. 4d. in value.

219. *By the Board.*—That was the whole amount involved?—The whole amount involved to the end of June, when the complaint was sent in as to my not having returned it.

220. *By Mr. Brookhouse.*—You admit you received a notification from me?—Yes, in July.

221. *By the Board to Mr. Brookhouse.*—After having heard the statement of Mr. Barbour, and having seen the papers produced by him from the Parliament Houses, they being official records, and after having heard Mr. Steel say that he never informed Mr. Barbour of the communication he received from you, do you now withdraw the charge of his having been guilty of disobeying your orders—or do you still persist that the position you have taken up against him is a correct one?—Certainly; I do not withdraw. I will show it clearly by the papers that the work was not returned in July. I want my official returns in Pigdon's contract.

222. What was the date of your report?—July 5th.

223. *To Mr. Barbour.*—What date was this entered under the item 272?—2nd July, in compliance with his instruction.

224. Was the report sent in then?—Between the 2nd and 6th I was making up the return, which was sent in on the 6th. I carried out his instructions the moment I got them from the 2nd of July.

225. And no unnecessary delay whatever took place?—None whatever. Here are my original figures and his copies of them.

*Mr. Brookhouse.*—I will establish this very clearly.

*Mr. Barbour.*—This is the original note, made as the result of Mr. Brookhouse's own instructions—Mr. Brookhouse's own books are a duplicate of that, made by one of his deputies—[*handing in a dimension book, and explaining the entries therein*]. Prior to the 6th of July, when he made the complaint, I had carried out his instructions of the 2nd July, and made the measurements in accordance with his instructions. A return may comprise fifty or a hundred items in a month, and the time between the 2nd and the 6th of July would be occupied in squaring the dimensions, abstracting them on to the sheets, and billing them on to the return which I furnish Mr. Brookhouse with.

226. *By the Board.*—The two preceding months those items remained in abeyance because you could not satisfy your mind as to the heading under which they should go?—Just so.

227. *By Mr. Brookhouse.*—You say you had a notification from me. I want to see it.

228. *By the Board (to Mr. Brookhouse).*—Did you send him the note?—Yes.

229. Do you agree between the two of you about the contents?—No. [*Certain books and papers were handed in and examined by the Board.*]

230. Do you call in question the correctness of these official records?—Yes. I say the work was not returned by Mr. Barbour up to the time I sent in that report.

231. If there is an entry here showing that there was a return of that work, and showing the dates, do you wish us to infer that that is a deliberate attempt to deceive the Board by cooked accounts?—Well, I cannot see any other construction to put on it; but I ask permission to go through those items with Mr. Barbour in the presence of a third party.

232. These are official records?—It is immaterial; there is nothing to identify the work on those sills with any entry there is there. I now formally ask again to be allowed to go through those items in the presence of a third party. I am positive that is not correctly entered. I will undertake to prove that the work was not entered under item 272 at the time of my report.

233. We appear at last to have narrowed the charge down to this—that it is now a question not as to accuracy of entries in the book, but merely as to the time of the entry?—It is.

234. It has resolved itself down to that feature at last—that the returns are correct, but the dates they are returned on are not correct?—I make the statement that it was not returned at the time of that report.

235. It is a question between this return on the 2nd of July and the 6th?—I do not say when it was returned.

236. Then have you anything further to substantiate your inferences?—There are no inferences about it, and I can only repeat the request I have already formally made.

*The Chairman.*—The Board do not think it necessary to comply with your request, after the very full and complete evidence that has already been tendered in regard to the first charge.

237. *By the Board (to Mr. Steel).*—Have you any questions to ask Mr. Brookhouse?—I have no desire to cross-question Mr. Brookhouse; and I just simply state that as this is the first item in Charge I.—"That Mr. Steel, as Inspector-General, did not support me in the discharge of my duty when I complained of the interference of Mr. Willam Finlay with my duties, and so preventing the Government reaping the full benefit of the system of carrying out the work under schedule of price contracts, and also when I complained of Mr. Barbour for having disregarded my instructions"—I quite feel justified, as the head of my department, in disregarding the advice of an officer who suggested that a subordinate of his be dismissed, as long as I see sufficient reasons to do so, which I did in this case.

