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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

FEDERAL CAPITAL ADMINISTRATION.

R E P O R T

OF THE

ROYAL COMMISSION.

(1.) ISSUES RELATING TO MR. GRIFFIN.

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ROYAL COMMISSION ON FEDERAL CAPITAL ADMINISTRATION.

R E P O R T.

I. ISSUES RELATING TO MR. GRIFFIN.

To His Excellency the Right Honorable SIR RONALD CRAUFURD MUNRO FERGUSON, a Member of His Majesty's Most Honorable Privy Council, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor-General and Commander-in-Chief of the Commonwealth of Australia.

MAY IT PLEASE YOUR EXCELLENCY—

1. In discharge of the duties imposed upon me by your Excellency's Commission issued on 14th June, 1916, directing me to inquire into and report upon certain matters concerning the Department of Home Affairs, and its officers and persons whose services are engaged by or on behalf of the Commonwealth in relation to the Territory for the Seat of Government, and certain other matters referred to in questions asked, answers given, and speeches made in the House of Representatives, more specifically stated in the said Commission, copies of which questions, answers, and speeches are attached thereto; and the further Commission issued by your Excellency on 17th July, 1916, directing me to inquire into, and report upon, the question whether any public money has been wasted in the Territory for the Seat of Government in connexion with the construction of works or buildings or in administration by or on the advice of any officer of the Department of Home Affairs, whether directed by the responsible Minister or not; I have the honour to furnish your Excellency with the first section of my report on matters relating to the Territory for the Seat of Government, that being the only question in respect of which inquiry has yet been made. The inquiry as to the questions relating to postal buildings in the various cities of the Commonwealth, and to the Commonwealth offices, Treasury Gardens, Melbourne, has not been entered upon.

2. The sittings of the Commission for the purpose of hearing evidence extended from the 18th July, 1916, until 21st February last, frequent adjournments being made from time to time to meet the necessities of parties appearing at the inquiry. In all, 52 witnesses were examined; upwards of 40,000 questions were put and answered; and nearly 400 Exhibits, some of them very voluminous, were tendered in evidence.

3. The evidence in support of charges covered innumerable acts of conduct and administration, and the attack was so strongly pressed that in some instances I have to determine whether works were so weakly constructed as to be dangerous and unsafe, and, on the other hand, whether these same works were not constructed of such excessive strength as to provide evidence of waste in expenditure. In other cases charges have been made of a similarly conflicting character. The transactions of the Home Affairs Department, its Ministers and officers, relating to the Federal Territory for the last six years have been under investigation, and I am satisfied that all matters of any consequence, involving any suggestion of faulty administration or conduct that have been discovered upon the closest research, have been brought before the Commission.

4. The Honorable William Webster, Postmaster-General, appeared in support of the charges made in his speeches and of the charges of wasteful expenditure, and in his labours had efficient expert and clerical assistance. His assiduous devotion to the task he had undertaken resulted in bringing before the Commission a great number of facts and matters, knowledge of which could not otherwise have been obtained. I have to express my obligation to him for the assistance he has given me in furthering the work of the Commission. The Honorable W. O. Archibald also appeared at certain sittings when the evidence related to the time of his administration, and he brought before the Commission very important and necessary evidence. Colonel P. T. Owen, Director-General of Works, and, in his occasional absence, Mr. Thomas Hill, engineer, appeared for themselves and all other officers, and by their diligent efforts also facilitated the work of the Commission in obtaining evidence necessary to the elucidation of the issues raised.

5. The charges made and questions raised arrange themselves under six principal heads as follow :—

- (1) Issues relating to Mr. Griffin.
- (2) Accounts and finance at Canberra.
- (3) Wasteful expenditure at Canberra.
- (4) Sewerage for Canberra.
- (5) Brickworks.
- (6) Water supply, power, and miscellaneous matters.

I propose in this section of the report to deal with the issues relating to Mr. Griffin. These issues affect his reputation and that of Ministers and officers of the Department, and their determination is consequently a matter of great urgency. Sectional reports dealing with the other five heads of inquiry will be issued with as little delay as possible.

I.—ISSUES RELATING TO MR. GRIFFIN.

6. On the questions to be determined with regard to Mr. Griffin the following facts arise : Mr. Griffin was on 18th October, 1913, appointed by the Prime Minister, the Right Honorable Joseph Cook, P.C., "Federal Capital Director of Design and Construction," for a term of three years, at a salary of £1,050 per annum. Under his agreement Mr. Griffin was *inter alia* empowered—

4. (a) For the purposes of the creation and development of the Federal Capital City at Canberra to prepare designs, specifications, plans, and documents, and generally direct the details and execution of works necessary to give effect to them and, in particular, but without limiting the foregoing words :—
 - Public Ways and Parks.
 - Paving of Roads and other Ways.
 - Street and Park Planting.
 - City Beautification.
 - Services and Equipment.
 - Accessory Structures.
- (b) Advise upon the future development of the Federal Capital City, including the location of structures, their co-ordination, constructional materials, and relative scale and proportions.
- (c) Advise upon and (if so requested by the Minister) prepare conditions of competition for public buildings and works for the Federal Capital City and preliminary feature plans for the guidance of competitors.
- (g) Perform any other work in connexion with the Federal Capital City which is in keeping with the character of the position of Federal Capital Director of Design and Construction.

7. Mr. Griffin entered upon the performance of his duties forthwith, but according to his own evidence (2220–2229)* up to 15th November, 1915, he "had not advised as to the erection of any of the buildings erected meanwhile at the Federal City, although buildings costing £30,000 had been erected;" nor had he "given any advice which resulted in the construction of any building or the carrying out of any works," and his "employment was of no use whatever to the Government in respect of any such buildings or structures," nor had he "given any advice in furtherance of the creation

* Number of paragraphs in Minutes of Evidence.

and development of the Federal City," except "with regard to the advisability of planting some cork-bark oaks," and nothing had been done in accordance with his advice in respect of roads or bridges or in respect of the water supply upon which £196,000 had been spent.

8. Upon the evidence I find that Mr. Griffin was perfectly right as to these facts, but he had rendered some service under his contract in the supervision of his draughtsmen, who were employed upon some work preliminary to the creation of the City, and also in the preparation of a plan, 400 feet to the inch, a work that he had been ordered to perform, but which he always regarded as being wholly unnecessary, and intended only to delay and obstruct him in his work. The fact is that during 26 months Mr. Griffin did not perform the duties of his office. The question is whether he or other persons are chargeable in respect to this default.

MR. GRIFFIN'S CONDUCT.

9. No charge of neglect of duty or other like default has been made against Mr. Griffin. The evidence shows him to have been keen in his desire to perform his part in the creation of the Capital City, and thereby to add to his reputation as a city designer. I do not find that any official or personal act or fault on his part justified or induced any official conflict. He made some mistakes, but these were not of such consequence as to justify any resentment by other officers. He was, for instance, going beyond his office in asking to be allowed "to express his views and make some suggestions to the Minister regarding the proposed Portland Cement Factory (Exhibit 'A 1,' page 100) for the Commonwealth." He had not, I think, the right to do this under his contract (pl. 4B). To this request a curt reply came from the Minister, the Honorable W. O. Archibald (Exhibit "B 15"), informing Mr. Griffin that the matter under consideration was in "relation to the manufacture of cement for the Commonwealth, and that technical advice on the processes, and engineering advice is being obtained from the responsible officers of the Department." The letter concluded with a statement that if Mr. Griffin had any suggestion to make from the stand-point of city design he might furnish a report, and there the matter ended. The reference to "responsible officers" occurs elsewhere in documents relating to Mr. Griffin and the permanent officers.

10. I think Mr. Griffin went too far also when he protested against the repairs done to the road to the north-east from Canberra as being an interference with his design. The road clearly was inconsistent with his design, but the repairs appear not to have exceeded what was reasonably necessary for its safe use, pending the formation of the roads designed by Mr. Griffin. Another error on his part was that in his requests for information he on several occasions was not sufficiently definite, and defeated his own purpose by using terms which would include information that was not required, and could not without great labour be obtained. Two of these requests will be noticed later; for the present I need only say that no official friction should have resulted from them. In one instance, more particularly noticed in paragraph 137 following, he made what seems to be an unjust attack on Colonel Owen in respect of an estimate furnished by that officer, but this attack was made on 11th May, 1915, when he and the other officers had been in contention for twelve months, and it is in reply to statements in condemnation of his design and of his own professional ability.

11. Certain other matters relating to his conduct must also be referred to. The Honorable W. O. Archibald in his evidence (page 21) states that at the first interview he had with Mr. Griffin on 30th September, 1914, the latter "threatened him as Minister of Home Affairs with a law-suit for breaking his agreement. The law-suit was not threatened in connexion with the cancellation of the competition; he personally threatened law on the ground that he was not permitted to carry out the terms of his agreement;" and Mr. Archibald says that in consequence of that threat he referred to Mr. Garran, Commonwealth Solicitor-General, for an opinion as to his liability in the matter. Mr. Griffin (page 59) denies that he made any such threat. It appears to me that Mr. Archibald's recollection cannot be quite accurate on this point, because the opinion that Mr. Garran furnished on 3rd October, 1914, was to the following effect:—

- (1) That, in carrying out the duties of the office, the Director is subject to the directions of the Minister; and
- (2) That the amount of professional and other assistance to be provided to the Director is in the discretion of the Minister.

No word of reference to any law-suit or threat of litigation is contained in Mr. Garran's memorandum, and I think that the matter is much more accurately put by the Minister (page 21) when he says that "Mr. Griffin held he was entitled by law to practically do the whole work at Canberra, and that no one could gainsay him." Mr. Garran's opinion must have been stated with reference to an official claim of this nature.

12. Mr. Archibald in his evidence (page 11) says, "When other officers did come into contact with Mr. Griffin, the friction came from Mr. Griffin's side. He was rubbing them the wrong way;" further, that "Mr. Griffin's attitude towards the officers became so irritating that when I asked the latter for a report, they would say they would rather not supply one, because of the irritation that would follow." No other evidence of irritating action on Mr. Griffin's part was given, and Mr. Bingle (15612) states that Mr. Griffin had never shown him any discourtesy or done anything to prevent official relations being properly maintained. Colonel Miller (13354) says, "At this particular juncture (7th October, 1914), the relations existing between Mr. Griffin and myself were quite cordial. Mr. Griffin and I have always got on very well together—admirably. He was my guest at my own house."

13. Mr. Archibald complains of Mr. Griffin's overbearing manner; of his contention that his agreement gave him the right to do absolutely what he liked; that one of his letters was very offensive, but that he took no notice of it; and that he looked upon another letter (page 50, "A 1") as a "bluffing letter" (Evidence, page 32). I do not agree with Mr. Archibald as to his description of either of the letters referred to, and with regard to the bearing and conduct of the two I think I was greatly assisted by watching the cross-examination of Mr. Griffin by Mr. Archibald. Some of the questions allowed were couched in terms discourteous, if not offensive (see paragraphs 948, 953, 982), and others had to be disallowed because, in my opinion, they exceeded the proper limits, while Mr. Griffin in his answers and bearing, even under extreme provocation, was always courteous. I should have disallowed two of these questions if I had not desired to see whether Mr. Griffin's courtesy would stand the strain that such questions imposed upon him. Recognising the Minister's feeling and conduct towards Mr. Griffin, as disclosed in certain parts of his evidence (presently to be referred to), I am satisfied that any cause of irritation that existed is not to be laid to Mr. Griffin's charge.

14. I find on all the evidence that Mr. Griffin is not chargeable with default for the non-performance of the duties of his office during the term stated. The question remains whether any Ministers or officials have prevented such performance.

FACTS PRECEDING MR. GRIFFIN'S APPOINTMENT.

15. To determine this question it is necessary to state the material facts preceding Mr. Griffin's appointment. After the acquisition of the Federal Capital Territory it appears to have been at first intended that the Capital City should be designed and constructed by the officers of the Home Affairs Department. In October, 1908, Mr. E. M. de Burgh, Acting Chief Engineer, Rivers, Water Supply and Drainage, New South Wales, had reported on the question of water supply for the Capital (Exhibit "B 111"), and Mr. Corin, Electrical Engineer, Department of Public Works, New South Wales, had also reported on a hydro-electric scheme ("B 111"). On 27th June, 1909, Colonel Miller, Secretary to the Department of Home Affairs, in a memorandum addressed to the Minister, referred to an offer by Mr. de Burgh that he would, if so instructed, make a distinct recommendation as to the water supply and development of power, with estimates, on the understanding that the scheme should be carried out by the New South Wales Works Department, and stated—

I consider it advisable that it should be definitely understood that the Department of Home Affairs will carry out the whole work at and in connexion with the Federal Capital, and that its officers are thoroughly competent to advise the Minister with respect to the progressive steps to be taken in the development of the city and the various engineering schemes connected therewith and generally.

This recommendation was indorsed by the Minister for Home Affairs, and afterwards by the Prime Minister of the Commonwealth, and forwarded to the Premier of New South Wales. In passing, it may be noted that, although this is Colonel Miller's mind with regard to the Federal Capital, in a minute dated 30th July, 1912 (Exhibit "B 96"), he recommends that New South Wales officers should construct a light railway to be built from Queanbeyan to the Capital.

16. The next fact to be noticed is the institution of a competition for designs for the Federal Capital. A Board, consisting of Mr. John Kirkpatrick, architect; Mr. J. A. Smith, engineer; and Mr. J. M. Coane, licensed surveyor, was appointed to report on the suitability of the designs submitted, and on 14th May, 1912, the Board, by a majority, reported in favour of Mr. W. B. Griffin's design, Mr. Coane preferring a local design.

17. The Minister, in accordance with the conditions of competition, adjudicated on the designs and awarded the first premium of £1,750 to Mr. Griffin. On 27th June, 1912, the Minister appointed a Board of Officers of the Department to investigate and report as to the suitability of the designs for adoption for the purpose of lay-out of the City. The Board consisted of:—

Colonel David Miller, *V.D.*, *I.S.O.*, Secretary, Department of Home Affairs,
Chairman;

Colonel P. T. Owen, Director-General of Works;

Charles Robert Scrivener, Director of Commonwealth Lands and Survey;

Geo. J. Oakeshott, Works Director for New South Wales;

J. S. Murdoch, Architect, Department of Home Affairs;

Thomas Hill, Works Director for Victoria.

18. On 25th November, this Departmental Board reported that it was unable to recommend the adoption of any one of the designs submitted, and advised the approval of a plan of lay-out prepared by the Board itself. The Board expressed the opinion that its own plan of lay-out provided "for the present and the future, and should result in the creation of a city which will be practical as well as beautiful." This recommendation was adopted by the Honorable King O'Malley, Minister for Home Affairs, on 26th November, 1912, although he states in evidence (36905-16) that he preferred Mr. Griffin's premiated design, and was reluctantly compelled to accept the Board's plan on account of the opinion that he had formed upon the reports of some officers as to the great and prohibitive cost of carrying Mr. Griffin's design into effect. The Departmental Board's plan differed radically and essentially from Mr. Griffin's premiated design, and particularly in respect of residential areas, ornamental lakes, and the position of the railway through the city.

19. The Honorable King O'Malley, on 10th January, 1913, ordered a survey of the City according to the Departmental plan (34542), and on 12th March again ordered the survey of the City on the Departmental plan to proceed ("C 79").

20. On 21st January, 1913, Mr. Griffin wrote from Chicago to the Honorable King O'Malley (Exhibit "B 8") stating that he had received a "revised plan," and after referring to some of its features, and referring also to his own plan and its principles, he continued:—

If I could be on the ground in consultation with your Board for a short while, as suggested in my earlier letter, there would need be no misunderstanding of aims nor loss of necessary unity and simplicity in working out the unsolved plan problems, and because of your unparalleled civic advantages, I would willingly make considerable personal sacrifice if needed to render possible a personal presentation, and to meet all objections and suggestions in a rational and sympathetic way such as may be expected of an architect towards clients who must necessarily understand the designer's reasons, which must in turn be conclusive under those circumstances if he is to expect their adoption. I am willing to admit being wrong in any proposition if, after full and free discussion the client, in the form of a joint commission or board, interested only in obtaining the best results, fails to concur. It is for a careful study of the points of the herewith enclosed explanations and for an open hearing that I ask your favorable consideration.

21. Upon this, Colonel Miller, Chairman of the Departmental Board (who had been appointed Administrator of the Federal Territory on 8th August, 1912), minuted to the Minister of Home Affairs: "There is no necessity for the consultation suggested by Mr. Griffin. The responsible officers of the Department are seized of all the facts and respecting your wishes. They are thoroughly competent to carry out the scheme, and in my opinion it would be most unwise to interfere with them." Colonel Miller's recommendation seems to have had approval. At any rate, no acceptance of Mr. Griffin's offer was made by the Minister.

22. On 11th June, 1913, the Honorable King O'Malley, referring to the appointment of Colonel Miller in the previous August, says, "This gentleman has, under my instructions, held the position of Administrator since last August, and has displayed all the qualities which are essential to carrying the seat of Territory to a successful issue. The Administrator should, subject to the Minister, be vested with supreme control, and held responsible for the results."

23. Work at the Federal City in accordance with the plan of the Departmental Board had been carried on since November, 1912. The works included buildings at Acton, and the erection of a power-house, approved by the Honorable King O'Malley on a site in accordance with the plan of the Departmental Board, but destructive of an essential part of Mr. Griffin's premiated design. During 1913 construction of various works and buildings continued, but no buildings other than the power-house were erected within the City area.

24. On 25th July, 1913, the Honorable W. H. Kelly, reversing the policy of his predecessor in office, offered Mr. Griffin travelling expenses to come to Australia for the purpose of a conference with the Board, and this invitation was accepted, Mr. Griffin arriving in Sydney in August, 1913. On 1st August, 1913, Colonel Miller, in a minute (" B 107 ") addressed to the Minister and referring to Mr. Griffin's intended visit to Canberra, wrote, " I take it that your intention is that Mr. Griffin shall meet the members of the Departmental Board, who are responsible for the design of the lay-out of Canberra which has been adopted." He then states their names and titles of office at full length, and proceeds, " Please instruct me whether it is your desire that the Committee shall be called together at Canberra to meet Mr. Griffin and to discuss with him the design prepared by the Departmental Board and his design on the spot." In reply to this Mr. Kelly, on 14th August, 1913, minuted, " I desire Mr. Griffin to study the ground (Federal Capital Site) in the first place without the presence of the Board. I desire Mr. Murdoch to meet him in Sydney and accompany him to Canberra."

MR. GRIFFIN VISITS CANBERRA.

25. Of this visit to Canberra, Colonel Miller, on 9th November, 1914, wrote, " I met Mr. Griffin in Sydney on his arrival from America, and under instructions from the Minister arranged for him to visit the Federal Territory. On 19th August Mr. Griffin arrived at Canberra. With Mr. Scrivener, Director of Commonwealth Lands and Survey, and Mr. Murdoch, Assistant Architect, and myself, Mr. Griffin inspected the site of the Federal Territory at Canberra and continued his inspection on the 21st, 22nd, 23rd, and 24th of August, on which day he left for Sydney.

26. If Colonel Miller is correct in this statement, what was actually done was in full accordance with what he had suggested and the Minister had forbidden; and it certainly does appear that all the officers named did accompany Mr. Griffin during some part of his inspection at Canberra. It is somewhat remarkable that each of the officers examined with regard to this matter concurred in the strange assertion that the Minister's minute only prohibited a formal meeting of the Board " as a Board," and was not intended to forbid attendance upon Mr. Griffin by the members of the Board at Canberra. (Mr. Murdoch, 12070; Colonel Owen, 30732; Mr. Scrivener, 14300; Colonel Miller, 8870.)