*Mr. Brookhouse.*—I did not say dismissed.

*Mr. Steel.*—Well, he suggested that his services as measurer should be discontinued. I did not see reason to do so, and, as head of the department, I had quite a right to retain Mr. Barbour in the service, after I thought Mr. Brookhouse's complaint had no substantial grounds in them.

238. It may be well to enquire the reason why you did not reply to the communications—was it in consequence of your regarding them as frivolous?—(*Mr. Steel*) Yes, it was simply for that reason.

239. Is it not an order of the department, as a rule, to reply to every communication it receives, if it is respectfully worded?—Usually—it is, as a rule.

240. Do you not think it is a pity, under any circumstances, it was deviated from in the present instance?—I do not think so in the present case; I think that a memorandum or letter from an officer of the department is merely a suggestion.

241. Would not common courtesy, as a rule, even from private persons, one to another, apart from your being the official head of the department, dictate a reply to communications, though your ideas were not in unison with the contents?—Usually it is so, but in a department it is not always the custom.

242. Is it the usual routine to reply direct to reports sent in by inferior officers to the head?—No, it is not usual.

243. The customary routine is to reply to those outside the department, and not inside?—Yes.

244. Do you think that it would be better if the department, in cases where the dismissal of an officer is recommended by a superior, that in the future a reply should be sent?—No, I do not think it would be advisable to give reasons.

245. Do you consider it would be subversive of the discipline of the department to answer direct in that way?—It would be a great deal easier to send for the officer himself. I do not approve of having official communications between officers who are in the same establishment—it is not usual.

246. *By Mr. Brookhouse.*—You did not approve of that, then if I have occasion to report an officer you do not consider it advisable to do it?—Yes.

247. Then what am I to do?—That is a different case.

248. I reported this case to you and I received no reply?—

249. *By the Board (to Mr. Steel).*—Such matters as that are simply dealt with in the department, initialled or minuted and kept in the department—no reply sent, that is the usual practice?—Yes.

250. *By Mr. Brookhouse.*—Will you kindly produce that letter of mine, and see what was done with it?—Here it is.

251. It was not initialled or anything?—It was initialled by the Secretary as sent on to me.

252. *By the Board.*—Did you make a minute on it as to what reply should be sent, or whether it was necessary to send a reply?—I did not think of sending a reply.

253. You simply disagreed with the suggestion?—Yes.

254. I suppose you get a great many reports sent in from your inferior officers that you do not feel bound to agree to?—Which I do not reply to in regard to their suggestions.

255. *By the Board (to Mr. Brookhouse).*—Your reference to Mr. Finlay in this first complaint arises simply out of this particular case in relation to Mr. Barbour?—Yes.

256. Is that the whole of the complaint you have to make against Mr. Finlay in this particular case?—Yes.

257. Also as regards Mr. Steel in regard to this particular complaint?—Yes.

*Consideration of first charge concluded.*

## SECOND CHARGE.

“That the Inspector-General neglected to dispense with the services of one of my subordinates when I reported in January 1880 that his services were no longer required, owing to the completion of certain works.”

Henry B. Brookhouse re-examined.

258. *By the Board.*—Who was the officer?—Mr. Barbour.

259. Did he act under you in certain works?—He did.

260. Which works?—The Houses of Parliament.

261. And upon the conclusion of the works in the Houses of Parliament you asked Mr. Steel to discharge Mr. Barbour, because you had no further use for his services in the Parliament Houses?—I will read the letter:—

Department of Public Works, Melbourne, 16th January 1880.

MEMO. for the Inspector-General.—*Re* Houses of Parliament.

As the works comprised in Contract No. 4, at above, are now all but finished, Mr. Barbour's services will no longer be required as measurer thereon, as I shall be able to find time to measure the works about to commence under Contract No. 5.

H. BOWLER BROOKHOUSE, Quantity Surveyor.

262. Did you get an answer to that?—No.

263. That is the end of that case as far as you are concerned?—Yes.

*The witness withdrew.*

William H. Steel, Inspector-General of Public Works, examined.

264. *By the Board.*—Did you receive a letter from Mr. Brookhouse in January 1880, recommending your dispensing with the services of one his subordinates?—I received a “memorandum for the Inspector-General.”

265. What action did you take with regard to that?—I took no action, as I considered the question, and I came to the conclusion that it was undesirable to dispense with the services of Mr. Barbour then.

266. You thought his services were required?—Yes, or would be required, of which I considered I was the one to judge.

267. Did you keep Mr. Barbour at the Parliament Houses to supervise those works after Mr. Brookhouse told you that he was in a position to do it, and could have performed it without the help of this gentleman?—Yes, I did.

R. T. Barbour,  
*continued,*  
10th Feb. 1881.

Henry Bowler  
Brookhouse,  
10th Feb. 1881.

William H. Steel,  
10th Feb. 1881.



William H. Steel,  
continued,  
10th Feb. 1881.

268. Why?—Because I considered it was desirable to retain Mr. Barbour on the works, especially as a large contract for the completion of those works might be gone on with at any time. On those grounds, those were the principal grounds.

269. Did you consider it necessary to fall in with the suggestion then of reducing the expenses of the department by permitting one officer to discharge the duties instead of two?—No; I did not.

270. You did not consider it would be for the interests of the public service?—No; I did not consider it would be for the interests of the public service to do so.

271. Why was that; was it simply that you did not consider that one man was competent to perform the work?—I considered that the work would be better carried on by retaining Mr. Barbour on those works than by having him dismissed, and Mr. Brookhouse undertaking that work.

272. Did you consider the efficiency of the public service would be impaired by the recommendation of the memo. you have just read; that the work would be less satisfactorily performed; did you consider that the work would be less satisfactorily carried out if the suggestion made in that memo. were complied with?—Yes, I did.

273. Why?—And therefore I simply declined to entertain it; I simply did not entertain the question.

274. Did you have confidence in Mr. Barbour?—Yes, I had.

275. Had Mr. Barbour for a long time been in the habit of doing work satisfactorily to the department?—Yes, he had, so far as I know; and one thing I may as well bring in, as it came on before, there were serious differences between him and Mr. Brookhouse previously.

276. Did you look upon this recommendation as not in the interest of the public service, but for the purpose of satisfying private pique?—I did not draw that inference; but such were the facts of the case, that there had been serious differences between Mr. Brookhouse and Mr. Barbour, and also I may say between Mr. Brookhouse and the inspecting officer of the department, which I considered rendered it unadvisable for me to act.

277. As the acting head of the department, if you saw that economy could be practised by reducing the staff, would you consider it your duty to fall in with the recommendations of your officer in that direction?—Yes, most undoubtedly.

278. Does it not strike you that this memo. is of that character apart from other considerations?—Yes, it deserved consideration.

279. It being so, do you consider that a reduction could have been made without in any way affecting the proper carrying out of the work of the public service by those officers?—I do not think it could, under the special circumstances of the case.

280. Would you have equal confidence in measurements prepared by Mr. Brookhouse as by Mr. Barbour at that time?—Yes; I may say I consider I would even more so, because I consider Mr. Brookhouse was what I would call a higher class officer.

281. Do you consider that you are doing your duty, even to subordinate officers who address to you important communications, to treat them with the contempt you appear to have treated one or two of the communications forwarded by Mr. Brookhouse to you?—I do not think it treats them with contempt; they know it is not being done; they are in the office. I do not think it advisable to treat officers in the same department with the same red tape, as we call it, as you treat an outside applicant.

282. Is there any ill feeling existing between you and Mr. Brookhouse, or are you on terms of friendship?—We are not on terms of friendship, most certainly.