27. Already it appears from the evidence that there was indication of some feeling of hostility by at least some members of the Departmental Board to Mr. Griffin. Colonel Owen says (34856) that after Mr. Griffin had arrived he went so far as to say, but does not mention to whom, " Why not help this man? He cannot be a rich man "; an indication that the person addressed had not hitherto acted in accordance with the Colonel's suggestion.

28. On his return from Canberra to Melbourne after this inspection and while the train was at Albury, Colonel Miller was told by the Honorable W. H. Kelly that he wished " the Board to consult with Mr. Griffin on the basis of the original plan with such recommendations for amendment as they could make." (6193.) Colonel Miller replied (6863, 9078-91) that he thought " there would be trouble," and asked the Minister to personally inform the Board of his decision. This the Minister did in Melbourne when he called the Board together in his office for the purpose. Upon the announcement being made one member of the Board asked, " Does that mean, sir, that all our work is to go for nothing? " In reply the Minister said, " I expect from you absolute loyalty in carrying out my decision." (6863.)

MR. GRIFFIN AND THE BOARD.

29. The members of the Board and Mr. Griffin proceeded to confer, and, according to Mr. Griffin's memorandum of 13th October, 1913 (Exhibit " A 1," page 11), there early developed between himself and them fundamental differences in respect of the

essential features of his design. The Board accepted his scheme of lay-out for the area reserved for administrative buildings, but disagreed with him as to all other principles of his design, and especially as to the course that the railway should take in going through the City. The Minister, being appealed to upon this latter point, decided in favour of the railway route proposed by Mr. Griffin, and the conference then continued. Mr. Griffin, however, was still unable to secure concurrence in respect of any essential features of his design. The conference decisions were, in Mr. Kelly's opinion, unduly protracted, and on 15th October, 1913, he called the members of the Board before him, thanked them for their labours, and disbanded them. Mr. Kelly admitted very frankly (6857) that he "had a suspicion that a report was brewing against him which might be used against him in Parliament, and therefore he decided to disband the Board." Mr. Griffin was then appointed Federal Capital Director of Design and Construction, as stated, on 18th October, 1913.

30. It will be seen that a very difficult position had thus been created, and one that contained potent elements of future discord. The members of the Departmental Board included all the chief officers whose concurrence and assistance would be necessary to Mr. Griffin in carrying out his work. They had had the duty and privilege of designing a capital city, and of proceeding to create it in accordance with their own plan during the period from the time of their appointment in June, 1912, up to October, 1913. The work of designing was now taken from them and conferred upon Mr. Griffin. Moreover, they had, after lengthy consideration of Mr. Griffin's plan, found themselves unanimously unable to recommend its adoption. In particular, they had condemned it on account of what they asserted to be its excessive cost, and had substituted their own plan and secured its adoption by the Cabinet. Now their own plan was put aside and that which they had condemned was ordered to take its place, and loyalty required that they should co-operate in bringing into existence a city upon a design which they thought entirely wrong in its main provisions.

31. The situation imposed a very great strain upon the loyalty of the officers who had acted as a Board, and it is quite clear that firm and tactful handling of the questions certain to arise between Mr. Griffin and the officers was required on the part of the Ministerial head. If Mr. Griffin had been able to take up his duties at once, work might have proceeded with a minimum of friction, but unfortunately it was necessary for him to return to Chicago to arrange his affairs there, as he was expressly permitted to do by his contract. Before going he drafted conditions of a competition for designs for the Parliament House buildings, and did some preliminary work which did not bring him into any close relation with other officers. There were, therefore, no opportunities of coming to a better understanding with them in respect of the points that had been the cause of friction during the conference. Moreover, as there was during this period no exercise by Mr. Griffin of his powers under the contract, any feeling on the part of other officers of hostility to him and his design had opportunity to grow and intensify.

32. The charges made on behalf of Mr. Griffin are that certain officers, instead of being loyal to the Minister's determination to carry out Mr. Griffin's design, and instead of assisting Mr. Griffin in the work he had undertaken to do, by various and reprehensible means attempted and succeeded during the first 26 months of his employment in preventing him from rendering any substantial service to the Commonwealth.

MR. GRIFFIN COMPLAINS OF OBSTRUCTION.

33. In a letter written by Mr. Griffin to the Honorable W. O. Archibald on 13th March, 1915, he refers to—

The persistent opposition, obstruction, and delay that I have had to contend against from the inception of my work at the hands of the officers of the Department, who have been, and are still I believe, striving to have their own designs and views adopted and carried out under their own advice, direction, and control, which is a direct departure from the agreement under which I have been endeavouring to work, and in connexion with which attempt I have an uncomfortable feeling that they have secured your sympathy and support, for in regard to many important steps in the work I have been wholly, and I contend, improperly, ignored. I am now, therefore, compelled to formally, but respectfully, protest against my work being further withheld from me, and against being required to give my time and attention to matters which I have advised you are not essential now, and are causing quite unnecessary delay in commencing work which has, for months past, been waiting to proceed, and in the preparation of essentials for other works, which should be gone on with in their due order. (Page 57, "A 1.")

In a further letter of 27th March (page 59, "A 1"), the Minister having on 23rd March asked Mr. Griffin to state definitely what work had been withheld from him, he states—

Virtually all work has been withheld, everything done at Canberra having been carried out without reference to my views. Sewerage, water supply, and similar important fundamental works are being carried out, and the former was wholly initiated by Departmental officers without reference to me and the requirements of my design, or consideration of the possible effect on the development thereof. (Page 59, "A 1.")

And again on 11th May, 1915, he wrote (page 71) to the Honorable W. O. Archibald—

It will scarcely be credited that behind my back attempts have been made, and are being persisted in by prejudiced officers of the Department, to secure the adoption of a scheme for the Capital materially different from that submitted by me and accepted by the Commonwealth after reference to a Committee of experts, after which I was engaged to supervise and direct the carrying out of the work. My position, however, has been consistently ignored, and I have not even had the courtesy extended to me of being asked to consider proposed alterations in the design, nor even been informed of their nature. I have repeatedly and formally protested against the diversion of my efforts to matters non-essential at this stage, which I could not but interpret as a studied attempt to prevent my dealing with matters essential to an early commencement of the work. I am strengthened in this belief by the fact that my requests for data absolutely required by me and actually in the possession of the Department, and which had been prepared during several years at great cost, have been arbitrarily withheld from me. I can conceive of no justification for this action, which it will be manifest has made it almost impossible for me to do those things which the public have a right to expect of me.

To these charges no reply was ever made by or on behalf of the Minister.

34. The protests in these letters and evidence in the inquiry enable me to arrange the case, as presented on behalf of Mr. Griffin, under five heads, as follow:—

- (1) That necessary information and assistance were withheld from him and his powers usurped by certain officers;
- (2) That he and his office were ignored, his rights and duties under his contract denied, and false charges of default made against him;
- (3) That the Honorable W. O. Archibald and members of the Departmental Board endeavoured to set aside his design and to substitute the Board's own plan;
- (4) That in order to prevent his design from being carried out, wilfully false estimates of its cost were given; and
- (5) That there was in the Department a combination, including the Honorable W. O. Archibald and certain officers, hostile to Mr. Griffin and his design for the Capital City.

35. Before dealing with these charges separately, it is necessary to state some further facts of general application. On 23rd October Mr. W. D. Bingle, Acting Secretary of the Department, forwarded to Colonel Miller and Mr. Scrivener at Canberra a copy of Mr. Griffin's contract. Colonel Miller's knowledge of the terms of the contract is a point of importance in view of his subsequent statements, and therefore it is worthy of notice that although he duly received a copy from Mr. Bingle, he on 13th November wrote to the Chief Clerk, Department of Home Affairs, inviting the Minister's attention to the fact that no official intimation had been received from the Minister by him respecting Mr. Griffin's engagement, to which the reply of the Minister was that he would be glad to know if Colonel Miller had received in due course the Acting Secretary's communication of 23rd October, copy of which was attached.

THE AMENDED PLAN.

36. On 30th October, 1913, the Honorable W. H. Kelly minuted that the conditions of competition for Parliament House designs were now "intrusted to Mr. Griffin." Mr. Griffin left for America on 15th November, 1913, having arranged before his departure for certain work to be done in the preparation of drawings by Mr. McDonald, a draughtsman working under him, and on 3rd December, 1913, Mr. McDonald handed these copies of the "lay-out plan of the Federal City" to Mr. Bingle, Acting Secretary, and copies of these were, under the Minister's instruction, sent by Mr. Bingle to Colonel Miller, Mr. Scrivener, and Mr. Murdoch. On 5th December the Honorable W. H. Kelly approved of this preliminary plan of lay-out of the Capital, and directed its insertion in the programme of competition for Parliament House buildings. This plan was printed on 29th December, 1913, and published on 1st February, 1914, in Schedule No. 17. It was described as "an amended plan by Mr. Griffin, showing the alterations in suburban treatment suggested by his closer knowledge of the locality and other

modifications that he considered desirable for the time being," and it was further stated that "steps had been taken to prevent anything standing in the way of the ultimate consummation of the complete design." Reproductions of the premiated design, and of the design, as amended, were also published in the Schedule.

37. Mr. Griffin returned to Melbourne on 12th May, 1914, and made a report on his work abroad on 9th June (Exhibit "A 1," page 37). On 20th May Colonel Miller wrote to the Chief Clerk—"Kindly advise whether Mr. Griffin's amended design for the lay-out of the city is available; also are there any reports by that gentleman?" Mr. Bingle sent this memorandum to the Minister with the statement that he had asked Mr. Griffin whether that was a final design, and that Mr. Griffin had said, "That as far as he knew at present it was," but that "Mr. Scrivener was having some surveys made for him of the surrounding lands, and until he got a plan of those surveys (which was beyond the promised date) and saw what the continuation of the main avenues shown in the design would be like, he could not state positively that those avenues were absolutely fixed." Mr. Bingle further said, "There seems a considerable amount of uncertainty in the minds of officers who will have to do with the Federal Territory as to whether they are to regard the amended design, as published in Schedule No. 17, as one upon which they can work in any calculations they may have to make, or whether they may expect a further amended plan, or an enlarged plan of the present design."

38. How this uncertainty could have arisen it is not easy to see, but the Minister answered the inquiry with a definite statement that "The amended plan already approved is the accepted plan, in which the Federal Capital Director of Design and Construction may recommend such slight modifications, if any, as the extended contour survey may seem to make advisable. In the meantime, officers should approach the Director direct as to the allocation or use of particular areas for particular purposes." The Honorable W. H. Kelly retired from office on 17th September, 1914, and was succeeded by the Honorable W. O. Archibald, who remained in office till 27th October, 1915.

CHARGE NO. 1.

39. Taking the several charges in their order, as to No. 1—

"That necessary information and assistance were withheld from Mr. Griffin, and his powers usurped by certain officers"—

it will be noticed that the first part of the charge has strong support in Mr. Archibald's evidence already cited. Other specific matters alleged in support of the charge are as follow:—On 10th June, 1914, there occurred an interview between Mr. Griffin and Colonel Owen which was of very great importance with respect to questions now under discussion. The recollection of the two witnesses as to that interview differs to some extent. According to Mr. Griffin (page 126), after a discussion as to the sewerage scheme he asked Colonel Owen for certain information as to Federal Capital affairs which Colonel Owen refused absolutely to supply, stating that that was not Mr. Griffin's business, and that when asked by Mr. Griffin whether he had read his contract, replied, "Contract or no contract, I will give no information." Colonel Owen says that the refusal was with regard to a project by Mr. Griffin to irrigate the City parks with sewage effluent. Writing of this interview on 16th April, 1915, Colonel Owen states (Exhibit "A 1," page 63) that Mr. Griffin had applied for copies of plans and specifications of all works already undertaken at Canberra, and that he had advised the Minister that there was no necessity to supply such plans; that if specific information was required, it would be given to Mr. Griffin. "The real position," he writes, "was that Mr. Griffin desired to take control of all engineering works, a principle which, as Director-General of Works, I resent." Later in that letter Colonel Owen, referring to this interview, states, "A disagreement occurred when Mr. Griffin tried to assume my responsibility," and that view is repeated by him in evidence (30755) when he says, "My opinion was that his idea was to assume the absolute control in every way of construction of engineering works, which I contended came within my own scope as Director-General of Works."

40. Mr. Griffin, in a letter written to the Minister on 10th June, 1914 (Exhibit "A 1," page 81) says, "I have taken steps to inform myself as to the condition of affairs in the constructional work going on at the Federal Capital, and have found that the Director-General of Works considers that this is none of my business, and he has declined to give me the state of the finances on those grounds, stating, however, that all the funds were ear-marked for definite purposes which must be complied with, and that

nothing would be available for staking out and carrying into effect the plans of the City under any existing provisions. He discussed the matter very candidly with me, and considers that design and construction should be independent of each other, and that design can be laid down without reference to construction, which could then be taken up subsequently; that design, in his estimation, primarily concerns æsthetics. Of course, my own understanding is quite the reverse, *i.e.*, that design is a consequence of constructive needs as well as functional needs, and that only on the broad basis of both together can it be effectively handled. Possibly, if the Director-General of Works can be set right as to this fact, he may be willing to co-operate as desired."

COLONEL OWEN'S POSITION.

41. It really is not of great importance whether the recollection of one party or the other as to the details of the conversation is the more accurate. The main fact is that in a vehement and at one time heated discussion the real question in issue was whether Colonel Owen or Mr. Griffin was entitled to control matters concerning the design and construction of the Federal Capital. (30852.) The contention of Colonel Owen on this point is so remarkable that it should be stated in his own words. He says (30794), "My appointment was under the Executive and the Regulations under the Executive. I considered when I did that, and with all due respect I still consider, that I hold what practically amounts to a commission under the Crown. I did not consider at the time when Mr. Griffin's agreement was signed, and with all due respect I do not consider now, that Mr. Griffin's agreement, which was an agreement not made under the Executive, interferes with my functions as Director-General of Works." He explains further that his contention is "That as a Royal Commission is under letters patent signed by the Governor-General representing the Crown, it requires equal authority from the Governor-General to revoke or extend it." When asked (30799) "As to your view of your position, does it not come to this, that you claim a monopoly of the exclusive right to design and construct any works in the Home Affairs Branch by virtue of what you have mentioned?" Colonel Owen replied, "I think so, by virtue of an Executive appointment. I take it that that appointment can only be cancelled by the same authority—the Governor-General in Council—or some higher authority."

42. It is quite clear that the claim thus made is wholly untenable, but the more important question is whether it is so fanciful and unreasonable as to indicate that it was merely an afterthought intended to excuse his refusal to give the information to which Mr. Griffin was entitled. I have come to the conclusion that Colonel Owen did honestly hold the opinion he asserted. Soon after Mr. Griffin's appointment Colonel Owen, who evidently was perturbed as to the possibility of a conflict of powers, obtained from Mr. Kelly an assurance that he "would still have his position as Director-General of Works" (6803-7, 30804), and that "Mr. Griffin's appointment would not interfere with his functions" (30804, 35018); while the Honorable J. Cook informed him that Mr. Griffin's appointment was "in order to preserve the integrity of his plan." All these statements were clearly correct, but Colonel Owen, I think, misunderstood them to this extent, that he thought they affirmed his supposed position as designer of the Federal City, and not his real position as Engineer.

43. Mr. Murdoch, architect, Department of Home Affairs, seems (11754, 12079-12104) to have given Colonel Owen some evil counsel as to the conflict that would arise. Mr. Murdoch's only concern in the matter was that Colonel Owen was his official head, and according to his own evidence Mr. Murdoch had never read Mr. Griffin's contract until it was put before him while giving evidence. It is therefore strange that he, before having seen the contract, should state in evidence that "Differences between Mr. Griffin and Colonel Owen seemed to him to be inevitable owing to the lack of definition of the relative duties of Mr. Griffin and other officers," and this matter so pressed upon Mr. Murdoch that he states that on several occasions he volunteered a suggestion to Colonel Owen that he should ask the Government to be relieved—to be allowed to withdraw from what he considered was an unsatisfactory position. He says (12103) that all the trouble would have ended if Colonel Owen had withdrawn, and admits that it would also have ended if Mr. Griffin had retired; that "there would not have been two authorities then, and peace would have reigned." It is quite evident, then, that Colonel Owen had consulted with Mr. Murdoch about the matter, and that the latter, in ignorance as to the terms of contract as to which he was advising, had promoted Colonel Owen's belief that Mr. Griffin's appointment was in conflict with his own position.

44. On the question of Colonel Owen's own belief in this unreasonable claim to a monopoly of functions even as designer, I am assisted by his demeanour, and also by another circumstance which appears to me to be of some weight. When examining his witnesses Colonel Owen did not permit them to refer to him by the appropriate pronoun, but insisted upon being mentioned by his official title of Director-General of Works, and even in his own evidence he frequently referred to himself in that way. The extreme reverence in which he held his office, as indicated by this conduct, does seem to me to be consistent with the position which he now asserts as a justification for his refusal. That it is no justification is equally clear. Mr. Griffin's contract could not have been drawn in clearer words to indicate his duties. The title of office is of itself a definition of his functions, and his appointment to that office was not in any way inconsistent with the continued exercise of all functions appropriate to a Director-General of Works.

45. It is evident that there could be no official harmony between these officers until the point of difference between them had been officially settled. To allow matters to go on without Ministerial decision would necessarily involve a continuance of official friction and disorganization. But Mr. Kelly, instead of taking definite action to "set Colonel Owen right," merely interviewed Mr. Griffin on the subject of his letter and asked him "to be a little patient" (6412), and by a minute dated 12th June, 1914, instructed the Director-General of Works to supply information, as desired, to Mr. Griffin. Mr. Kelly, in the matter of postponing the Parliament House competition (presently to be referred to), and also in respect to another matter of controversy between Mr. Griffin and Colonel Miller, candidly explains his delay in taking definite action by the statement that a decision on any matter of moment would, as the General Elections were pending, be made "a subject of most violent political controversy" (6499), and that "tact and a new Parliament" were required to meet the situation (6336). It is unfortunate that matters in respect to the rupture between Colonel Owen and Mr. Griffin did not receive prompt decision. Up to 10th June the official conduct of Colonel Owen towards Mr. Griffin had not been open to any criticism, although their differences of opinion in regard to crucial matters relating to the Federal Capital design had been the subject of warm discussion. From that date and up to the present time these two officers have not acted in harmony or at all in furtherance of the creation of the Capital City. Colonel Owen in his evidence recently before the Public Works Committee, said, "I have not conferred with Mr. Griffin on this matter (Small Arms Factory) at all; I do not think I have discussed the City plans with Mr. Griffin for two years (35176).

REQUESTS FOR INFORMATION.

46. Armed with the Minister's minute of 12th June, Mr. Griffin on that date wrote to Mr. Bingle for "complete information as to provision of expenditure of all moneys that have been granted or requested in connexion with the works at the Federal Capital. I shall require plans and specifications of all works undertaken or projected." This is one of the cases where Mr. Griffin asked for a great deal too much. Admittedly (15452-5), Mr. Bingle did not obtain or supply any of the information asked for. Then on 17th June, 1914, Mr. Griffin wrote to the Minister asking to be "formally and fully made acquainted in detail with all data in possession of the Department of Works, and all commitments regarding the Capital already entered into." Here, again, Mr. Griffin was asking too much, and should have been so informed. No notice whatever seems to have been taken of this request, and it was repeated in identical terms on 1st October following, the repeated request meeting the same fate as the original. On or about 15th June, 1914, Mr. Griffin (Exhibit "B 22") asked Mr. Bingle for information as to what was being done in respect of water supply for Canberra. Mr. Bingle minuted this request to Colonel Owen on that date, and the latter on 17th June sent to Mr. Bingle a full report on the whole matter, which was sent to Mr. Griffin by Mr. Bingle on the same day, an instance of expedition that deserves mention with the other cases where delay and refusal are charged.

47. On 14th September, 1914, after the General Elections had taken place, resulting in the defeat of the Ministry, Mr. Griffin wrote to Colonel Miller asking him to furnish items of amounts proposed or under consideration for recommendation to Parliament for appropriation to Federal Capital development in the ensuing year. To

this, on 16th September, Colonel Miller replied that the information would not be available until after the Minister for Home Affairs should have considered and dealt with the question, and suggested that Mr. Griffin should communicate through the Secretary as arranged by the Minister. On 16th September Colonel Miller sent this correspondence to the Secretary, saying:—

Kindly place the accompanying correspondence before the Minister for his information. I take it that the Minister will communicate his instructions to me when he may desire to discuss with me the matter referred to by Mr. Griffin who, as far as I am aware, has no authority to intervene between the Minister and myself.

But no action was taken thereon, as the Honorable W. H. Kelly retired from office on 17th September, and the information was not supplied.

SURVEY OF CANBERRA.

48. A matter of consequence in connexion with the charge of an attempt to usurp Mr. Griffin's powers, and also of failing to afford him assistance, is as follows:— On 11th July, 1914, Colonel Miller wrote to the Honorable W. H. Kelly referring to the Minister's minute of 7th July, in which it was stated "that the amended plan already approved is the accepted plan," and said:—

I shall be glad if you will kindly issue the necessary instructions to me to proceed at once with the lay-out on the ground of that portion of this design which will be required in the immediate future. Upon receipt of such instruction I shall at once make all necessary arrangements with the Director of Lands and Surveys to have the surveys carried into effect. ("B. 124.")

This letter is of the greatest importance in relation to Colonel Miller's later letters and minutes, for here is a clear admission that the lay-out of the City could at once proceed upon what is here called the "amended" plan. This plan he had received officially from Mr. Bingle on 10th July, and it was described as the "Approved design for the lay-out of Canberra." (Exhibit "A 1," page 10.) The Minister was not willing to permit the Administrator to usurp Mr. Griffin's functions by taking this work out of his hands, and in his minute of 30th July to the Administrator, Mr. Kelly says, "Mr. Griffin, Federal Capital Director of Design and Construction, is to lay out the ground, and Departmental surveyors necessary to carry out his directions are to be placed at his disposal." ("B 124.") This minute was sent by Colonel Miller to Mr. Scrivener in the following terms: "Herewith please find copy of Ministerial instruction that Mr. Griffin is to lay out on the ground the design of the City." No surveyors were placed at Mr. Griffin's disposal in the terms of the minute; nor was Mr. Griffin informed that surveyors were available. (9687-97, 14309-18.)

49. The sequel to this matter of affording the assistance of surveyors to Mr. Griffin would more appropriately come under the fifth charge, but it is now dealt with because of the contrast that is shown in the acts and attitudes of the officers in respect of this matter when Mr. Kelly was Minister and afterwards when Mr. Archibald had acceded to office. On 1st October Mr. Griffin, who knew nothing of the minutes above mentioned, wrote to Mr. Archibald (page 41, "A 1")—

I desire to have assigned to me for field work the services of one skilled surveyor and assistant, for a period sufficient to lay down, under my direction, the essential lines on the ground to indicate the position of the base lines and main thoroughfares now determined. I suggest for this work, if available, Mr. Percival, of the Canberra staff of the Commonwealth Director of Surveys.

On 5th October Mr. Bingle telegraphed to the Administrator at Canberra stating Mr. Griffin's request to the Minister, and adding, "This raises whole question scope of functions upon which think you should advise Minister urgently do you propose accompanying Scrivener."

50. To this the Administrator replied by telegram on 6th October—

Please inform Minister I strongly advise Mr. Griffin's request for loan of surveyors and draughtsmen be refused. Until after the amended design for the lay-out of the city shall have been approved by Minister, there is no necessity for survey operations. I understand Minister intends obtaining advice respecting suitability of Griffin's amended design prior to adoption, and recommend such a course be adhered to. I advise Griffin should be instructed to submit design without further delay. Any survey operations should be intrusted to Director, Commonwealth Lands and Surveys. Scrivener will arrive Melbourne this afternoon and has my minute on subject.

51. Colonel Miller on receiving Mr. Bingle's telegram, and with a view to prevent Mr. Griffin's request being complied with according to its terms, wrote a minute and gave it to Mr. Scrivener, who left Canberra the same night for Melbourne. Mr. Bingle's question whether Colonel Miller intended to accompany Mr. Scrivener shows that he had been in communication with the latter. Colonel Miller's telegram contains charges of delay against Mr. Griffin, charges which afterwards were repeated with wearisome iteration. His minute states—

I desire to advise most strongly against the request made by Mr. Griffin to place surveyors under him. When Mr. Griffin shall have completed his amended design for the lay-out of the Federal City, I recognise that the Minister will satisfy himself that the design is the most suitable for the purpose, and in so doing will obtain such expert advice as may be necessary. I may be permitted to point out that the Departmental Board was unanimously of opinion that they could not advise the Minister to accept Mr. Griffin's amended sketch design.

52. Colonel Miller then proceeds to put forward a claim to be intrusted with Mr. Griffin's work—a claim which had been put forward by him in July and refused by Mr. Kelly. He writes—

Should the Minister finally adopt the amended design (or any other design), I trust that he will then instruct me to proceed with the survey of such portion thereof as may be necessary. The survey operations would be carried out on the ground by Departmental surveyors under the control and supervision of the Director of Commonwealth Lands and Surveys, an officer possessing the highest qualifications. I regard the suggestion made by Mr. Griffin as impracticable. The Commonwealth Government has in Mr. Scrivener an eminent surveyor, and to overlook that officer in this matter would, in my opinion, be a most unwise procedure.

53. Colonel Miller was not able to conclude his minute without stating another opinion, which in his minutes and correspondence he lost few opportunities of reiterating. He says—

In my opinion the time has arrived when the powers and functions of Mr. Griffin should be clearly and definitely laid down. This is essential from every stand-point, and delay in doing so may create a most unfortunate position.

54. The result of Mr. Scrivener's interview with the Minister was that on 7th October Mr. Griffin was informed that if he would indicate upon a contour lithograph the nature and extent of the surveys required the Director of Lands and Surveys would be asked to deal with the matter as promptly as possible, and that he should confer with the Director regarding any surveys desired or additional survey information required (page 43, "A 1") This, of course, was substituting an inconvenient and cumbersome official method of doing the survey work required for the direct method suggested by Mr. Griffin. The procedure laid down would of course be highly inconvenient, but Mr. Griffin, wisely I think, accepted the position without demur.

55. That Mr. Bingle and Colonel Miller were acting together in a desire to prevent Mr. Griffin from having surveyors "placed at his disposal" appears clear. Although it seems to me that the direct method suggested by Mr. Griffin would have been greatly preferable, and that Mr. Scrivener took quite unnecessary alarm at a supposed intrusion on his office, and should not have persuaded the Minister to adopt the more cumbersome and dilatory system, I think that his action was due, or at least mainly due, to his extreme desire to follow what he deemed to be the proper official routine. (14386-97.) Whether he attempted to obtain an interview with Mr. Kelly when the Minister, on 31st July, directed that surveyors were to be placed at the disposal of Mr. Griffin, he is unable to say; he cannot recollect whether he did or did not try to see the Minister. (14402.)

56. The contrast in the methods used to frustrate Mr. Griffin's requirement of surveyors, passive under Mr. Kelly's administration, but active when Mr. Archibald was Minister, have appropriate explanation in Colonel Miller's evidence (14572) on another matter where a similar contrast is shown. In a submission of 20th May, 1914, as to afforestation, the matter had been minuted by the Honorable W. H. Kelly, "to be submitted to Mr. Griffin." In spite of this minute the matter was never submitted to Mr. Griffin. (14747, 14762.) Another step in the matter having been taken, Colonel Miller in his minute of 2nd October, 1914, made no submission or reference to Mr. Griffin. In examination (14752) Colonel Miller was asked, "Did you omit reference to Mr. Griffin in your later minute because Mr. Archibald had come into office?" and he replied, "Yes; there was a change of policy with the incoming Minister."

INFORMATION NOT SUPPLIED.

57. One complaint by Mr. Griffin as to information withheld appears in correspondence for the first time in a letter dated 13th January, 1915. (Exhibit "A 1," page 74.) He there states that although he has asked for "weir gaugings and flood discharges"—data obviously necessary to him for calculation for water supply for lakes—these have not been supplied to him. On the same date Colonel Owen in a minute (Exhibit "A 1," page 24) addressed to the Minister, asserts that no information has been withheld from Mr. Griffin; that the "Department has prepared data for water supply, sewerage, and power, but these were not essential for the preparation of Mr. Griffin's design"; and that "Mr. Griffin admitted that he had taken as his basis the data furnished in the conditions of competition in 1911." Mr. Archibald apparently concurred in Colonel Owen's view, and the data required were never seen by Mr. Griffin until produced as evidence before the Commission. (363, 1906-18, 2430-2.) The Minister's attitude is all the more remarkable, for he was in May, 1915, pressing Mr. Griffin for information as to the lakes required, for reply to a question in Parliament, and Mr. Griffin had stated and repeated that he could not give the information until the data had been supplied.

58. Further, on the matter of withheld information, the documents included in Exhibit "B 19" appear to me to show a serious ground of complaint by Mr. Griffin as to the action of Mr. Bingle. On 3rd June, 1915, Mr. Griffin wrote to him as follows:—

For the purpose of calculating eventual space requirements at the Capital, I desire any available data pertaining to the areas of accommodation accorded in Melbourne to the various branches of the Executive and Judiciary Departments of the Commonwealth.

Mr. Bingle indorsed this for favour of immediate action, and sent it on to Mr. Scrivener on 4th June, and Mr. Goodwin, then acting for Mr. Scrivener, forwarded to Mr. Bingle a memorandum dated 15th July, 1915, containing all specific items of the information for which Mr. Griffin had asked. Instead of forwarding this to Mr. Griffin, Mr. Bingle on the same date wrote to the Minister setting out the terms of Mr. Griffin's application, and that Mr. Goodwin had sent the particulars required, and then stated, "I understand the Administrator of the Federal Territory has collected information as to probable departmental requirements at the Capital. The request would seem to indicate that Mr. Griffin is engaged upon some work which you are not aware of." And Mr. Bingle submitted—

- (1) Whether Mr. Griffin be asked to state for what purpose the details are required.
- (2) Or the Administrator be asked to supply what particulars he can (with a view to transmission to Mr. Griffin.

59. The particulars Mr. Bingle already had were all that were required by Mr. Griffin, and so his submission that the Administrator should be asked to supply such other particulars as he had as to Departmental requirements, is remarkable. It is not consistent with an intention that Mr. Griffin should be assisted in his work, but it obtained the assent of Mr. Archibald, and Mr. Bingle accordingly, on 24th July, wrote to Mr. Griffin:—

With reference to your request of the 3rd ultimo for certain data pertaining to the areas of accommodation in Melbourne for the various Commonwealth Departments, I am desired by the Minister to say that he will be glad to know for what particular work you desire such information.

60. As to this it will be noticed that Mr. Griffin had fully stated in his first letter the particular work for which the information was required, and even without such statement it should have been obvious both to the Minister and Mr. Bingle that such information was necessary to Mr. Griffin. Mr. Griffin replied on 4th August with some excusable warmth:—

I am astonished at receiving, only after nearly eight weeks, your reply to my letter to you of 3rd June, desiring information for which I had verbally asked some weeks earlier. I am seriously delayed in waiting for the information asked for, the purpose of which should be perfectly self-evident when it is known that I am dealing with the question of providing space for Commonwealth Departments.

61. More than three months passed without any reply to this letter, and then, Mr. Bingle still retaining the information for which Mr. Griffin was waiting, on 15th November, 1915, wrote another minute to the Minister, who was then the Honorable King O'Malley, as follows:—

Mr. Griffin telephoned me this morning about a request made by him some time back (by letter on 3rd June, verbally before then) for information as to the various branches of the Executive and Judiciary Departments of the Commonwealth. The Acting Director of Lands and Surveys gathered information as

to the floor space areas at present occupied by central administration of various Departments, but the late Minister deferred dealing with the matter. It is understood that the Administrator of the Federal Territory has collected some information as to probable Departmental requirements at the Capital. The information gathered by the Acting Director of Lands and Surveys may perhaps be sent to Mr. Griffin, who might at the same time be informed that it is considered that existing areas are not a definite guide to future requirements, and the information he desires can be arrived at only after consultation with the Permanent Heads of the respective Departments and serious consideration as to Departmental developments.

62. Mr. Bingle's suggestion that the information which he had had in his possession for more than four months might perhaps be sent to Mr. Griffin is not accompanied by any explanation of the reason why it had not been sent in July. The Minister minuted that the information should be forwarded, and that Mr. Griffin should be told to consult with heads of Departments. Mr. Bingle, in his evidence, fails to offer any excuse for his action in this matter, and admits (15517-15534) that the information was necessary to Mr. Griffin. He certainly states that he thought the Minister ought to know what was being given to Mr. Griffin, but does not say why it had been so long withheld.

63. Mr. Bingle states (11088) that he "did not deem it a part of his duty to report to Mr. Griffin on matters concerning his contract," and "has no recollection of ever having done so"; and that (15613), apart from forwarding Mr. Murdoch's report as to the competition, and asking for lay-out for houses for the arsenal, he "could not recall any request ever made by him to Mr. Griffin to advise upon or to do anything whatever in connexion with the planning or building of the Federal City." He further states that any request to Mr. Griffin to "exercise any of his functions would be made by the Minister, but that he had no official knowledge of any such request." (15614-5.) Mr. Archibald, on his part, says he "never consulted Mr. Griffin about anything." (Page 36.)

64. A further charge under the head in consideration is that officers had delayed and withheld from Mr. Griffin information that he desired with regard to the strata in the city area, and that certain borings, which he asked for, had not been supplied in accordance with his request. I think that Mr. Griffin in his evidence (page 101) had forgotten the order of his requests for borings that he had asked for from time to time. I do not think it necessary to go fully into the facts as to this matter, but am of opinion that the charge, as I have suggested, founded to some extent upon Mr. Griffin's error of memory, has been dissipated by the evidence of Mr. Griffin (251-2), of Mr. Connell (16797-16803 and 16798-17707), and of Mr. Hill (19902-19), and also by the documents contained in Exhibits "B 11," "C 13," and "C 17." The conclusion I come to is that not only was Mr. Griffin supplied with information asked for, but with information useful to him as to other borings which had been made by Mr. Connell, and that reasonable expedition in compliance with his requests in this behalf was shown.

65. As to the matter of afforestation, Mr. Griffin was not quite so fortunate. He inquired, on 14th January, 1915, of Colonel Miller for a copy of Mr. Weston's memoranda "of the results to date of his experiments in propagating and growing plants for afforestation, and city beautification," and, not receiving the information, wrote to Mr. Bingle on 2nd February asking when he might expect the documents referred to. This came before Colonel Miller, and on 4th February he minuted to the Minister, "Is it your desire that I shall furnish the information above referred to? As Administrator I am responsible for afforestation to you"; and on 12th February the Minister somewhat ungraciously replied, "If such a report is to hand I think a copy might be supplied to Mr. Griffin for any use it may be to him in connexion with the design of the city." Ultimately, on 20th March, 1915, Mr. Bingle forwarded to Mr. Griffin the list of plants tested at the experimental nursery, with results therein shown to October, 1913, since which date, it was stated, that "no important alterations had been necessary."

66. On 18th September, 1914, Mr. Griffin wrote to the Acting Secretary for information concerning estimates for Federal Capital development. This letter received no reply, and on 22nd October, Mr. Griffin again wrote pressing the request for information. The information was not furnished, but on 29th October Mr. Bingle wrote, "The whole question of the financial provision to be made in connexion with the Federal Territory is receiving the consideration of the Minister." The information requested was never supplied. It is a significant fact that, although the letter states

that the matter was on 29th October receiving consideration, the very matter had been determined by the Minister on 1st October, when Estimates for expenditure of £105,000, including various works, had been recommended for approval to the Cabinet, and had been approved. Mr. Bingle admits "It is more than likely that he had seen the approval" (15511), but suggests that the probable reason why he wrote in those terms may have been that the Minister was reconsidering the whole question. This suggestion, however, does not appear at all sufficient, and I have come to the conclusion that in this instance also Mr. Bingle withheld from Mr. Griffin information in his possession, and which should have been supplied.

67. The foregoing instances include the principal matters alleged in evidence under this head. It cannot be deemed a matter of surprise that instances of fruitless applications for information are not more numerous. Mr. Griffin, after his experience of the 10th, 12th, and 17th June, 1914, must have realized the general futility of expecting compliance with his requests, although in exceptional instances these have met with prompt and sufficient response.

CHARGE NO. 2.

68. The second charge is:—

"That Mr. Griffin and his office were ignored, his rights and duties under his contract denied, and false charges of default made against him."

The first relevant matter hereunder arises under a memorandum (Exhibit "B 99") by Colonel Miller to the Honorable W. H. Kelly, dated 13th March, 1914. It appears (6519) that the Minister had confidentially spoken to Colonel Miller with regard to a proposal to appoint a Commission for the Territory, and had asked him to make any suggestions as to the financial administration under such a scheme. In his memorandum Colonel Miller dealt with a number of matters relative to such a Commission, and, assuming I think rightly, that it was the intention of the Minister to appoint him as Chief Commissioner, stated his opinion that the Director-General of Works should undoubtedly be a Commissioner, and "after mature consideration" suggested the name of Mr. Thomas Hill as the second Commissioner. With regard to Mr. Griffin he writes, "I am still uncertain as to whether it would be preferable for Mr. Griffin to be a consultant to the Government or to the Commissioners, but I am inclined to the view that greater advantage will result from him being consultant to the Commissioners."

69. This is relied upon as evidence of an intention to ignore Mr. Griffin and to prevent him from exercising the powers conferred upon him by his contract. To make him a consultant upon either footing suggested would certainly deprive him of his power under his contract. To make him consultant to the Commissioners, who were notoriously opposed to his views on every material matter relating to the Capital, would enable them to impress a unanimous veto on any expression of his opinion. A Bill to create the Commission was intended, but never brought forward.

WORKS OUTSIDE THE CITY.

70. On 13th June, 1914, Mr. Bingle, Acting Secretary, raised a contention which is difficult to understand, and which afterward was persistently put forward by him and other officers. In his minute to the Minister, dated 12th June, 1914, referring to a request by Mr. Griffin for information, he states—

The request is a very comprehensive one, and will embrace many items, such as roads outside the city, pipes outside the city, weirs outside the city, surveys outside the city, land acquisition outside the city, which, according to the agreement (copy attached), are apparently not any concern of Mr. Griffin's.

71. The theory as here put forward is that the duty of "creating and developing" the Federal Capital was limited to the boundaries of the area in which the actual City was to be built, and that Mr. Griffin's functions stopped at that boundary. How a city could be created without a water supply having its sources outside the city boundaries, or how a modern city could be created without suburbs, is inconceivable. This, however, is only one of several instances where plain words were strangely misconstrued to the detriment of Mr. Griffin. In Mr. Griffin's agreement "services" for the city were

expressly mentioned, and these clearly would include water supply, sewerage, power, and transport. The contention is one that cannot be regarded seriously, and yet it has been asserted time after time as a means of preventing Mr. Griffin from carrying on his work, and this interpretation of the contract excluding Mr. Griffin from any work beyond the City boundaries is concurred in by Colonel Miller, who says (8856), "I always held the opinion that Mr. Griffin's contract was with regard to the Federal Capital City, and not outside the City; he had to do with matters in the City, but not outside the City."