283. How long has any ill-feeling existed?—We have had no ill-feeling at all, we have treated each other with perfect courtesy. I may say also that I was the means of introducing Mr. Brookhouse into the department. He came to me as a stranger with a letter of introduction. I introduced him to the then quantity surveyor, who was then forming his branch. He was in the act of collecting the staff, and he then employed him as I asked. Mr. Brookhouse then left, and went, as he informed you, to Adelaide, and then was re-employed in the office as the assistant draftsman; and I may explain how he became quantity surveyor. On the 8th January, if I recollect right, when Mr. Brookhouse's predecessor had been dispensed with along with the other officers, I was with the Minister, and I believe he asked me, "Who shall have the charge of the quantity surveyor's branch?" and I believe that I immediately said, "I think Mr. Brookhouse is the most suitable officer." The bell was then rung, and Mr. Brookhouse was called up. I said, "Mr. Brookhouse, will you take charge of the quantity surveyor's branch?" You asked the relations existing between Mr. Brookhouse and myself. After Mr. Brookhouse had been appointed I found that he had very, as I think, straight ideas as to the duties of the headship of his own department. He assumed that he was not to be interfered with in any way. Now I shall just point out that, in a large public building, that is practically impossible. The representative to the contractor of the Government on a building is the superintending officer. He is the representative to the contractor, and in a large building such as the Parliament Houses or the law courts it is actually necessary that he should be cognizant of every work that goes on—that every part of the work that goes on should be known to him. Mr. Brookhouse appeared to take up the attitude that, as regards quantities, there was to be no interference with him by the superintending officer. Now, if the schedule on which that building was being built was a complete and perfect schedule, it would be all right. Mr. Brookhouse could isolate himself and say, "I do not wish interference," but when you have items in the building which do not appear on the contract, and, as you have heard, disputes as to which item a certain part of the work ought to be put to, it is actually necessary that the quantity surveyor should co-operate with the superintending officer—that was where the pinch was. I found that Mr. Brookhouse did not co-operate with either the superintending officer on the building, nor did he agree with his own subordinates. At the time he took office they were at the law courts, and a Mr. Cocking was under him. On the first year of Mr. Brookhouse's employment as quantity surveyor he reported to me that Mr. Cocking and he could not get on together, and he therefore, after some time, asked that Mr. Cocking's services be dispensed with, on the grounds that he could not work harmoniously with him. I supported him, and the result was that Mr. Cocking had to go. I said it was actually indispensable that Mr. Brookhouse and the measurer at this building should be able to work harmoniously, and that as they did not appear to be able, this officer had to go; and, on Mr. Brookhouse's recommendation, another officer was appointed in his stead. After that, or in the same year, Mr. Brookhouse had a serious difference with Mr.

Barbour, of which we shall hear in the course of the other cases. And then there were always differences arising between Mr. Brookhouse and Mr. Finlay, the superintending officer of those buildings. At the same time there was always perfect courtesy on each side. As you asked the question if we were on terms of friendship, I would say we were simply on terms of official duty.

William H. Steel,  
continued.  
10th Feb. 1881.

284. Then it is not at all an exceptional case for Mr. Brookhouse to be at variance with the subordinate officers under him?—No.

285. In fact it is general?—I will not go so far as that; but I can say that Mr. Brookhouse disagreed with his two principal officers; got one dispensed with, and then a disagreement with the other, about which we shall hear. They disagreed generally; he has always disagreed with the superintending officer.

286. In a general way, if a complaint of this kind emanated from any of the officers under your special charge, would you consider the matter of sufficient importance, in the interests of the public service, to bring it under the notice of the Minister, to have it either rejected or approved of?—No; I would consider I was responsible, and that I should assume the responsibility of dealing with it, as I did in this case.

287. Would you consider the officer had done his duty, and was ended with it, without any reply being sent to him?—Yes.

288. And that it, after that, rested with you?—Yes, that it rested with me to deal with it or otherwise.

*The witness withdrew.*

### THIRD CHARGE.

“That Mr. Steel neglected to take proper cognizance of my complaints against such subordinate for having made improper measurements and entries, and that he tried to silence my complaints as to irregularities.”

H. B. Brookhouse further examined.

289. *By the Board.*—There are more serious charges involved in that perhaps than the previous ones. May I ask who are the parties alluded to in this case?—I shall read the letter. “January 6th 1880. For the Inspector-General *re* ‘Contract No. 4, Houses of Parliament.’ Mr. Barbour having made entries as to above with which I disagree, I have instructed him accordingly, and as delay will occur in the return, I bring the matter under your notice.—H. B. BROOKHOUSE.” That was to the Inspector-General. I shall want a lot of papers in respect to that.

Henry Bowler  
Brookhouse,  
10th Feb. 1881.

290. Have you the report that went with that memo.?—No.

291. Because this statement here says, “complaints against such subordinate for having made improper measurements.” You say all measurements with which you have disagreed?—If I disagreed with it; it is an improper measurement—that is what I propose to show, that Mr. Barbour made entries which I consider improper.

292. The word improper is very vague. Do you mean a return with measurements which were in excess of the proper rate?—I shall show the entries, and I will give my reasons for disagreeing with them, and the Board can put their own construction on why I disagreed with them.

293. Did you propose to show that the measurements were in excess of the quantities to be returned, or that they were charged at improper rates?—I propose to substantiate that charge—that is what I intend to do.

294. What was the ultimate result of that charge—were your ideas confirmed, or was the position that Mr. Barbour took upheld?—I do not know how the matter was settled; it was not settled when I was in the department.

295. Do I understand you to wish the Board to believe that Mr. Barbour, having made measurements, and in giving his returns, made improper returns by giving you incorrect measurements, and you subsequently discovered by checking these that they were in excess of the quantities that were properly to be charged for, or in excess of the price to be charged for?—I shall show that Mr. Barbour made entries with which I disagreed, and the Board can put their own constructions upon it.

296. That is going all round the question?—That is not going all round the question.

297. What do you charge him with?—With having made improper entries.

298. Show us one?—I will show the items.

299. It might have been improper in the sense of wrong spelling?—Oh, no. I will show what it is, and the Board can put their own constructions on it. I will show the items, and I will explain all about them when I show them to you.

300. Surely you can answer the question as to what you propose to show?—I tell you that I will show you items with which I disagree, and I will give you a reason for it when I show the items; but I want to cross-examine about these items.

301. The mere term disagreeing is vague?—But I am the responsible officer.

302. We want to know the nature of the charge involved in these general terms used by you. Is it your intention to show that the officers under you at that time were in collusion, or in any way were trying to benefit the contractor?—I say the Board must put their own construction on it. I am going to show improper entries.

303. You are bound to specify something, in order to have the records and items produced?—It is that Mr. Barbour made improper entries.

304. That might have resulted in a loss or gain to the department?—Let the entries show it.

305. You ought to be able to show generally the outcome of the enquiry?—Let me show the items. I have made a charge there.

306. You should be more specific?—I am entirely in the Board's hands.

307. Will you state clearly if it is merely a quibble of a few days or hours in regard to some entry?—I want to show that Mr. Barbour made improper entries in the books.

308. What were they?—Really I have been out of the department three months, and this was twelve months ago; you cannot expect me to keep the figures in my memory.





Henry Bowler  
Brookhouse,  
continued,  
10th Feb. 1881.

309. Certain charges are brought against the officers of the department—we are to take evidence of the statements you have to make, but we wish to see what is the nature of that general charge. We want you to make a statement first as to what you really mean to convey to the Board—for instance, that the State was or was not injured in some way by improper measurements, or that the contractors were favored in excess of the work done, or charges were allowed them in excess of the right amounts—we want some groundwork to start with, and without that I do not think we have any right to ask for documents from the department?—Very well. I want to see those documents and books to show that Mr. Barbour made improper entries.