72. Mr. Bingle also (15439) says, "We may have interpreted the contract wrongly, but I always understood in the Department that it was within the city area that Mr. Griffin's activities were to operate"; further, with regard to services, he says (15444), "If the water and electricity were delivered to him at the City boundary I do not know that it should be impossible to develop the Federal Capital City." Colonel Owen (35187) puts forward the same contention when he justifies the selection of a site for the arsenal just outside the city boundary without having made reference to Mr. Griffin, by saying that "the site itself was not within the City plan, although it was on the front of one of the lakes shown in Mr. Griffin's design." Mr. Scrivener (14383-4) says that in the early stages he regarded Mr. Griffin's powers as being confined to the City, but when he had seen the contract he "then considered him empowered to do anything that was necessary for the purpose of creating the City and suburbs and services." The Honorable W. O. Archibald (2) also says, "All through my administration my contention was that Mr. Griffin's business was with the Capital and not with any thing outside the Capital." This contention as to limitation of Mr. Griffin's authority was not dealt with by Mr. Kelly, who desired to avoid definite action pending the general elections, with the result that it was continuously asserted by officers, and until November, 1915, apparently had Ministerial sanction; but it is very remarkable that, although the contention was constantly used to prevent action by Mr. Griffin, he never became aware that it had ever been raised until the documents relating to Federal Capital matters were presented to Parliament in June and July, 1915.

COLONEL MILLER'S MINUTES.

73. In relation to this charge also, it is necessary to examine somewhat closely some documents printed in Exhibit "A 1." They are of a remarkable character for official documents, and indicate the sentiment and attitude of Colonel Miller, Mr. Bingle, and the Minister, towards Mr. Griffin. On leaving office Mr. Kelly had handed in to the Department some letters and reports by Mr. Griffin which, up to that time, had been in his possession. The first of these dated back to 13th October, 1913, five of them are dated in June, 1914, and one is of 14th September, 1914. On 2nd October, 1914, Mr. Bingle sent copies of these to Colonel Miller, with a statement that the Minister would be glad to have any representations in connexion therewith which Colonel Miller might like to make. On 6th October, Colonel Miller replied, "If it is the Minister's desire that he should be furnished with a report as to facts prior to Mr. Griffin's engagement and on his proposals since then, it would be necessary for me to have the full text of the contract under which Mr. Griffin was serving," (copies of which he had received on 23rd October, 1913, and again on 15th November, 1913), "together with a copy of the complete correspondence which has passed between the former Minister and Mr. Griffin." Colonel Miller further and irrelevantly wrote, "It is necessary from every stand-point that the Minister should define Mr. Griffin's sphere of operations and his relationship, if any, to the officers of the Department and of the Administrator."

74. What further definition than that given in the contract was required it is impossible to say, but this idea that Mr. Griffin's position should be defined was held by other officers and continually asserted. (15566-71, 11754.) The letter proceeds, "Judging from the general tenor of some of the reports herewith, it would appear that Mr. Griffin is assuming a position which was not contemplated, and which undoubtedly will create serious difficulties. Amongst other matters, I notice a disposition to deal with such questions as finance, light, heating, sewerage, water supply, housing workmen, &c." These specified matters would clearly be part of the work of creating and developing the Federal Capital City, and also should clearly come within matters specified in clause 4A of his contract. It is difficult to realize the position that Colonel Miller here takes up, for he at the same time asserts ignorance of the contract which he had

had in his possession for more than eleven months, and attacks Mr. Griffin for attempting to deal with questions not within his duties under it. The Colonel goes on to state, "I further suggest that Mr. Griffin be instructed to furnish the Minister without delay with his amended design for the lay-out of the Federal City. The delay which has occurred in this matter is to be regretted."

75. This statement contains very serious misrepresentations. Colonel Miller had received the approved plan for the lay-out of the City on 10th July, and on 11th had asked for instructions to proceed with the survey, yet, three months afterwards, he imputes to Mr. Griffin responsibility for delay on account of the want of a design for the City lay-out. It is quite true that the delay which had occurred was a matter for regret, but that delay was chargeable to Colonel Miller himself, as he first of all tried to usurp Mr. Griffin's functions in respect of the lay-out, and, failing to do this, took no steps to carry out the Minister's wishes. Finally, he blamed Mr. Griffin for delay not caused by his default. It cannot be thought that this statement in any way misled Mr. Archibald, who must have had in clear memory the fact that Mr. Kelly had at least three times approved Mr. Griffin's plan. Colonel Miller himself states (12844) that he informed Mr. Archibald of the approval of the lay-out plan by Mr. Kelly on 7th July, 1914.

76. Had this charge been made known to Mr. Griffin the truth could have been shown by him, but the remarkable thing is that this letter and other documents of a similar nature attacking Mr. Griffin, and depreciating his office, were never seen by him until they were laid upon the Table of Parliament in June, 1915. It is impossible to conceive of any course more productive of official disorganization than this procedure, by which one officer was permitted by the Minister to attack another officer not being his subordinate, and thus to undermine his reputation and depreciate his office.

77. With further reference to the charge of delay in furnishing the "amended design" some further facts require to be stated. Before leaving for America, Mr. Griffin had arranged that a contour survey should be made to be used by him for the purposes of his plan. On his return in May, these surveys were not available. On 31st July, Mr. Griffin, after previous similar inquiry, wrote to Mr. Scrivener asking to be advised when the plan of contour survey would be available, and on 2nd August a lithograph showing the surveys was sent to Mr. Griffin. This lithograph, however, was admittedly so defective and faulty that it could not be used by Mr. Griffin; Mr. Scrivener described it as "hopelessly bad." (14284.) Corrected lithographs showing the contour survey were not supplied to Mr. Griffin until January, 1915, when he was then able to incorporate the levels and contours, now supplied to him for the first time, in his plan. From Colonel Miller's evidence it appears that the "amended design" referred to in this letter was Mr. Griffin's plan, as it should be when completed by the addition of the contours and levels. On 6th October, Colonel Miller knew that the contours were not available, for on 7th October, he (13183) wrote to Mr. Scrivener with reference to the delay that had occurred in the matter with a view of expediting as far as possible the supply of an accurate lithograph. It should be stated here that the defects in the lithograph were not due to Mr. Scrivener or his staff, but to defective paper and printing. Colonel Miller had from August forward endeavoured to expedite the work, and he was, of course, aware that Mr. Griffin's completion of his plan must await the receipt of a lithograph upon which he could safely work. Yet, in his minutes, he continually refers to this delay, but fully admits in his evidence that the delay was not due to any fault of Mr. Griffin. He says (13199) that "Mr. Griffin was waiting to complete his design because he had not these lithographs" (13200), that he was "aware that he had not been furnished with lithographs"; and when he was asked (13202): "Was it fair to blame Mr. Griffin for the delay without stating that the delay was caused by his not being furnished with a plan?" he answered, "I considered it was." Colonel Miller, in his evidence with relation to this matter certainly makes an inexplicable explanation that "these surveys were outside the City area," and that "what was required was that Mr. Griffin should do work within the City area." In his statement of the matter in his evidence (13183-13215) I cannot find any justification for the attack upon Mr. Griffin in the memorandum under notice.

78. The extraordinary state of affairs prevailing in the Home Affairs Department at this time is further illustrated by another memorandum by Colonel Miller. Mr. Griffin had written to the Minister on 6th October, 1914, asking for an interview with the Prime Minister for the purpose of stating to him reasons why the Parliament House

competition should be "postponed" and not "withdrawn." The Minister had before receipt of this letter written to Mr. Griffin on the 7th, and Mr. Griffin had written an explanatory reply on the 9th (Exhibit "A 1," page 16). On the 13th Colonel Miller wrote to the Minister—

I have perused the accompanying copy of Mr. Griffin's letter of the 9th instant—it does not appear that he had been asked to do so—and invite your attention particularly to the first paragraph in which Mr. Griffin states "it becomes clear that the essential facts have not been placed before you." I advise that Mr. Griffin be called upon to state definitely what he means to convey by the statement. Either it is a suggestion that essential facts are being withheld from you by responsible officers, or, on the other hand, that the responsible officers are incompetent to place matters before you in an intelligent manner. . . . I have absolute confidence in the responsible officers of the Department, and in their ability to advise the Minister, also in their loyalty; they are men of proved integrity and ability.

As to the first part of the excerpt Colonel Miller omits the important preceding words, "I am in receipt of your memorandum of the 7th instant, which would appear to have crossed my communication of the 7th, which I regret, for it becomes clear," &c. The reference to the "loyalty, integrity, and ability," of the "responsible officers" leaves a very clear inference as to Colonel Miller's own view of Mr. Griffin's qualities. The contrast between Mr. Griffin and the "responsible officers" frequently occurs in the case.

79. Colonel Miller waited for twenty days for a reply to his letter of 6th October, and then, on 26th, addressed a letter to the Minister referring to his former letter, and asking, "Is it your desire that I should review the action which has been taken respecting the appointment of Mr. Griffin, and his official connexion with the Department?" and stating that he hesitated to take action until after the receipt of the Minister's instructions. On 30th October the Minister replied, "I shall be glad to receive any representations which you may desire to make on the matter." To this Colonel Miller replied on 9th November, but on the 3rd he had written an uninvited letter to the Minister referring to certain letters that had appeared in the press, in which he stated—

The delay which has occurred in the settlement of the design for the lay-out of the city is most regrettable, and is responsible for the dislocation of the schemes which had been laid down for the continuity of works and administration. Mr. Griffin's engagement is dated 18th October, 1913. The primary object of such engagement was apparently the preparation by him of an amended design, which, as far as I am aware, has not yet been received.

80. Colonel Miller's memory must be very defective if he really considered either of the two latter statements to be accurate. To assert that the primary object of the engagement was the preparation of an amended design is to contradict the contract itself, which was apparently then before him, and which he certainly had had in his possession for more than twelve months before this letter was written. Upon examination with regard to this statement he admits that "no such object is stated in the contract," that "there is nothing in the contract about it," that "the statement was not an accurate summary of the contract," and he gives an insufficient reason for his failure to state in this memorandum as the primary purpose any one of the main terms of the contract. He says that the reason why he did not inform the Minister of the main purposes of Mr. Griffin's engagement was that he "did not consider it necessary, as the Minister had in his own hands the contract of Mr. Griffin." (8949-71.) And his only basis for the statement that this "amended design" was "the primary purpose of the contract" was that, in one of the papers which had reached him prior to writing, it had been stated that "the original design was in the nature of a preliminary study, such as would be first prepared by an architect for a building." He states, as a further reason for omitting the real objects of the contract, that "Six days afterwards he sent in a complete statement reviewing the whole contract and giving the whole context of it." (8967.) How far that is a correct statement of the contents of his letter of 9th December, also written to the Minister, will be presently seen.

81. The accuracy of his other statements in the letter of the 3rd that the amended design had not, as far as he was aware, yet been received must be condemned by his requests to the Minister of 11th July and 5th October, that he should be instructed to lay out the City—according to Mr. Griffin's design. The letter of 9th December states the term of Mr. Griffin's engagement, his remuneration, his right of private practice, that he must devote half of his time to his duties, that in carrying out his duties he is subject to the direction of the Minister, and that the amount of professional or other assistance to be provided to the Director is in the discretion of the Minister. There is no mention whatever of his functions already set out in clauses 4A, B,¹ and C;

and then the Colonel, having made this imperfect statement of the contract, turns at once to the former ground of attack against Mr. Griffin by stating that "the delay in the adoption of the design for the lay-out of the City is materially interfering with the establishment of the seat of Government at Canberra, which it is estimated has been set back by at least two years." The concluding words are eloquent in showing the state of Colonel Miller's mind as against Mr. Griffin, for the contract had been in existence for less than thirteen months, and yet Mr. Griffin is charged with having caused two year's delay.

82. The other charge as to the delay in the adoption of a design is one which was continually repeated by Colonel Miller. On the same date—9th November—he addressed another minute to the Minister, and although the charge of delay had already once that day been laid against Mr. Griffin, Colonel Miller repeats the charge in the following statement:—

After careful perusal of the documents I arrive at the following conclusion:—

- (1) That Mr. Griffin should be required to comply with all reasonable despatch with the Minister's direction to submit to him the amended design for the lay-out of the Federal City.
- (2) That upon receipt of such amended design the Minister will be well advised to obtain the opinion of the best authority in the British Empire respecting the suitability of the design for the purpose for which it has been prepared; such authority should be that of an expert whose mind will be perfectly free from bias. (19, A 1.)

The latter paragraph wholly omits to mention that Mr. Griffin's design was the accepted design approved by the former Minister, and the suggestion of obtaining the opinion of high authority as to its suitability is an evident attempt to prepare the way for the re-adoption of the departmental plan.

83. Colonel Miller (Exhibit "A 1," page 19) in this minute further states, "The engagement of the expert consultant asked for by Mr. Griffin is not warranted. Should expert advice be necessary in the direction referred to for the purpose of the preparation of the amended design for the lay-out of the City, then the departmental officers are competent to supply the same." As to the last three words (12757) Colonel Miller in his evidence says that they mean "supply to Mr. Griffin." The suggestion that Mr. Griffin desired experts to assist him in the preparation of an amended design is putting the matter a step further than Colonel Miller had hitherto ventured to do. Formerly the view put forward was that Mr. Griffin was dilatory in preparing the design. Here the suggestion is that he was incompetent to prepare it without the assistance of experts.

84. Next in this document Colonel Miller repeats the opinion that "the relationship between Mr. Griffin and the officers of the Department or the Administration of the Federal Territory, if any, should be defined," and proceeds to state quite irrelevantly, "As Administrator of the Federal Territory I find that the finances are suffering owing to the delay"; and concludes, "The remarks made by Mr. Griffin respecting the relinquishment of his work in Chicago is purely a matter for Mr. Griffin's private business determination"—an observation which needs no comment.

85. On 9th November Colonel Miller wrote a third letter to the Minister, stated to be in reply to his letter of 30th October, in which he gives the precedent facts as to the award of premium to Mr. Griffin's plan, the appointment of the departmental Board, and proceeds—

On 25th November, 1912, the Board reported that it was unable to recommend the adoption of any one of the designs, and advised approval of the plan of lay-out prepared by the Board. The Minister approved of the adoption of the design. . . . The Board's design incorporates features from the premiated and purchased designs wherever in the opinion of the Board such a procedure was warranted. . . . The Board has taken full advantage of the fact of the great natural features of the city site, and, wherever possible, use has been made of the principle of introducing public buildings and other architectural features where they may be clearly viewed at convenient distance from approaching streets and avenues.

86. As Mr. Griffin's design was still the officially accepted design, there can be only one reason for this eulogy of the Board's plan, and that, of course, the purpose of obtaining a decision in favour of reversion to the Board's plan. Further, Colonel Miller in recording the history of the matter writes, "On 15th October, 1913, the Board assembled in Melbourne under the verbal instructions of the Honorable W. H. Kelly, Minister for Home Affairs, to meet Mr. Griffin and to consider the amended design which

by him had been submitted for the lay-out of the Federal City. After examining the sketch design, and hearing Mr. Griffin's explanation of the main principles, the Board decided that they were unable to concur with the amended design submitted by Mr. Griffin."

87. With regard to the last paragraph it should be mentioned that Mr. Kelly had prohibited the taking of votes by the Board, and therefore it could hardly be said that the Board had decided anything, but the statement is substantially true, because it is quite clear that every member of the Board was opposed to the adoption of Mr. Griffin's plan. The phrases "amended design" and "sketch design" are not fair to Mr. Griffin. There was before the Board the premiated design, 1,600 feet to the inch, and in order to meet the wishes of the Board as to the railway coming closer to the centre of the City, Mr. Griffin had sketched upon his design a possible route for such railway. The only "amendment" of the design was one suggested to placate the Board. The memorandum concludes by stating the making of an agreement with Mr. Griffin on 18th October, 1913, but makes no mention of the approval of Mr. Griffin's design on 1st February, nor of the Minister's statement of 7th July re-affirming the adoption of the plan; nor of Colonel Miller's own request to be allowed to lay out the City. As the memorandum professed to be a statement of facts, the omission of any facts occurring after the making of the contract and showing adoption of Mr. Griffin's plan is significant.

88. On 13th November, Colonel Miller returns to the attack on Mr. Griffin in a memorandum which is more remarkable than any of those yet mentioned. The document is in the nature of a criticism of some statements in a letter written by Mr. Griffin on 6th November. Colonel Miller cites the first paragraph of that letter as follows:—"There has never been any suggestion of amendment of my general design of the Federal City which was completed, approved, and presented to Parliament"; and under the heading "My Remarks" states with regard to this—

Mr. Griffin's design was awarded the first premium of £1,750 in the competition for designs for the lay-out of the Federal City, but such design was not approved, *vide* Department of Home Affairs Schedule No. 9, page 43, in which it will be seen that the Minister appointed a Departmental Board to investigate and report upon the suitability of the designs for adoption in connexion with the lay-out of the city prepared by the Board, *vide* Parliamentary Paper herewith. The Honorable King O'Malley approved of the adoption of the design which had been prepared by the Departmental Board, and the projection of the design on the ground was proceeded with. I am, therefore, at a loss to understand Mr. Griffin's statement that his design had been approved.

89. The concluding words are startling. It is difficult to see how they could have been penned in view of the fact that Colonel Miller had knowledge, and must have had at this time clear memory, of the formal definite approval of Mr. Griffin's plan on 5th December, 1913, 1st February, 1914, and 7th July of that same year. Copies of Mr. Griffin's accepted plan had been forwarded to him by Mr. Bingle on 6th December, 1915. It is a matter of regret that Colonel Miller should have so written, and still greater regret that he should have attempted to justify this statement in his evidence.

90. It should be stated that Colonel Miller says that he does not think he ever saw the Minister's direction of 7th July (9075), although he says he mentioned it to the Honorable W. O. Archibald (12844), and it must be remembered that the design from which he desired to lay out the Federal Capital City was Mr. Griffin's own lay-out plan sent to Colonel Miller by Mr. Bingle. Further, in this letter of 13th November, he states as to the two reproductions of Mr. Griffin's design appearing in Schedule No. 17, that one is described "Designs submitted by Mr. W. B. Griffin, Chicago, and awarded first prize in competition," and the other "Amended design prepared by Mr. W. B. Griffin," and in making that reference to Schedule No. 17, his own denial of the approval of Mr. Griffin's plan stands self-condemned, because that Schedule contains on page 70, under the heading "Design for the Lay-out of the Federal Capital City," the statement that—

An amended plan by Mr. Griffin, Federal Capital Director of Design and Construction, has been published showing the alterations in suburban treatment suggested by his closer knowledge of the locality, and other modifications which he has considered desirable for the time being. But while immediate economies (particularly in railway arrangements) are thus contemplated, steps are being taken to prevent anything standing in the way of the ultimate consummation of the complete design.

91. Following upon this Colonel Miller repeats the attack already made in correspondence, five times within five days, by saying, "I am still of opinion that Mr. Griffin should carry out his contract with the Government, and under the direction of of the Minister submit the amended design upon which he has now been engaged for more than 12 months, and which until received and disposed of, either by approval or otherwise, is delaying the establishment of the seat of Government at Canberra," and concludes, "Generally speaking, I cannot understand a man with the wide experience claimed by Mr. Griffin writing in such manner to the Honorable Minister for Home Affairs. It undoubtedly is requisite that Mr. Griffin's position should be clearly defined at the earliest opportunity, and that he should be informed respecting such finding."