310. What books?—The measurement books of Delbridge and Thomas's contract, No. 4.

311. Do you accuse Mr. Barbour, in that contract, of having made false measurements?—Improper entries—do not put words into my mouth.

312. What is the meaning of "improper entries," inasmuch as he did what?—I can show you the entries that they are improper.

313. Pardon me, Mr. Brookhouse, if you bring grave charges against any individual, it is only right he should know the nature of them before we begin, instead of going round and fishing for them?—I know there are improper entries in those books.

314. What do they show?—I will show you what they show.

315. Have you got the letter there that conveys the nature of this charge?—No; I require a lot of books to be produced. The books I want are the dimension book and the abstract sheets in Delbridge and Thomas's contract for the Houses of Parliament.

316. I want to know whether this charge of improper measurements means the falsification of accounts, such as would lead to some loss to the public service, or such as would mislead the officers of the department, so that they would certify to an improper return?—I will now say that those entries, if paid for, would have resulted in a loss to the Government. Now you have got something tangible.

317. What entries?—Those I am going to bring forward.

318. Can you approximate the amount of loss?—No.

319. *The Chairman.*—The Board wish you carefully to look through this charge we are now dealing with, and all the other charges not considered yet, and to write to the Secretary of the Board stating what books and papers you require, so that we may lose no time at our next meeting by having them all ready at once?—I will do so.

*Adjourned till Wednesday next at eleven o'clock.*

WEDNESDAY, 16TH FEBRUARY 1881.

*Members present :*

Mr. FINCHAM, M.L.A., in the Chair ;

Mr. Fraser, M.L.A.,  
Mr. Zox, M.L.A.,

Mr. Barr, M.L.A.

Mr. Brookhouse, and Messrs. Steel, Finlay, and Barbour were called in.

*Mr. James McKean*, solicitor, applied to be allowed to be present, in his professional capacity, to watch the case on behalf of Mr. Brookhouse.

*Mr. Steel.*—If the Board decide that Mr. Brookhouse is to be represented by counsel, of course I must also claim on behalf of the officers of the department to be represented in the same way; and as this is the first intimation of such a thing, it would require a little time to make the necessary arrangements.

*The Chairman.*—Do you prefer that as a formal request on behalf of the officers?

*Mr. Steel.*—Yes. At the same time I do not ask it. I do not join Mr. Brookhouse in asking for counsel. I am quite prepared to go on as we are.

The Board-room was cleared.

The Board deliberated.

The parties were called in.

*The Chairman* stated that the Board had unanimously resolved that since the request to permit counsel to appear was not made at the commencement of the proceedings, and as the evidence on two of the charges had been closed and a third charge entered upon, it was not considered necessary at this stage to admit counsel.

*Mr. McKean* was heard to protest, and to recommend his client not to proceed with the enquiry, but to bring an action in a civil court.

*Mr. Brookhouse.*—I shall accept the advice of my solicitor. My intention is to bring an action against the Government for wrongful dismissal, and to show malice.

*The Chairman.*—You will see the necessity of finishing up pointedly the matter we have taken in hand. I wish to know from you now, having entered upon your case and given evidence on two of the charges which you brought forward consecutively, and on which the Board are prepared to give their decision, whether you are of opinion that you are not equally capable of carrying the remaining charges through?

*Mr. Brookhouse.*—I decline to answer any further question.

Mr. Brookhouse left the room with Mr. McKean, and the Board further deliberated.

*The Chairman* stated that it did not appear to the Board that any further reply would be required from the officers of the department to the charges already dealt with.