92. With regard to these misrepresentations—I can use no word less harsh—it is clear that Colonel Miller is not the only officer implicated. Mr. Bingle, as Acting Secretary, was conversant with the terms of Mr. Griffin's contract, and Colonel Miller's minutes would necessarily pass through his hands. As to the statement that the primary object of Mr. Griffin's engagement was apparently a preparation by him of an amended design, Mr. Bingle states in evidence (15552), that he "understood the purpose was for Mr. Griffin to amend his design in the light of personal observation on the ground," and (15555) that "everybody understood that the first thing that Mr. Griffin was going to do was to amend his design in the light of his personal observation." But in a later reply he admits that "the main purpose of the contract was the creation of the city," and (15559) that he does not think "Colonel Miller's statement on this point is accurate." Yet, it does not appear that he ever took exception to the inaccuracy of the statement—a statement, which, if believed, would necessarily mislead the Minister.

93. With regard to Colonel Miller's statement that he was "at a loss to understand Mr. Griffin's statement that his design had been approved," Mr. Bingle had seen all Mr. Kelly's minutes, and had forwarded the approved plan of lay-out to officers, and also knew of Mr. Kelly's minute on leaving office on 17th September, 1914. He states also (11534) that he is "positive that Mr. Archibald also saw it." In that minute (Exhibit "A 1," page 41) there is the statement by Mr. Kelly that it had been intended by his Ministry to introduce a Bill providing for the appointment of Commissioners for the Federal Capital, and it proceeds, "Care would have to be exercised to insure the approved design submitted by the Federal Capital Director of Design and Construction being carried into effect under the Commission's jurisdiction."

94. And, further, Mr. Archibald himself is responsible herein because he invited Colonel Miller—being strongly urged thereto by Colonel Miller—to write these memoranda, and accepted them when written without any demur as to the terms in which they were written or as to the statements which they contained. That he was misled by any misstatements in any such document I do not think likely, because I am compelled to the opinion, upon the whole of the evidence, that such misstatements, damaging as they otherwise would have been to Mr. Griffin's reputation, were incapable of adding to the Minister's antipathy to Mr. Griffin and his plan.

95. Colonel Miller's persistence in making the charges cited is remarkable. When giving evidence before the Public Works Committee on 10th February, 1915, the inquiry being as to the construction of a main sewer for Canberra, Colonel Miller gave evidence, evidently in the form of a statement (page 37), and quite irrelevantly states, "The sequence of operations, which, of course, includes sequence of works prepared by Colonel Owen, Director-General of Works, was based upon the assumption that a design for a lay-out of the city would be adopted at a certain period. In that particular there has been a failure. I am not aware of any design which has met with the approval of the Government being available. Owing to the delay which has taken place, the sequence of operations and the sequence of works have been materially interfered with. In my opinion, a delay of at least two years has resulted." In justice to Colonel Miller it may be mentioned that certain other statements of his in evidence were equally irrelevant, but the statement quoted must be taken as evidence of a desire to publish as widely as possible his former charges of delay against Mr. Griffin. There is, however, one point at least of difference in the form of attack, for here the charge is made openly.

96. On 15th November, 1914, Colonel Miller wrote a very lengthy minute to the Minister stating the Legislative and Departmental action necessary in respect of the Federal Capital Territory including :—

(1) (d) *Development of the City.*

The introduction of a definite scheme for the development of the city and its gradual beautification, including parkways, avenues, other means of communication, and inter-communication, ornamental waters, and generally.

All these matters, it will be noticed, were included specifically in Mr. Griffin's contract, and his premiated design provided for all the works mentioned. Paragraph 2A of the minute is :—

City Design.

The adoption of a design for the lay-out of the city ; until after this has been settled, it is impossible to proceed with the lay-out of the city or with its construction.

This is rather significant, because it would seem to assume that the Minister did not know that Mr. Griffin's design had been adopted—an impossible conjecture—or that the Minister had determined to set aside that design in favour of some alternative, or to ignore both the design and its author. Paragraph 2c of the same minute dealing with design of parkways, parks, &c., states :—

Information respecting the most appropriate designs for the parkways, parks, avenues, &c., and their treatment should be now obtained for the guidance of those in whose hands these matters will be placed.

If Colonel Miller had never heard of Mr. Griffin's design this recommendation would be intelligible. As he had insisted, on 5th October preceding, on his right to lay out the city under Mr. Griffin's design, the suggestion certainly seems to support the view that he had in the interval determined to ignore Mr. Griffin's official existence. Paragraph (3) (a) deals with the sequence and continuity of Public Works, and states :—

The Director-General of Works should be invited to revise his original scheme for the sequence of Public Works and the staff required. He should also furnish approximate estimates of the cost involved in all works excepting railways.

This paragraph assumes that it is the office of Colonel Owen to create and develop the city. In (3) (b) and (3) (c) it is stated :—

The Commonwealth Director-General of Works should advise on the establishment of factories for the production of materials to be used in the construction of the city, and should submit a scheme for the construction of such roads, developmental and otherwise, outside the city area as are necessary or desirable.

The concluding words would appear to contain a reference to the Departmental contention that under his contract Mr. Griffin was only concerned with matters inside the city boundary. But, except for this reference, if it is indeed a reference, to Mr. Griffin's office, there is not from beginning to end of the report any recognition of Mr. Griffin or of any work to be done by him under his contract or in connexion with the Federal City.

PARLIAMENT HOUSE COMPETITION.

97. Another matter relied upon under the present charge is that, on 14th August, 1914, Mr. Bingle wrote to the Minister with regard to Parliament House competition, suggesting that on account of the war it had become a question whether the competition should go on as announced, or that the time should be extended, or the competition withdrawn. This was done without reference to Mr. Griffin, whose duty it was to advise upon conditions of competition, and Mr. Kelly admits that Mr. Griffin should have been consulted with regard to the matter. (6386.) Apart from the contract, this is clear, for by minute dated 13th October, 1913, Mr. Kelly had said that the work in connexion with the competition had been intrusted to Mr. Griffin. The original conditions had been drafted by Mr. Griffin in November, 1913, revised by him in June, 1914, and published to the world on 30th of that month. (716, 734.) Some time after the date of Mr. Bingle's letter, Mr. Kelly did mention the question of withdrawal to Mr. Griffin, and the latter then asked for time to consider it in the light of events then transpiring, and to be allowed to report on the subject within a few weeks. (668.) But no definite action was taken, this being one of the matters for whose decision the Minister desired the authority of a new Parliament. Then, on 17th September, 1914, Colonel Miller, without reference to Mr. Griffin, wrote a minute suggesting that in consequence of the war the Parliament House competition should be withdrawn. This was approved by the Minister, The Honorable W. O. Archibald, on 25th September, again without

reference to Mr. Griffin. Again, without reference to Mr. Griffin, Colonel Miller wrote on the 6th October to the Minister that he should revise the conditions of the competition, and on 29th October, 8th January, and 5th February, 1915, referred to his letter of 6th October, and urged the Minister to take action in the matter. Mr. Griffin knew nothing of these letters, and was unaware of the suggested revision of the terms of the competition.

98. The next step in connexion with the competition was also taken without any reference to Mr. Griffin. Under instructions from the Minister, Mr. J. S. Murdoch, architect, on 26th March, 1916, made certain recommendations with regard to the competition and the lines upon which it should go, and this report had the concurrence of Colonel Owen, and was forwarded to the Minister. A second report was made on the same subject on 8th May by Mr. Murdoch, and approved by Colonel Owen. Mr. Murdoch stated that he was most anxious to avoid doing this work, as he "considered it was Mr. Griffin's duty and not his. (11889.) This is borne out by Mr. Archibald's evidence (page 27), where he says:—

I did authorize Mr. Murdoch to compile the new set of conditions. He protested that it was hardly fair that he should be asked to do so, but I said I respectfully requested him to draw them up, and he did so.

Mr. Archibald said he intended to consult Mr. Griffin later; that he did not consult him on the preliminary stage because he did not think the matter sufficiently advanced. But one reason for his not consulting Mr. Griffin is stated in evidence (page 28), where he says—

I consulted Mr. Murdoch instead of Mr. Griffin in respect of this particular matter, for the reason that Mr. Griffin, as any one could see, had taken wonderful interest in the whole subject, and was so enthusiastic about it that to ask him whether he would be prepared to turn down this proposal would be very like expecting the age of miracles again.

99. On 13th May Mr. Murdoch's reports were forwarded by Mr. Bingle to Mr. Griffin "for any comment thereon which he might desire to make," and with a statement that it was the Minister's intention to alter the scope of the conditions so as to make them suitable to a competition confined to British countries. Mr. Archibald, in his evidence referring to this subject, said (page 40), "If it were to be a world-wide competition it would be another prize to go to America." Mr. Archibald's prejudice against Americans in this matter seems to dominate his reason. The object of a competition was to secure the best design. Mr. Archibald here assumes that the best design would come from America; therefore he determines to exclude it. In his reply on 26th May, 1916 ("A 1," page 118), Mr. Griffin complains that all that he had heard of the first report was what he had gleaned from the press that action was maturing and that he had "not been consulted upon the very grave alterations proposed." The Department, he says, had not "extended him the courtesy of a notice that such deliberations had been in progress for months." He strongly urged that the competition as previously published should be proceeded with, and that it would be a breach of faith on the part of the Federal Government to proceed with the competition on the altered lines. Mr. Bingle's reply on 31st May to this letter assured him that the matter of this competition would receive consideration, but upon the documents and evidence no other action seems to have been taken upon Mr. Griffin's protest.

100. It appears always to have been Mr. Griffin's experience that matters occurring in connexion with the Parliament House competition were not communicated to him until final decision had been reached. Accordingly, it is recorded that on 14th July, 1915, Mr. Bingle forwarded to Mr. Griffin copies of correspondence that had been for some time past proceeding between the Secretary and the Australian Institute of Architects. That correspondence had apparently been conducted by Mr. Murdoch, although the letters were signed by Mr. Bingle. Mr. Griffin on 17th July, acknowledging this communication, points out that the competitors were at work under the conditions of competition which were issued in June, 1914, having had a distinct promise of revival of the competition with the intimation that it had merely been postponed, and goes on to say, "I am astonished at, and regret, the further step, but can offer no further comment than that contained in my previous memorandum of 26th May last, except to point out that, whereas the detailed technical suggestions submitted for the indorsement of the above architects are clothed with Ministerial authority, they must of necessity emanate from some architect within the Department, or some undisclosed professional source outside the Department. I must reiterate that the course so suggested is a limitation

of the work to local practitioners, and introduces the very gravest danger of localism, and that the original conditions, which in my opinion should be adhered to, avoided that grave error, and would give to Australia the most perfect building the world's genius could at this day evolve and which, I think, Australia is justly entitled to, and should expect."

101. In reply, on 17th August, a letter was written by Mr. Murdoch, signed by Mr. Bingle as Secretary, which reminded Mr. Griffin that on 13th May previous he had been informed by letter that it was the Minister's intention to restrict the competition to architects within the British Empire. This it will be noticed was ignoring Mr. Griffin's right to advise upon the conditions of competition, as stated in his contract. Here, again, a strange misconstruction of plain words was made to Mr. Griffin's detriment. The contract says that he shall "advise upon and (if so requested by the Minister) prepare conditions of competition," &c. The departmental reading asserted in evidence is that Mr. Griffin "if so requested by the Minister should advise upon and prepare conditions of competition," &c. Mr. Bingle's letter further asserts that Mr. Griffin's letter of 26th May contained "regrettable misstatements and inaccuracies, and appears to be more in the nature of an attack upon the Government's policy of restricting the competition than a fair commentary upon the suggested amendments of the condition." Then follows correspondence for which Mr. Murdoch is responsible, and in respect of which he has in his evidence expressed his regret that it should have been written. Mr. Griffin, in his letter of 20th August, 1915, resented the suggestion contained in the letter already quoted, that his comments were an attack upon the Government's policy, and, unwisely, asked for a statement of the "regrettable misstatements and inaccuracies" said to be contained in his letter of the 26th.

102. Mr. Murdoch stated the view that Mr. Griffin wrote his letters under an unfounded belief that he, Mr. Murdoch, "had his own motives in putting forward the altered conditions of competition." (11831.) He admits that he himself "wrongly thought that Mr. Griffin wanted to oust him" (11798), that "a friendly call would have avoided the bitterness of the correspondence" (11837), and that it was "an interminable correspondence about small things." (11858.) I do not propose to deal with this correspondence, but regret that Mr. Murdoch did not prevent its happening by making "a friendly call" on Mr. Griffin. I fully believe Mr. Murdoch in his assertion that he very reluctantly followed the Minister's instruction with regard to suggesting varied terms for the competition. He says that he "never had any desire to assist in building Canberra" (11799), that he "hoped the whole proposal would be dropped" (11815), and I think that he is sincere in saying that he would "Like to see the Federal Capital strangled for a hundred years." No imputation of a desire to usurp Mr. Griffin's functions can be attributed to him, and I am sure that he regrets the necessity that he was under in undertaking the work of drafting new conditions as much as he regrets the correspondence "about small things" with Mr. Griffin. He states that it is "not at all an unusual thing for an officer to write letters which are to be sent by the Secretary," and, although Mr. Bingle signed the letters in this case, I cannot infer that he incited Mr. Murdoch to write them.

103. On 15th July, 1915, from his place in Parliament, Mr. Archibald, in reply to a question by Mr. Riley as to the stage that had been reached in the calling of designs for Parliament House and other buildings at the Capital, replied that, "Certain conditions were drawn up in regard to the designs for Parliament House, and a copy of these was sent to Mr. Griffin. I have not yet received from Mr. Griffin a reply on the matter." Next day Mr. Griffin having seen this reply in the daily papers, wrote to the Minister—

May I venture to say that the reply to Mr. Riley is not correct, and you cannot have been made aware of the facts, for your request for my report came to me on 15th May last, and was complied with on 26th May and acknowledged by the Department. (Exhibit "B 29.")

The letter continues—

Should not Mr. Riley also have been informed that not only have the condition issued in June last year been set aside, but that the substituted conditions on which I reported have also been discarded, and that proposal to abandon the competition had been made by your Department, and on the 6th instant submitted to certain architects, and was awaiting their reply, a fact which your answer to Mr. Riley would indicate had not been brought to your knowledge.

104. A reference to Mr. Griffin's letter of 26th May shows that Mr. Griffin did fully deal then with the matter of conditions of competition, and very strongly urged, as already noticed, his own contention as to the proper course to be adopted. In his reply to this letter (not sent until 17th August) Mr. Bingle acknowledges that the letter of 26th May was duly received, and that "The receipt of this letter certainly might have been mentioned to Mr. Riley, whom he (the Minister) did not desire to mislead in any way, only it was not regarded by him as a report on the subjects you were invited to comment upon." This is harking back to the statement already cited that the letter was an attack upon Ministerial policy. I think it can hardly be so described, although it does set forth with some vigour the views held by Mr. Griffin to which the Minister was strongly opposed.

WORKS AT CANBERRA.

105. Ignored as to the competition Mr. Griffin fared no better in respect of works contemplated or in progress at Canberra. On 23rd September, 1914, Mr. Bingle wrote a minute to the Minister following upon the request of Mr. Griffin that Mr. Oliver should be allowed to inspect and report on water supply and sewerage for the Capital City, a retainer to Mr. Oliver having been arranged by Mr. Kelly during his term of office. As to this Mr. Bingle writes to the Minister:—

Mr. Griffin, as Director of Federal Capital Design, will no doubt be concerned as to where the reservoir and the inlet to the main are to be located, but it is not quite understood how sources of water supply and the disposal of sewage come within his province, being matters outside the city. Melbourne, for instance, draws its water supply from Healesville, 40 odd miles away, and disposes of its sewage at Werribee, 22 miles distant.

Mr. Griffin's request was never agreed to nor even acknowledged, and Mr. Oliver was not employed to inspect and report. (84, "A 1.")

106. On 17th December, 1914, Mr. Griffin wrote to the Minister with reference to the fact that £50,000 was allowed in the Estimates for main sewers and unions, and that the Minister had stated in Parliament the possibility of an early commencement of the work. "On the assumption," writes Mr. Griffin, "that this refers to the project which was suspended last year, I again submit, as in my letter to the Minister of November, 1913, that the expense for outfall sewer is unjustifiable, pending the determination of the whole sanitary scheme." This protest passed unnoticed, except that on 18th December the Minister wrote asking for a copy of the letter referred to, and the work was proceeded with, £11,645 being spent in the year 1914-15, and £22,657 in 1915-16, Mr. Griffin not being consulted or referred to in any way in connexion with the work. He was not, as I have pointed out, aware of the contention of officers that his functions ceased at the City boundary. This main outfall sewer started just outside the City boundary and extended thence for 3 miles. It is probable that the contention mentioned may have been regarded as a plausible excuse for ignoring Mr. Griffin and his protests.

107. With reference to this matter of sewerage, Mr. Bingle wrote a minute on 21st December, 1914, on the question of referring the matter informally to the Public Works Committee for inquiry, and irrelevantly observes:—

Mr. Kelly, it is understood, is advocating inquiry into a scheme of dealing with the sewerage by sedimentation tanks within the city, which, whilst perhaps suitable in thickly-inhabited countries where there are not facilities for disposal otherwise, has been reported upon by the engineer officers of this Department on various grounds, small amount of land available under proposed design of river flats for sedimentation tanks, liability to objectionable smell, flies, necessary for all time to cart away sediment (much like nightcarts), &c.

Why Mr. Bingle should go out of his way to depreciate Mr. Kelly's scheme and support that of the engineering officers of the Department must, I think, be explained by the fact that Mr. Kelly's scheme was Mr. Griffin's scheme, and that the paragraph was intended to support the officers in their objection thereto. Otherwise one cannot see why Mr. Bingle should obtrude the "engineering officers" opinion in a minute advising that the Public Works Committee should determine the matter.

CHARGE No. 3.

108. With respect to Charge 3—

“That the Honorable W. O. Archibald and members of the Departmental Board endeavoured to set aside Mr. Griffin’s design and to substitute the Board’s own design;”

it is clear that Colonel Miller in minutes already cited showed that he had hope of a reconsideration of the Board’s plan, and his desire in this behalf appears in many instances after Mr. Archibald’s accession to office. On 18th November, 1914, in reply to a letter from Mr. A. Grant, Assistant Secretary to the Local Government Board, Edinburgh, asking to be supplied with a copy of the report upon the scheme submitted for planning Canberra, he writes, “In compliance with the request contained in your letter of 13th August last, I am forwarding herewith copy of report submitted by the Board appointed by the Minister to investigate and report upon the designs submitted in connexion with the laying-out of the Federal City at Canberra. The design for the lay-out of the City has not yet been definitely decided upon.” The omission to mention that there had been a complete reversal of policy since the report had been issued is noteworthy. The last sentence is wholly misleading, unless it is based upon the assumption that Mr. Archibald had determined to discard Mr. Griffin’s plan.

109. On 8th October, 1914, Mr. John Sulman, President of the Town Planning Association of New South Wales, wrote to the Minister calling attention to press reports of a suggested alteration in the planning of the Federal Capital, and in referring to the design of the Departmental Board stated that this had been “strongly condemned by one of Australia’s most eminent architects—the late Colonel Vernon.” Colonel Miller wrote a minute to the Minister as to this letter, and said that Colonel Vernon in his adverse criticism “made a mistake which he at once admitted when his attention was drawn to it, and expressed regret that the mistake had been made, and wrote accordingly to the Honorable W. H. Kelly, Minister for Home Affairs.” He concluded his minute with the irrelevant statement that “Mr. Griffin has been engaged for the last thirteen months on the preparation of an amended design which, I understand, has not yet been received.” Mr. Sulman, having received no reply to his letter, wrote again on 2nd February, 1915, and on 18th February received a reply that the Minister was now waiting for the “submission by Mr. Griffin of a plan on such a scale and with such necessary information as will facilitate consideration being given to its adoption for the purpose of the lay-out of the City.”

110. The statement with regard to Colonel Vernon is incorrect. Colonel Vernon’s criticism, published in a journal called *Building* on 12th June, 1913, had been strongly condemnatory of the Board’s plan. It began by quoting a criticism from the *Town Planning Review*, which asserted with regard to the Departmental Board’s design—“It is obvious at once that this plan is the work of an amateur, who has yet to learn the elementary principles of laying out a town;” and a part of the Colonel’s own article is a statement that “a critical examination of the two designs, so far as information is publicly available, gives the impression that the one is an emasculated reflex of the other with the best points omitted, and a desultory scheme substituted.” On 5th July, 1913, a petition had been presented by certain architects and engineers urging the appointment of a Royal Commission to inquire into the general administration relative to the buildings at Canberra, and to review the present building design. Colonel Vernon’s name had been mentioned as a promoter of this petition, and he wrote to the Honorable W. H. Kelly disclaiming any connexion with the matter and asserting that the petitioners had not been authorized to use his name. But in that same letter he refers to his article in *Building*, and affirms the views therein expressed. Colonel Miller, therefore, is wholly inaccurate in his statement that Colonel Vernon had withdrawn his condemnation of the Board’s plan.

111. On 10th February, 1915, in evidence before the Public Works Committee, from which a quotation has already been made, Colonel Miller asserted that “at present we have not in the Department a plan for the lay-out of the City.” (13718.) This statement may have reference to the 400 feet to the inch plan which Mr. Griffin was then engaged upon, but in its terms it would be taken as a statement that there was not and never had been a plan of such lay-out. In this sense, of course, it was entirely opposed to the facts within Colonel Miller’s knowledge at the time, since he had twice asked for instructions to proceed with the survey before the date on which this evidence was given.

And with reference to this point Colonel Miller's explanation before this Commission (13728, 13755) is worthy of notice for he there affirms that the plan that he spoke of in his evidence before the Public Works Committee was "a finished plan upon which the whole scheme could be laid out; a plan which is not yet in existence, and a plan upon which the whole City might be laid out from end to end."

QUESTIONS IN PARLIAMENT.

112. On 25th November, 1914, Senator Grant from his place in Parliament asked, "Why has the plan of the proposed Federal City not been adopted, and who is responsible for the delay?" The answer given on that date was—

A plan prepared by the Departmental Board was definitely approved by the Honorable King O'Malley when Minister of Home Affairs, and surveys of the lay-out of the City in accordance therewith were in progress, with a view to street formation and other works being proceeded with. The late Government stopped the work and arranged for Mr Griffin, the author of the premiated design, to visit Canberra with a view to the amendment and adoption of his design, in place of the approved one. Mr. Griffin desired further surveys, which have been made, and his finished amended plan is awaited, when urgent consideration of its merits will be given.

It is hard to understand the reason of the reference to the Departmental Board's plan and its approval together with the statement that consideration would be given to the merits of Mr. Griffin's plan, unless this is to be taken as an indication that it was desired to ascertain whether members were prepared to approve of the reversal of the decision in favour of Mr. Griffin's plan.

113. Mr. Chapman, M.H.R., gave notice during November of the following question:—"When is it expected that a start will be made with the lay-out of the City?" With reference to this, Colonel Miller on 30th November wrote to the Acting Secretary, Mr. Bingle, and said, repeating his earlier statements, that the matter was "awaiting the receipt from Mr. Griffin of his amended design for the lay-out of the Federal City." To Mr. Chapman's question a reply was made on 2nd December in terms almost identical with the answer already quoted as given to Senator Grant. And with reference to these replies, Mr. Griffin on 3rd December wrote to Mr. Bingle asking him—:

To show to the Minister the official file, whereon the basic plan (a plan of 800 feet to the inch) is Ministerially approved, as was communicated to me at the time, and in accordance with its adoption I was instructed by the Minister to proceed with the actual work. I am (see my letter of 1st October) ready, but (see memorandum to me of 7th October) I have been restrained from further action, and am awaiting instructions.

On this the Secretary minuted:—

So far as I can trace the records of the Department, or as any of the officers of the Department are aware, the only thing in the nature of a plan by Mr. Griffin of the lay-out of the City which has been approved is the sketch, as published in the Minister's Schedule No 17, and that, I am advised, is merely a sketch, and insufficient for an opinion as to its merits to be formed for the purpose of projecting on the ground.

114. Mr. Bingle does not indicate the officer from whom this advice had been obtained. It certainly could not have been from Colonel Miller, whose request to be allowed to proceed with the lay-out of the City on 11th July, repeated in his minute of 5th October, has already been referred to. Such a statement could not have been made by Mr. Bingle to Mr. Kelly had he then been in office. In view of the fact that Mr. Bingle knew, and that the Minister knew, that Colonel Miller had urged upon the Minister that he should then proceed with the lay-out of the City, it is remarkable that it should have been made, even to Mr. Archibald. The inconsistency of Mr. Bingle's statement with Colonel Miller's minute of 5th October, does not seem to have occurred to the Minister, for the statement as shown by his subsequent action had his approval.

115. Another answer to a question in Parliament which strongly indicates the antagonism to Mr. Griffin's design by those responsible for the terms of the answer was given on 10th December, 1914, to Dr. Maloney, who asked upon notice:—

- (1) If the plans of the Federal Capital have been received by the Home Affairs Department; and
- (2) Are the plans of the Federal City advanced so sufficiently that certain streets and roads can be proceeded with?

The answer to the first question is identical with that given on 2nd December to Mr. Chapman. The answer to the second is remarkable. It reads—

Yes, so far as the design submitted by the Departmental Board is concerned. The sketch referred to in No. 1 is not sufficient to enable the merits of the design to be investigated; or, if approved, to be projected upon the ground. I have asked Mr. Griffin for a completed plan, and action awaits receipt of the same.

116. As to this answer it is unnecessary to do more than refer again to Colonel Miller's readiness to project upon the ground if allowed to do so. The statement that Mr. Griffin's sketch is not sufficient to enable the merits of the design to be investigated omits mention of the fact that it had been thrice at least officially approved, and the reference to the design of the Departmental Board is wholly inaccurate. It is true that a survey had been ordered by the Honorable King O'Malley on the plan of the Departmental Board, but later in the year 1913 Mr. Murdoch, who had then recently visited America and had seen the city of Washington, insisted on radical alterations of the Board's plan. Among other things he wanted a "Washington-avenue" (11778-80). These matters had been discussed by the Board with the result (11904) that Colonel Owen, Mr. Hill, Mr. Oakeshott, and Mr. Murdoch had determined that the alterations suggested should be made. The discussions as to alterations of the plan were still in progress at the time of Mr. Griffin's arrival in August, 1913, and before that date survey work under the original Departmental plan had been stopped (11911). Admittedly, the Board's plan was "all in pieces" at the time of Mr. Griffin's arrival, and of course also at the time when this answer was given in Parliament. (11482, 11901.)

SELECTION OF ARSENAL SITE.

117. A matter in respect of which it is urged that there was deliberate intention to frustrate Mr. Griffin's plan is in connexion with the selection of a site for an arsenal at Canberra. The Public Works Committee had considered the question of a Small Arms Factory, and had determined that it should be located in the Federal Capital Territory. Colonel Owen in giving evidence before the Public Works Committee had recommended a site on the south side of the Molonglo to the east of the Capital. Mr. Griffin recommended another site to the north of the Molonglo and in that part of the area assigned by him to industrial purposes. Writing as to this matter on 17th July, 1915, Colonel Owen says:—

I assume that the site suggested to the Public Works Committee by me, and on which my estimates were made, will be adopted; however, before work is put in hand, my view of the matter should be submitted to the Minister for confirmation or otherwise, as he may consider right. (Exhibit "20.")

118. This minute was recommended to the Cabinet by the Minister and submitted in the following terms: ". . . . that the report of the Public Works Committee be adopted, and that the site be that suggested by the Director-General of Works in his evidence—not that favoured by Mr. Griffin." Colonel Owen then recommended on 22nd July that the matter of site be referred to the Public Works Committee for favour of their opinion, and the Minister for Defence, the Honorable G. F. Pearce, referred it accordingly. On the same date Mr. Griffin wrote to the Public Works Committee pointing out that the site of the Small Arms Factory was of vital importance to the city design. Early in September (the date was not fixed) a Committee appointed to advise on the question of site had reported in favour of No. 1 site. This Committee consisted of Colonel Owen, Mr. Marcus Bell, Mr. John McKay, Professor Payne, and Major Gibbs. The Public Works Committee on 15th September, by seven votes to two, adopted Mr. Griffin's (No. 2) site as against the site (No. 1) recommended by Colonel Owen; but on 7th September, 1915, while the matter was pending before the Committee, Mr. Hill telegraphed to Mr. Rolland at Canberra:—

Posting to-night mail necessary plans sufficient location Small Arms Factory by Railway Surveyor Smith. Would like Richmond and yourself do any necessary laying out buildings, also treat matter confidential, as site not definitely fixed by Parliamentary Works Committee.

119. This was sent by Mr. Hill, but Colonel Owen takes full responsibility for its wording and despatch; and Mr. Archibald in his evidence (34911-34) says with regard to this matter that he pushed things on and had urged Colonel Owen to push on, because the Minister for Defence was very anxious from the time the Government approved of the arsenal being located at Canberra to get on with the work; that the Minister for Defence was urging him to avoid delay, and was very anxious that what he wanted done should not be delayed by the Home Affairs Department. Mr. Archibald continues:—

So far as my reading of the evidence goes, Colonel Owen acted strictly in accordance with my authority and knowledge; Colonel Owen never acted on his own authority, but in some instances I was so anxious to push things on that I said, "No matter, I want it done; I will approve of it to-morrow if necessary." Colonel Owen was acting under my knowledge and authority entirely.

120. It is very difficult to understand the reason for sending the telegram cited. The matter had been referred to the Public Works Committee, and it clearly was risking wasteful expenditure to go to work on a site before it was known that that site would be selected by the Committee. But the view advanced on behalf of Mr. Griffin is that this strange procedure evidences an intention to compel the adoption of No. 1 site to the destruction of so much of Mr. Griffin's design. His industrial suburbs were on the north side of the Molonglo. To put the arsenal on the south side in residential suburbs would be a serious detriment to the unity of his design. As against Colonel Owen, it is urged that all his efforts were directed to the selection of the No. 1 site as against No. 2 site, and therefore it is said that this shows a desire not to erect an arsenal in haste, but to deliberately destroy Mr. Griffin's design.

121. On the other hand it is to be remembered that the water supply for the arsenal would be much more easily, cheaply, and efficiently supplied at No. 1 site than at No. 2, which was remote from water supply, and therefore less suitable on that account, and also that No. 1 site had been selected by the Arsenal Committee. On the whole, I am unable to draw, as against Colonel Owen and the Minister, the inference that the hasty action in this matter arose from a desire to frustrate an essential feature of Mr. Griffin's design. The foolish haste shown cannot be taken to indicate an attempt to coerce the Committee to the selection of No. 1 site, and the inexplicable instruction to treat as confidential a matter that of necessity must be publicly performed, goes to show that the telegram was the outcome of thoughtless impulse, not of deliberate purpose. Colonel Owen in his evidence has stated that while he was engaged in Defence work from the time of the outbreak of war, he was so engrossed in military matters that he had no thought of Canberra; his action in this matter would seem to support that evidence. The immediate establishment of a Small Arms Factory was at that time regarded as a matter of overwhelming urgency, and I am inclined to think that the real motive for Colonel Owen's haste was a genuine desire to carry out the wishes of the Minister for Defence.

122. The further proceedings with regard to this arsenal were also remarkable. On 28th September Colonel Owen reported that he had been informed that No. 1 site had been adopted as the site of the arsenal. No. 2 site had in fact been adopted on 15th of that month, but the secret was well kept. The decision was not published till more than a month after Colonel Owen's letter was written (Exhibit "B 12"), and his information was wholly inaccurate. He left for India on 6th October following, and did not return to Australia until 24th December of that year. On 15th October Mr. Hill telegraphed to Mr. Holland (the site mentioned and also the course of the loop line from the Queanbeyan to the Canberra line having been surveyed), stating that £40,000 for the arsenal had been approved. ("B 253.") Mr. Hill further states— "Am ordering pump and motor; you order 3-in. rising main, 4-in. supply pipe; but do nothing on site or disclose action until my arrival with approved plans next week."

123. This injunction not to disclose action is similar to the order in the telegram of 7th September to treat the matter as confidential. Who it was that was to be kept in ignorance of the action in either case is not clear; certainly not the Minister, for what was being done was under his instruction. Work at No. 1 site was begun on 21st October, and on 22nd Mr. Bingle wrote to Mr. Griffin forwarding plan showing the arsenal on No. 1 site, and asking for lay-out for 300 houses. On 27th Mr. Griffin replied that he was astonished at the arsenal proposal, and said that it would spoil his whole design, and that he desired an early appointment with the Minister to discuss the matter. The Honorable W. O. Archibald retired from office on 29th October, and on 1st November Mr. Griffin wrote to the new Minister, the Honorable King O'Malley, a statement of his reasons in favour of No. 2 site. The Government decided on 9th November to reverse the decision of the Fisher Government in favour of No. 1 site, and to adopt No. 2 site. The record of the approval of No. 1 site has not been brought before the Commission, so it is not known what amount of work preceded, and what amount followed, such approval. Thereafter certain work was done at No. 2 site, but this site was subsequently abandoned for a site at Tuggeranong.

124. Mr. Griffin in his evidence before this Commission stated that the erection of an arsenal on No. 1 site would have amounted to practical destruction of his plan,

and he explains as one reason in support of this statement that it would make an industrial centre where he had intended that the occupation should be residential only. He asserted (900) :—

That the location of a factory on that site would have had the effect of nullifying the scheme for the upper lake, and its location there was proposed, I suppose, because of the opinion of the officer responsible that that lake should not be provided for.

But that view was not put forward when the matter was in discussion. His letter of 22nd July certainly stated that the question of site was "of vital importance in its relation to general city design as well as railway organization and the lake system" (B 12), but in his conference with the Arsenal Committee his objection was that the manufacture of cordite on that site would be "a menace to the City." (17520-6.) Also, on 1st November, 1915, Mr. Griffin wrote a very lengthy communication to the Minister, stating the case for No. 2 site as against No. 1. The chief objection to this No. 1 site in that letter is that it is so near to Queanbeyan that the workmen would live there, and thus the Commonwealth would be deprived of the increment of land value that would otherwise result from their residence in the Territory, and that ultimately the homes of the workers would extend from the arsenal to Queanbeyan in a continuous settlement; and that Duntroon College would "have to pack up and move out altogether." Far from asserting that the arsenal would prevent the carrying out of his design with regard to the upper lake, the objection in this memorandum is that the arsenal would occupy a good deal of the land bordering the lake, which otherwise might be available for water frontage residences.

125. It is very significant to notice that in a subsequent letter on 17th November, 1915, to the Honorable King O'Malley, Mr. Griffin states with regard to the arsenal :—

The case regarding the arsenal on the Molonglo River is as follows :—

- (1) The whole surroundings of Canberra as an arsenal site are not economical.
- (2) Colonel Owen has overlooked the fact that water in the stream will be warm for condenser purposes and impossible for power, which is the only utility of the water in question.
- (3) That the only possibility of supplying power with anything approaching economy at Canberra is to concentrate the whole of the generation at one site, and when that is done distribution losses are so small as to render it immaterial where on the area the arsenal is situated.

There is not one word there of the present objections to the selection of this site. The objections on the ground of the destruction of his plan and the impossibility of forming the upper lake must, in view of these two letters, be regarded as not being in Mr. Griffin's consideration at the time when the question of site was in course of decision, and as these two objections were not then, I think, known to Colonel Owen, he cannot be charged with an intent to establish the arsenal on No. 1 site for the purpose of destroying Mr. Griffin's design.

BRICKWORKS AND POWER-HOUSE.

126. Mr. Griffin complains (164-5) that the brickworks are, for reasons stated by him, "a nullification" of his plan, and that they were "established without any consultation with him." That charge is not fairly made, and should not have been pressed. The brickworks were established while the Departmental plan was in force, and before he came to Australia. Mr. Griffin makes similar complaint of frustration of his plans with regard to the power-house. The power-house, no doubt, is a detriment to his design, but its site was fixed and its construction, as a permanent building, well advanced while the Departmental plan was in force, and it is in the place intended by that plan. Before the Public Works Committee, Mr. Griffin had fairly enough stated that he "did not blame any one with regard to the power-house location." An effort was made on Mr. Griffin's behalf, but not by him in evidence, to show (35504-5) that he meant by that answer to convey that some one was to blame, but he could not say who. I do not accept this suggestion. The original statement was true, and I cannot think that Mr. Griffin really wished, when before the Committee, to make an unfair charge against a person whom he could not name.

CHARGE No. 4.

127. With regard to Charge No. 4 :—

"That in order to prevent his design from being carried out, wilfully false estimates of its cost were given;"

the first matter in order of date is one that must be stated in some detail, not only because it is relied upon as proof of an attempt to prejudice Mr. Griffin by false estimates as to the cost of his design, but also because I find myself unable to concur with the

Honorable W. H. Kelly in the view which he put forward in his evidence. Mr. Kelly was asked (6361) whether he at any time detected any hostile action on the part of any officer against Mr. Griffin. He replied :—

Yes. On one occasion the Director-General of Works put up an estimate of the cost of works at the Capital, which was obviously an attack upon the accepted plan. I refused to accept the estimate, and in a friendly way asked Colonel Owen, who has been a friend of mine for some years, not to try that line of procedure.

Later, Mr. Kelly says, "Colonel Owen is an extremely valuable officer within his limits, but it was a self-evident attempt to play with my judgment by producing figures which I had no chance of analyzing." (6366-6372.) He adds :—

Where a Minister is on cordial terms with principal officers, they occasionally discuss matters with him before actually putting them in the form of a Departmental document, and I think that Colonel Owen's purpose in coming to me with this rough document was, as it were, to take the soundings of the depths and shoals and so forth.

128. It was with extreme reluctance that Mr. Kelly produced the document, as he appeared to regard it as confidential and not official, but I pressed for its production. This document (Exhibit "B 104") contains estimates of the cost of works under the premiated design, totalling £2,241,300. Mr. Kelly apparently forgot that this document was not volunteered by Colonel Owen presuming on the friendship existing between him and the Minister, but had been specifically called for by Mr. Kelly himself on 20th February, 1914, when he wrote, "Kindly report as to the estimated cost of all engineering services for the Capital, showing separately cost of water (ornamental) and compensating weir, Molonglo." The document was, therefore, an official estimate prepared in accordance with that request. It shows a list of 23 items of works and services required for the Federal Capital. The first column of figures is headed, "Original Rough Estimate of 1910," and a footnote emphasizes the fact that this original estimate "was prepared before the existence of any city plan whatever," so that the estimates in this column must be taken to be mere estimates of the expenditure necessary to the building of a Capital City, and not estimates in accordance with any particular design.

129. The second column shows how these original estimates had been increased by later determinations. There is, for instance, £5,000 added to £15,000 for increased supply of timber; £10,000 added to the £25,000 for brickmaking, and so on. And in the third column there are the figures of increase consequent upon the accepted design. Six items only are stated in this column, so that in respect of seventeen of the 23 items shown in the first column the estimates of cost, whether on Mr. Griffin's design or on the rough estimate of 1910, plus later additions, agree. The only question as to inflation of estimates that can arise is in respect to the six items. The first increased item is at first sight startling. It is for the railway from Queanbeyan, which in the original rough estimate is put down at £50,000, and £350,000 is added as additional cost under Mr. Griffin's design. But, as Colonel Owen was able to point out, the original estimate was for a railway generally on the surface with some cutting, while the railway as shown in Mr. Griffin's plan is, from end to end, in tunnel. The length of it shown on the preliminary plan amounts to 12,000 feet, and it is still in tunnel at the outer edge of the plan on each side. For 12,000 feet Colonel Owen estimates £20 per foot as the cost of the work, making £240,000, and, in addition, allows for ventilation and an underground railway station (34483), and as there is hard rock on the north side of the Molonglo, and shale on the south side, he states in his evidence that a proper estimate for the whole length would be very considerably in excess of £20 per foot, a fair calculation for the cost of a double-tracked tunnel in rock being £47 per foot; that is £564,000 for the tunnel alone. On these figures, uncontradicted in evidence, I am unable to say that the addition of £350,000 in respect of the Queanbeyan to Canberra railway, and the further addition of £20,000 under Mr. Griffin's design, which for similar reasons has been added to the £80,000 of the original estimate of the cost of the railway to Yass, are either of them excessive.

NO EVIDENCE OF INFLATION.

130. I appreciate the force of Mr. Webster's contention that this railway had been the chief source of contention between the Departmental Board and Mr. Griffin, and I have no doubt that the opinion Colonel Owen held at the conference as to the excessive cost of the railway was still in his mind when this estimate was made. He himself (34391) asserts that he "never thought Mr. Griffin's railway a proper proposal,

and always said so when asked.” But as my mind on the whole matter is in great doubt as to whether this railway could have been carried out as shown on Mr. Griffin’s plan for 50 per cent. beyond the amount estimated by Colonel Owen, I cannot infer that he was actuated by any motive of hostility to Mr. Griffin in making that estimate.

131. Another item of additional cost attributed to Mr. Griffin’s design is the sum of £120,000 for water and sewerage mains and works, the original estimate of 1910 being £203,000, and Colonel Owen’s estimate of cost under Mr. Griffin’s design, £323,000. The explanation of this difference is clear. The original estimate was based upon the idea afterwards embodied in the Departmental plan that the initial city was to be on the south side of the Molonglo. Under Mr. Griffin’s design the city was to extend to the northern side of the Molonglo, and therefore the necessary mains and out-fall sewer would have to be carried to a greater distance. The data for this estimate of £120,000 are not stated, nor on the other hand has any evidence been given to show that the amount named was excessive. In the absence of such evidence I cannot draw an inference against Colonel Owen on this point, although upon mere consideration of the extra distance involved I am inclined to think that £120,000 is beyond the amount that would be necessary.

132. The next item of extra cost attributed to Mr. Griffin’s plan is £100,000 in respect of the railway bridge over the Molonglo, added to the original estimate of £100,000. The embankment and bridge shown on Mr. Griffin’s plan were respectively 200 feet wide and 800 feet long according to scale, 160,000 square feet, and the cost of such a bridge would certainly be far in excess of £200,000. Colonel Owen had in consideration when framing his estimate a much narrower and cheaper bridge, and his evidence as to probable cost (34479) has not been cut down by other evidence. As to the next item, approaches of access, £60,000 in the rough estimate with the addition of £60,000 for the approaches of access necessary to Mr. Griffin’s scheme, there is no evidence to show that such additional work would not have been necessary or that the estimate made by Colonel Owen was excessive.

133. The only remaining item is under the heading “Ornamental Water.” The original estimate of £50,000 is increased by £150,000, making £200,000 as the cost of the lakes in Mr. Griffin’s design. Here again the question of the treatment of the ornamental waters was a matter of contention between the Departmental Board and Mr. Griffin, Colonel Owen in particular desiring “ribbon treatment” of the waters with natural outline, Mr. Griffin an elaborate scheme of lakes, 3,145 acres with a shore line of 34 miles, with formal outline of these shores. It is manifestly impossible that Mr. Griffin’s lakes could have been completed for anything like £150,000. One item alone—the dam at Yarralumla—is estimated by Mr. Griffin himself to cost £84,000; this leaves £66,000 for the rest of the work. If Colonel Owen, upon the information which he had in March, 1914, had estimated £300,000 instead of £150,000 as the extra cost, I think he still would have made an under-estimate. It must be noticed too that Colonel Owen, in obedience to the Minister’s request, had to make his estimates on such insufficient data as was available, and he heads his columns of figures “Rough Estimates.” No exact estimate could then be expected, and on this point the fact is relevant and important, that when before the Public Works Committee on the inquiry as to the cost of dams for ornamental water on 14th July, 1915, Mr. Griffin himself was not even on that date prepared to give an estimate of the cost of this item of his own project.

134. One other matter in connexion with Exhibit “B 104” remains to be mentioned, namely, that unfairness to Mr. Griffin is these estimates might as well have been achieved by depreciating the cost of the Departmental Board’s design as by appreciating the cost of the estimates under his design. But it cannot be said that such a course has been taken in this instance, because the original estimates of 1910 were, as has been pointed out, made before either of the competing designs came into existence.

EXCAVATION AND FILLING ESTIMATES.

135. Another matter in respect of which it was alleged that false estimates of the works in Mr. Griffin’s design were put forward is shown in Exhibit “B 3.” The conditions for Parliament House competition had been prepared by Mr. Griffin before his departure for America, and on 25th March, 1915, the Minister minuted to Colonel Owen that it had been stated to him that the conditions in connexion with the competition provided certain levels which would involve very heavy expenditure for excavation and

filling, and asking that the quantities should be taken out and a report furnished as to the approximate cost. On 14th April Colonel Owen furnished this estimate. The estimate was based upon a ground level of the Administrative group, shown on the section as at 1,870 feet above sea-level, and according to that level Colonel Owen reported that the filling would extend to a maximum of 40 feet, and the excavation to a maximum of 19 feet. He stated that he had not had an opportunity to estimate on the 400 feet to the inch plan recently submitted by Mr. Griffin, on which he believed the ground level was shown at 1,872 feet above sea-level; but on the basis of the levels given on the section shown in the conditions of competition, he estimated the amount of excavation in round numbers at three million cubic yards, and the filling in round numbers at a quarter of a million cubic yards, and that the balance of the consolidated filling would therefore be two and three-quarter million cubic yards. His estimate for 250,000 yards of excavation is £20,000, and for 3,000,000 yards of filling £150,000, making a total of £170,000.

136. This estimate, according to Mr. Griffin, was inflated to the extent of at least 300 per cent., and he states (page 68 of evidence) that Colonel Owen's estimate of £170,000 was based upon inaccurate data. Mr. Griffin says (page 67), "I never fixed any levels from which such assumptions could be drawn. The earthworks cover an enormous area of land, which is assumed to be graded up to the buildings—a thing which I never had any intention of doing. Consequently, the estimate of £170,000 was an excessive one. An estimate of the cost of the work submitted by me to the Public Works Committee allowed for 857,800 cubic yards excavation and filling, and my evidence showed that only 600,000 cubic yards would be necessary. Colonel Owen's estimate was based on estimates which were not warranted by my plan. There was nothing on that plan from which accurate data could be obtained."

137. The plan referred to is part of Exhibit "A 5," and shows on a section the level of the "Terrace of Departmental Buildings" at 1,870 feet, the level of the terrace of Houses of Parliament rising from 1,920 to 2,000 feet, which latter is the level of the terrace of the Capitol. Colonel Owen based his calculations upon a uniform level of 1,870 feet for the Departmental buildings, and did not accept the 1,872 feet level shown on the city plan; to fill up to that level would have been much more costly. There is no serious question as to the accuracy of his computation of the amount of work required to be done; and, upon the assumption which he made as to level, his estimate is admittedly correct, except that it is said he has calculated the filling at an excessive cost of 1s. per cubic yard instead of 9d., on the assumption that the material would have to be brought from a distance, and that the amount £200,000 charged for excavation is already included in the filling. But even if wrong as to these calculations, I do not think the charge is made out. The charge, as made by Mr. Griffin, is that Colonel Owen ought not to have made his calculations on Mr. Griffin's plans but upon a basis known to Mr. Griffin, but not then published. It would no doubt have been proper for Colonel Owen, before making his estimate, to have communicated with Mr. Griffin to see whether the whole ground level was intended to be as shown on the plan, but the breach that had occurred in June, 1914, sufficiently explained why he did not seek such information, and I do not think that Mr. Griffin is now entitled to say that his intention was not as shown on his plan; that he intended to have a series of terraces for the Administrative group instead of one uniform level, and that because such an alternation in design had enormously reduced the cost of levelling as compared with the cost involved if the level were to be as shown on the section, Colonel Owen's cost was falsely computed. Mr. J. Noble Anderson supports Mr. Griffin's calculation as to total cost, but this is also upon the basis of Mr. Griffin's determination that variations in the levels should be made. In my opinion, therefore, this attack wholly fails. Mr. Griffin also attacks this estimate very unfairly when he writes (Exhibit "A 1," page 71):—

It was also overlooked, and should not have been overlooked, that my scheme was an estimate for the future, and that not less than 100 years would elapse before more than an inconsiderable part of that work would be required.

But Colonel Owen was asked to estimate the cost of the earthworks, not the proportion of the work that Mr. Griffin or the Minister intended to complete at the outset. How it could be ascertained what proportion should be done in this century and how much in the next I cannot understand, nor can I understand how any engineer could assume that levelling necessary to be fully performed in order to secure an intended harmony and effect in design, should be left incomplete and unsightly for 100 years.

138. Another matter that may be mentioned under this charge to the advantage, as far as it goes, of Colonel Owen, is that he was asked by the Minister on 30th March, 1915 ("A 1," page 60), to supply a return "in connexion with the ornamental water areas shown in the plan recently received from Mr. Griffin, *i.e.*, as to the prospective supply of water and how far it will suffice, also as to approximate cost." This report was supplied on 14th April, 1915, and, while it elaborated details of the ornamental waters, catchment, run-off, stream losses, and requisite flow, does not contain one word as to the cost of these works. This may, of course, be mere oversight, but if he was intent on using the cost of Mr. Griffin's design to lead to its condemnation, an admirable opportunity was here afforded him, because the estimate of the cost of the upper lake— $2\frac{1}{2}$ square miles, the lower lake—3 square miles, and the dams necessary for storage on the Upper Molonglo and the Queanbeyan, would necessarily, upon any reasonable calculation, have shown very large figures indeed.

139. An attack was directed against this report because of its conclusion that, assuming it was intended that the level of the lake should always be maintained, and that there should be a compensating river flow of, at least, 10,000,000 gallons in the lower reaches of the Molonglo, the Queanbeyan and Molonglo rivers could not be regarded as a satisfactory source of water supply. This attack in my opinion also fails. The data available for calculation as to the sufficiency of supply were incomplete, and estimates of run-off, evaporation, and flow could only be a matter of opinion, and I cannot find in this report any evidence to show that Colonel Owen in putting forward this conclusion did so from any motive of hostility to Mr. Griffin's design.

RAILWAY EMBANKMENT.

140. A further charge of putting forward false and inflated estimates of works necessary to Mr. Griffin's design is made in respect of the estimate furnished by Colonel Owen ("A 1," page 77) of the cost of railway bridge and embankment over the Molonglo. That estimate was £381,346. Colonel Owen in giving the estimate stated that:—

It must be taken as approximate only; the average depth of rock below the surface being taken to be 30 feet; and, on the basis of the levels furnished by Mr. Griffin, giving a railway level of 1,855 feet, that the height of embankment would be from 20 to 25 feet, or a height above bedrock of 55 feet with a length of 1 mile; that the railway bridge is to be 800 feet long, with a capacity of two tracks, and roadway bridges to be of similar length, two in number, 40 feet wide (one on either side of the railway); the embankment to be water resisting, with slopes of three to one and two to one inner and outer respectively, and a water-proof core of puddle clay or concrete; the discharge notch on the weir to be of concrete placed immediately in front of the bridges, to have a length of 800 feet, with sufficient depth of notch to discharge flood waters without appreciably raising the water level of the upper lake.

The total estimate consists of seven items, the most expensive being bridges, retaining and abutment walls £150,000, and embankment £73,187.

141. Mr. Griffin's estimate for this work is £91,190 ("B 33"), but there are in his estimates some figures that cannot well be accepted. For instance, he charges to the railway account, and deducts from the work, half the cost of excavation and formation of bank, £11,030; and this, although perhaps a reasonable charge in administration, cannot fairly be made when the purpose is to secure a comparison with Colonel Owen's estimate, which was on the mere basis of cost, irrespective of how cost was to be debited. This, if added to the total, as it certainly should be, brings his estimate up to £102,220. Then in the estimate itself there are some figures that the evidence did not satisfy me to be reasonable. For instance, Mr. Griffin gives the length of haul of the various materials from the point of excavation to the place of deposit as varying from 500 feet to 15,900 feet, and of his grand total of 666,000 cubic yards no less than 252,000 cubic yards coming from the railway cutting have a haulage of 15,900 feet. His estimate of cost for material other than rock is 6d. a cubic yard, and rock 1s. 4d.; figures that seem to me in the circumstances and on the evidence to be far below what would be required. Then also his estimate differs from that of Colonel Owen, inasmuch as he substitutes a syphon spillway for a bridge, and for such syphon arrives at an estimate of £76,311, which is £73,689 below Colonel Owen's estimated cost of the bridge. This alternation he is clearly not entitled to make, because at the time of Colonel Owen's estimate, and in fact up to the time when evidence was first given before this Commission on the matter, the railway crossing was to be provided by a bridge 800 feet long, as shown on his plan, and a bridge at this point also was referred to in Exhibit "A 9," where Mr. Griffin (page 7) states, "Another weir with locks on the line where the railway and the main

traffic route runs around the Government reservation inundates the extensive upper bottom lands for a naturalistic lock at 1,835 level," and on page 14, where he describes the railway and roadway, he refers to "the long weir bridge," over which they will pass. A "weir" at a railway or road crossing means a "bridge," and even if he had not mentioned "the long weir bridge" it would not be open to him to claim now to substitute syphons for the bridge that he had described and intended, and, however costly this mode of taking the railway across a bridge may have been, Colonel Owen was clearly entitled to make his calculation on the assumption that the work would be carried out in that way. Mr. Griffin and Mr. Anderson gave their estimate upon the basis of syphon construction, and for the reasons I have stated, I think that their calculations as to the cost of that method of carrying out the work are made upon an erroneous basis. Mr. Anderson's estimate of the total cost of the work is £80,000, being £45,000 for cost of embankment, and £35,000 for cost of syphons, his total measurement of embankment being 752,000 cubic yards as against Mr. Griffin's 666,000 cubic yards. But these two estimates are very conflicting in respect of other items, for whereas Mr. Anderson calculates £45,000 as the cost of the bank, Mr. Griffin puts it at £25,909, including the £11,030 which I think, should be added. Then, in respect of the syphons, Mr. Griffin's estimate is £76,311, while Mr. Anderson puts the cost at £35,000.

142. Another important matter in connexion with these estimates is that Colonel Owen took the width of embankment and bridge at 200 feet, as shown on Mr. Griffin's plan, and was entitled in his estimate to provide for that width. This, however, he did not do, but provided for a double-track railway bridge, and for two road bridges, each 40 feet wide. Mr. Anderson in Exhibit "B 87" shows a section of the embankment proposed, upon which his calculations were made, and from this it appears that the width at the top was to be only 30 feet, and that the two roadways were to be at each side and at a much lower level, so that here again the basis of calculation differs so materially that no fair ground of comparison is afforded. Colonel Owen calculated the probable cost of the work, as indicated on the plan. Mr. Anderson and Mr. Griffin set themselves to see how an embankment could be most cheaply constructed at this particular point, and although they may be taken to have proved that there is a cheaper way of carrying out the work than as designed originally by Mr. Griffin, as far as it can be determined by his design, they have not succeeded in showing that Colonel Owen's estimate was excessive.

143. In evidence in reply Mr. Griffin produced the plan (Exhibit "B 273") which he had already put before the Public Works Committee, in order to show how the cost of the embankment could be reduced. This Exhibit shows the dam in respect of which Colonel Owen made his estimate on a width of 200 feet. Mr. Griffin's dam is 40 feet wide at the top, with one roadway on the upstream side, while his alternative scheme before the Public Works Committee of an embankment for the purpose of a dam only is also shown. This plan may no doubt be useful for the purpose for which it was intended, *i.e.*, to show how economy in the work by departure from the original design could be effected, but it does not at all assist the charge of inflated estimate which Mr. Griffin has preferred.

YARRALUMLA DAM.

144. In the minute under notice Colonel Owen also states that the lower lake "will involve the construction of a concrete dam, approximately 70 feet high, at a site directly in front of the Yarralumla Homestead. The borings and levels are not sufficiently advanced to give a close estimate, but it may be taken approximately at the present stage as at least £75,000." Having seen the site of this proposed dam, and comparing it with the site and cost of the Cotter dam, it appears to me that if built of concrete £75,000 certainly would not be at all an excessive cost. Mr. Anderson states as to the Yarralumla dam that he would not build of concrete at all, but would make an earth dam 82 feet high, with a 30-ft. roadway along the top, that only 200,000 cubic yards of material would be required, and that the cost of the dam itself would only be about £8,000 or £9,000. This at the lower figure gives a cost for the earthwork of 9½d. per yard, which surely must be a very low estimate, considering that at each side of the site of the intended dam rock comes very close to the surface and very frequently protrudes, and that long leads might be required before 200,000 yards of earth were obtained. I have to accept Mr. Anderson's statement that an earth dam would be sufficient at that place, his evidence on that point being uncontradicted, but if the point had not been in this way concluded, I certainly should have had a very grave doubt whether the dam

would stand in that position, and I certainly still have great doubt whether the cost would be as low as that stated by Mr. Anderson. To his estimate of £8,000 or £9,000 has to be added his further estimate of £30,000 for syphons, which brings the total cost under £40,000, and this Mr. Anderson says would be ample. It appears to me that it would be a question for engineers as to which class of material—earthwork or concrete—should be employed for a dam of such a type, and believing that other engineers besides Colonel Owen would prefer a concrete dam with a notch or by-wash to Mr. Anderson's earth dam and syphon, I cannot find in Colonel Owen's estimate evidence of a desire to exaggerate the cost of carrying out this part of Mr. Griffin's design. In fact, the matter seems to be concluded in favour of Colonel Owen by Mr. Griffin himself, for in his estimate of cost for certain works submitted to the Public Works Committee on 30th October, 1915, he states under the heading of Western Lake System—"impoundment Yarralumla dam, estimate of cost £84,000"—a sum which contrasts strangely with Mr. Anderson's £38,000 or £39,000, and is evidently intended to provide a concrete dam or weir.

MR. GRIFFIN'S LAKES.

145. Under this charge of making false estimates, lengthy evidence was given regarding Mr. Hill's evidence before the Public Works Committee, wherein he stated the cost of cutting and excavating for Mr. Griffin's lakes at £405,000. This estimate was afterwards reduced by Mr. Hill to £245,000 (upon further information supplied by Mr. Griffin as to variations in the sections and in excavation), and it was urged that the extent of this reduction showed grave exaggeration in the original estimate. Mr. Griffin's own estimate of cost was £25,000, plus £8,300 for bridge approaches. Mr. Anderson, called to support Mr. Griffin's estimate, and having made an independent examination and calculation of quantities, states (3871) the excavation at 1,750,000 cubic yards as against Mr. Griffin's 1,833,000 cubic yards, and accepts Mr. Griffin's estimate of 6d. per cubic yard, although he considered it excessive. This estimate of 6d. or less per cubic yard appears to me to be far below the real cost. A great deal of evidence was given to show how cheaply excavation can be effected. For instance, evidence was given that Lubecker dredges could excavate, lift, and place material in the trucks at from 1½d. to 3d. per yard, and that the cost of excavating a canal, under Mr. C. Catani's supervision (Exhibit "B 197"), had been 5d. per yard. But it seems to me to be quite impossible to accept the cost of work done under the conditions obtaining in the Lubecker case as any criterion of the cost of work to be done in the formation of lakes under Mr. Griffin's scheme. Straightforward work in material of even consistency and free from rock affords no parallel whatever to the work that would have to be done at Canberra, where part of the excavation could be best performed by sand pump and part by grab dredge, or other excavator. The length of the leads for the filling at Canberra, and the varied slopes that would have to be treated, also make this a very different proposition to that supervised by Mr. Catani. I should be inclined to take 6d. as the minimum cost for excavating and filling any part of the material to be here dealt with. With all respect to the opinions of Mr. Anderson and Mr. Griffin, I am unable to accept their estimates in this respect. I am inclined to think, upon consideration of all the evidence as to cost of earthwork in this inquiry, assisted by my own observation and study of the country to be treated, that the figures of cost of the work stated by Mr. Griffin are far below the cost that would be involved, and that this would more nearly approach Mr. Hill's estimate as stated in the next paragraph.

146. But it is in respect to quantities that the greater conflict has arisen in this matter. Mr. Hill, in his evidence (19960-20014, 22029-22072), states, the method by which this estimate was arrived at. He took Mr. Griffin's plan and instructed Mr. Francis, a draughtsman practised in such work, to take out the quantities from the sections numbered 1 to 59 on Mr. Griffin's 400 feet to the inch plan ("C 19"). These quantities were for filling 5,434,720 cubic yards, and for excavating 950,413 cubic yards, and the estimate of cost is 1s. 2d. for excavating, and 1s. 6d. for filling. These quantities by Mr. Francis were then submitted to the Assistant Military Engineer, Major Pinchen, who checked them with the plan. Mr. Webster points out that upon Mr. Griffin's plan it was specifically stated that its object was "to indicate roads, rail, and waterway levels . . . physical and other data necessary for the complete plan yet to be supplied," and that it was "subject to variations as may be rendered necessary on due consideration of such data," and he contends that Mr. Hill ought, therefore,

to have conferred with Mr. Griffin to see whether any alteration was necessary by reason of the receipt of later information necessitating alteration of the plan. This course would undoubtedly have been desirable, and no doubt would have been followed if proper official relations had obtained.

147. It is not contended that Mr. Francis made any error in taking out the sections according to the plan. After this estimate of £405,000 had been put before the Public Works Committee, Mr. Griffin supplied Mr. Hill with 50 sections as shown on the plan. As to the reduced estimate then made by Mr. Hill, Mr. Griffin says (page 87) :—

The amended estimate was based solely on the information which he had asked for and received from me as to the profile of the sections of the lakes on those various points as to which he required me to give him the data for an estimate.

This change in profile and quantity was in part arrived at by an alteration in the position of No. 1 basin and in the outline of the middle basin, reducing very considerably the amount of filling required. (19, 964, 83, and "C 19.") Further, in his evidence Mr. Griffin says (37107) that "the difference in his sections and Mr. Hill's accounts for the difference in the estimates," and he also states (37110) that "the road contour surveys supplied to him were neither complete nor accurate, and that he had to make estimates upon the survey, and in consequence of such errors in survey he supplied to Mr. Hill sections that were inaccurate." Further, Mr. Griffin's quantities of excavation and filling vary from those arrived at by Mr. Hill because Mr. Griffin has estimated the cost only of the work that is to be done to complete the lakes. For instance, in his evidence as to section 28 (37115) he says, "Between the bridge and the roadway is a hollow, and, as in the other case, it is not necessarily a charge on the lakes. In my opinion, it is an advantage to have these scattered places for the disposal of 'spoil,' " and this is what is shown in Mr. Griffin's sections ("C 22"), while Mr. Hill's sections are carried out to the vanishing point of filling. (19984-6.)

148. From Mr. Griffin's evidence and plan now produced it would appear that the excavation is to be completed on the formation of the lakes, while the filling beyond the boulevards is to be left until some future time when a place for the deposit of spoil from some other part of the city or its environs will be required. I have no authority to go into this question as to whether the work ought to be carried out in one way or the other, my only duty being to inquire whether the estimate made by Mr. Hill was purposely inflated to the detriment of Mr. Griffin but ; it does seem to me that Mr. Hill was perfectly right in assuming that the work when done would provide for the full amount of filling and excavation. I think it must be a first principle in engineering that, in designing work which necessitates excavation and filling, the levels should, if possible, be so adjusted that the amount of earth required to be taken out shall be equal to the amount required for filling, and this being, as I assume, the proper engineering practice, Mr. Hill and his officers were justified in assuming that it would be followed. I am surprised that Mr. Griffin should put forward as a means of attacking Mr. Hill this scheme for completing lakes and boulevards, while leaving unsightly hollows beyond the boulevards to be filled up in the future at greater cost than would have been necessary if these had been done as part of the lake work. Neither from an æsthetic nor from an engineering point of view can I come to the conclusion that Mr. Hill ought to have assumed that Mr. Griffin's work would be carried out in the way stated by Mr. Griffin. This charge was the subject of very lengthy evidence, but I see no ground for imputing blame to Mr. Hill or other officers in respect of it.

CHARGE No. 5.

149. In respect of the fifth charge—

"That there was in the Department a combination, including the Honorable W. O. Archibald and certain officers, hostile to Mr. Griffin and his design for the Capital City" ;

it is necessary in order fully to understand the course of events with relation to Mr. Griffin to ascertain and consider Mr. Archibald's attitude towards him, as disclosed in evidence. He states (page 7), "I had no unfriendly feeling at all against Mr. Griffin. When in office I had neither sympathy nor antipathy." He thought Mr. Griffin's "engagement was a grave mistake," nor had he a good opinion of Mr. Griffin's capacity. In his evidence (47) he said, "Mr. Griffin professes to be a landscape architect, a general architect, and a civil engineer. I have at all times a suspicion of Jacks-of-all-trades." Mr. Archibald suggests (948) that Mr. Griffin's time was taken up with "grand theorizing,

moonshine, and dreaming," and that to encourage the investigation into sewerage matters suggested by Mr. Griffin would make the Capital the "happy hunting ground for all the experimenters that are knocking about," and that if he as Minister had given encouragement to the consideration of a scientific scheme of sewerage treatment as proposed by Mr. Griffin, "he would have had all the members of the cracked brigade making a bee line to Canberra from all parts of the world." He asserts (13) that Mr. Griffin's idea was not to have any plan, "but that he simply proposed to go on by degrees, trusting to anything at all that turned up. That at least is what was in my mind as to what he intended. . . . In other words his idea was, 'We will do the best we can as we go along, and see how the world goes round.'" Further, he says (page 10), "All through the correspondence you will see that Mr. Griffin did not seem to have a plan, but was, as it were, fishing for one, and that as things developed he would see what was best to be done."

150. The Minister's feeling with regard to Mr. Griffin personally seems to have extended to Mr. Griffin's nation. In the House he had used the term "Yankee bounder" in reference to Mr. Griffin, and in his evidence he justified the expression by stating that what he had in his mind when applying that term to Mr. Griffin was a man whose conduct is offensive to others. "The American system of business, as I understand it, is to endeavour to undermine everybody else, and every man of the world knows that the Yankee bounder does try to undermine others." This reference to men who tried "to undermine others" is singularly unfortunate in view of some of the official papers and correspondence attacking Mr. Griffin after Mr. Archibald's accession to office, from which quotations have already been made.

OFFICERS' FEELING TOWARDS MR. GRIFFIN.

151. The feeling as between officers and Mr. Griffin is indicated by Mr. Archibald (page 10), where he says:—

Mr. Griffin actually accused me in words of working with the officers against him. He said the officers were working against him for the Departmental plan and influencing me against him. I would not like to say he said I was working against him, but rather that he said the officers were influencing me against him. I told him repeatedly to get that out of his mind, that the officers could not influence me against him or anybody else. It will be seen, however, all through the papers that that was his impression, an impression that these officers had a loan of the Minister and were deliberately working against him. Mr. Griffin's attitude towards the officers became so irritating that when I asked the latter for a report they would say they would rather not supply one, because of the irritation that would follow. I then as Minister had to ask them as officers to be kind enough to do what I had asked, and then they would say, "Certainly, Sir, if you put it in that way." However, the feeling was very strong. I am not built in a way to order leading officers to do this or that, and had to make strong requests to them in this regard, and they complied with them only with reluctance. . . . So far as I was concerned the permanent officers of the Department were unwilling to co-operate with Mr. Griffin. The officers resented the view that Mr. Griffin took of the matter. I was in a curious position. Mr. Griffin did not think he was getting fair treatment, and the officers were under the impression that they had to be careful in case I did not give them a fair deal. In the circumstances I had to hold the balance, but there was no friction. . . . I do not wish you to think there was any bad feeling. I had absolutely no feeling at all against Mr. Griffin on account of his attitude.

152. It may be safely assumed that the attitude of Mr. Archibald towards Mr. Griffin became known very early after his accession, and also that the reluctance of officers to supply Mr. Griffin with information dates back to the same period, even if it had not been in existence from the time of Mr. Griffin's arrival in the Commonwealth, and this assumption is supported by the subsequent facts. Mr. Griffin got very little information during Mr. Kelly's term of office, but he was still more unfortunate in that respect after Mr. Archibald's accession.

153. There is one matter I think I should note in relation to the evidence just cited, and that is that on 14th April, 1915, Mr. Archibald from his place in the House ("A 1," page 64), in answer to a question put by the Honorable Austin Chapman, "Whether the squabble between Departmental officers and Mr. Griffin, which has caused so much delay, has been settled?" replied, "I am not aware of any misunderstanding between the officers of the Department and Mr. Griffin; indeed, I do not know what my honorable friend is driving at."

A LARGER PLAN REQUIRED.

154. A matter that has some bearing on the attitude of other officers to Mr. Griffin is the remarkable coincidence of thought and action shown in connexion with the plan

of 400 feet to the inch demanded from Mr. Griffin. On 9th December, 1914, Colonel Miller, in a minute to the Minister, written at Canberra, states :—

I desire to invite your attention to the serious consequence resulting from the delay which has arisen in connexion with the adoption of a design for the lay-out of the Federal Capital City. The plan of the design to be of any practical use must be drawn to a scale of say 400 feet to 1 inch, preferably, on a lithograph of the plan of the contour survey of the city site, which has been issued on the scale referred to. This is essential in order that the surveyor may have facts to guide him when projecting the design on the ground.

155. In passing it may be noticed that no such requirement had been deemed necessary for the survey suggested in his minutes of 11th July and 5th October preceding. On the same date, 9th December, Mr. Griffin had an interview with Mr. Archibald, at which Mr. Bingle and Mr. Hill were also present ; and although Colonel Miller's minutes could not then have reached the Minister, a demand was made upon Mr. Griffin that he should immediately set about the preparation of a plan on a scale of 400 feet to the inch, with such necessary levels as would determine the grades, depths, and formation of the various works shown thereon. Asked as to whose suggestion it was that a plan of 400 feet to the inch was required, Mr. Bingle (15536) says he "thought the Minister had in his mind before the interview that a larger plan was required, and when it came to the question of a scale to be adopted, I think Mr. Hill suggested the 400 feet. That had probably been in Mr. Archibald's mind also after conference with Mr. Scrivener." Mr. Scrivener cannot remember whether he did so advise the Minister, but said that if the matter had been referred to him, he undoubtedly would have so advised.

156. However, the demand having been made upon Mr. Griffin, he was compelled to put aside all other work in order to produce this plan of 400 feet to the inch, and chiefly on account of delays in survey and in lithographing, the plan was not completed until 27th March, 1915. It is not easy to see what purpose this 400 feet to the inch plan was required to serve. According to Colonel Miller, it was needed in order that the city might be projected on the ground, and Mr. Scrivener also states that a plan on that scale would be desirable, if not necessary ; yet it is clear that the 1,600 feet preliminary plan, or the 800 feet to the inch basic plan had up to that time been deemed sufficient for the purpose. It is also to be noted that Mr. Scrivener and Colonel Miller had not put forward any objection of insufficiency of plan as a reason for preventing Mr. Griffin from proceeding with the survey on 5th October, Colonel Miller's ground of objection being that he ought to do the work, and Mr. Scrivener's objection being that members of his staff should not be controlled by Mr. Griffin.

157. The Minister states in evidence that his reason for demanding a 400-ft. plan was that he might have something to show to engineers and others to enable them to consider the works involved. But however Mr. Archibald and his officers might differ as to the purpose the new plan was intended to serve, they were united in this, that Mr. Griffin must forthwith proceed to prepare it. Mr. Griffin in his letter of 14th December to the Minister (page 50) asserted that his basic plan contained "notwithstanding the apparent opinion of your staff, all that is needed to enable a decision to be arrived at in respect to essentials," and he further pointed out that the preparation of the 400-ft. plan would "occasion most unnecessary delay (if it is desired to get on with construction), and great and unnecessarily premature expense. Much of such work is only required and undertaken and would have been recommended by me as development proceeded." Although Mr. Griffin always contended that the plan required was unnecessary, he proceeded without further demur to its preparation. It is a notable fact, admitted in the evidence, that after the plan on the larger scale was completed it did not enable any progress to be made in connexion with any engineering or other works at the Federal Capital on the site. The first use to which it was put was its production during evidence before the Public Works Committee more than twelve months afterwards. (9214-23, 20577-602, 20710-4.)

158. As showing the state of Colonel Miller's mind towards Mr. Griffin the documents contained in Exhibit "B 89" are instructive. On 3rd April, 1915, Mr. Bingle wired to Colonel Miller :—

Minister desires to be furnished earliest moment with statement showing total cost to latest practicable date of Mr. Griffin's section of work under following heads : Salaries and allowances, travelling expenses, cost of material, and any other headings which you may have recorded. Matter very urgent.

On the same day Colonel Miller replied acknowledging receipt of the telegram, and stating the cost of all items as asked for, and concludes this telegram with an irrelevancy not at all unusual in his communications when Mr. Griffin was the subject, "Am unaware

nature of Griffin's present employment or of duty upon which his considerable staff of draughtsmen is engaged." The Administrator was resident, of course, at Canberra; Mr. Griffin carried on his work in Melbourne at his office there. He was in no way subordinate to Colonel Miller, nor was it any part of Colonel Miller's duty to know what Mr. Griffin's employment was, nor of the duties upon which his staff was engaged.

HUMILIATING INTERVIEW.

159. There are two interviews dealt with in the evidence which throw a strong light upon the difficulties of Mr. Griffin's position and his treatment by the Minister and officers. On 9th December, 1914, Mr. Griffin having obtained an interview for the purpose, as he says (page 79), of having a "heart-to-heart talk" with the Minister as to some statements made by the latter in a speech in the House, there were present, besides the Minister, Mr. Bingle and Mr. Hill, engineer. The Minister had some discussion with Mr. Griffin as to his plan and the necessity of obtaining further levels, and then a letter to Mr. Griffin was, in his presence, dictated by Mr. Hill and typed, and then signed by the Minister. This letter is as follows:—

Design of Lay-out of Federal Capital City.—With reference to our interview of this morning, and in continuation of my communication of the 8th instant, I would request that the plan be 400 feet to the inch scale, and cover the same area and with the same detail as the premiated design, and with such necessary levels as will determine the grades, depths, and formations of the various works thereon shown, such plan to be on cloth tracing, to allow of the taking of prints.

The humiliation of this strange proceeding does not seem to have been openly resented by Mr. Griffin. The letter reached him in due course through the post.

160. Later, on 20th April, 1915, Mr. Griffin having asked for an interview with the Prime Minister for conference in connexion with Federal Capital matters and his position, Mr. Archibald wrote stating that "such Conference would consist of the Prime Minister, the Minister for Home Affairs and officers, yourself, and an officer or friend, if you so desire." Mr. Griffin on 22nd April acknowledged this letter, stating that he would "be pleased to be present at the proposed Conference, but could not at present conceive of any need for the assistance of an officer or friend." Mr. Bingle on 21st April had written to Colonel Owen and Mr. Hill directing them to be present at the interview.

PAPERS OMITTED.

161. A charge of withholding from Parliament documents relating to Mr. Griffin was strongly pressed. The introductory facts are as follow:—The Honorable W. H. Kelly on 14th May, 1915, asked the Honorable W. O. Archibald whether he would lay on the table all papers relating to a statement made by the Minister to the effect that Mr. Griffin "claimed to be sole arbiter as to what should be done at the Federal Capital, and claimed the right to engage professional assistance." The reply was that Mr. Kelly was at liberty to inspect the official files, and this he did. Then on 10th June, 1915, the Honorable Joseph Cook asked for the production of all papers that had passed between Mr. Griffin and the Honorable W. O. Archibald and officers of the Department, and this was promised. On 11th June Mr. Kelly pressed for the production of the "Griffin papers," and on 16th June the papers comprised in Exhibit "A 1," pages 1 to 120, were laid on the table and ordered to be printed. These printed papers, it was alleged, did not include all the documents relating to Mr. Griffin, and 52 other documents, referred to in evidence as "the missing papers," were ordered to be printed by Parliament in September, 1916, and are comprised in Exhibit "B 107." It is charged that the documents referred to as "the missing papers" were wilfully withheld from inclusion in Exhibit "A 1." (11370, 11406, 11436.)

162. The officer responsible for the selection of papers to be produced to Parliament was in this case Mr. Bingle (11084-11110), who deputed the task to an officer who could not be called, and against whom personally no charge is directed, the attack being directed against Mr. Bingle as for failure to see that all relevant documents were included. Looking at "B 107," it is seen that certain documents therein should have been produced to Parliament. No. 8, an advising by Mr. Griffin as to sewerage; Nos. 17, 18, 20, and 21, relating to Mr. Griffin's request for surveyors; No. 22, his offer to advise *re* cement works; No. 28, correspondence as to certain work done on roads and quarries, as well as all the papers Nos. 30 to 49 relating to the Parliament House competition, should certainly have been included; other Papers in "B 107," and especially Nos. 50 to 52, were not within the terms of description of the Honorable Joseph Cook or of the Honorable W. H. Kelly.

163. Various reasons for the omission of the relevant papers are given by Mr. Bingle. One of these is that only "current correspondence" was asked for; this contention is clearly untenable. He also said that some of the files were at Canberra, and that the matter was rushed, and the best that could be done in the time allowed was done. (11122-11490.) As to the latter ground, the papers produced certainly indicate that there was no method in their arrangement, and little care in their selection. Some documents are included three times over, no order of dates has been observed, and in some instances letters are included without the replies given, and other letters necessary to complete the correspondence are omitted. In no case can I find, with respect to any of these omitted documents, any evidence of anything more than want of care, and this arising in part from the fact that the production became, after Mr. Kelly's application of 11th June, a matter of sudden urgency. The fact that some papers were at Canberra accounts for non-production in three instances at least. Mr. Webster pressed the view that as some of the omitted documents were of great importance in this inquiry they should therefore have been included in "A 1," but this contention cannot be accepted. I can see no evidence to disprove Mr. Bingle's statement (11479) that "no paper was omitted in order to injure Mr. Griffin or to shield an officer."

PROFESSIONAL OFFICERS SUPERSEDED.

164. A conversation which seems to be of great consequence in relation to this charge took place under the following circumstances. On 3rd May, 1916, the Honorable King O'Malley sent a letter to Mr. Brilliant, Works