*Mr. Steel.*—The only thing I consider the Board have not had clearly put to them, and I intended to call Mr. Le Cren to show, that is, as to its being quite the custom and rule when a subordinate officer sends in a letter or memorandum to his superior recommending that another subordinate be dismissed, that such a letter does not require an answer, and be not answered. If the suggestion is made to the head of a department, he has simply to receive it. If he declines to act upon it, he requires to send no answer to the

subordinate; he has taken the responsibility. I wanted that to be quite clear in the evidence. I also wished Mr. Le Cren to say whether the construction put upon his words by Mr. Brookhouse was meant by him in reply to question 61. "That was written to Mr. Le Cren?" Mr. Brookhouse said, "Yes; and I went to him to ask why he did not reply; and he said, 'Mr. Steel is keeping these things back, and some day he will have to answer for it.'" If it is your pleasure I should like to ask him if that was the interpretation he put upon it.

*The Chairman.*—Do you wish to have it cleared up? If so, I do not see any objection.

*Mr. Steel.*—It is simply because it implies an apparent jar between the administrative and the professional head of the department, which does not exist.

Charles Le Cren examined.

320. *By the Board.*—There is a matter the Board are anxious to have cleared up. In his evidence Mr. Brookhouse stated that he sent a letter to the department complaining of an officer. In the printed evidence you will see his answers to questions 60 and 61 :—" 60. Did you receive a reply to that letter you have read, dated July 5th, in reference to the charges you made?—That is what I have to complain of, that no notice was taken of it.—61. That was written to Mr. Le Cren?—Yes; and I went to him to ask why he did not reply; and he said, 'Mr. Steel is keeping these things back, and some day he will have to answer for it.'" Do you remember that circumstance?—I recollect Mr. Brookhouse writing three or four—several letters to me, which I referred to the chief professional officer, Mr. Steel, and I recollect subsequently Mr. Brookhouse complaining to me that no notice was taken of his letters; that he had received no replies. "Well," I said, "it is not usual always to reply to letters written by the officers of the department; and, as Mr. Steel is the chief professional officer, the letters have been referred to him; and, if he does not reply to them, I suppose he will take some action; if not, he will of course have to take the responsibility. You have drawn attention to the matter, and the responsibility rests with him."

Charles Le Cren,  
16th Feb. 1881.

321. Is it true or not—this answer that is supposed to be yours. Mr. Brookhouse quotes your own words—"Mr. Steel is keeping these things back, and some day he will have to answer for it." Did you state that?—No, certainly not.

322. Or anything bearing that interpretation?—No, it could not be true, because Mr. Steel would naturally keep the papers, and I could have sent for them at any time.

323. He may have meant that this communication had been sent to Mr. Steel and he had neglected to reply, if your reply was—"Some day he will have to answer for it"?—I recollect telling Mr. Brookhouse distinctly it was not always customary to reply to letters from subordinates. "But," I said, "you have brought the matter under the notice of Mr. Steel; he will deal with it, and will take the responsibility if he does not."

324. You never expressed the opinion conveyed in the words quoted by Mr. Brookhouse?—Never.

325. Your words could not bear that construction?—No.

326. It implies that Mr. Steel was doing wrong by keeping those things back. You say that nothing you may have said to Mr. Brookhouse could bear that construction in your mind?—I never made use of those words, and the words I used could not possibly have borne that construction. I simply wanted him to understand that Mr. Steel was quite competent to take the responsibility of his own acts in the matter.

*The witness withdrew.*

*Mr. Steel.*—I would like to say further that, as my answer to the Minister of the department in regard to these charges was read in the House, I would like to read that now. It is as follows :—"I have the honor to remark that the general statements and allegations contained in Mr. Brookhouse's letter are more or less misleading, and that those in particular reflecting on the senior officers of the department are simply untrue." That I adhere to. May I add that at the same time, on behalf of the department, I am quite willing to go into every item and challenge every charge Mr. Brookhouse has made. And I may say one thing, that as several of the items refer to officers who left the department on the 8th January 1878, I take this opportunity to enter my indignant protest against any charges or implied charges being made against them. I was prepared to defend them particularly, and I cannot but enter my protest against those who are not here to defend themselves being attacked.

*The Chairman* stated that this would close the evidence, and that the Board would now proceed to the preparation of their report.

*Adjourned.*

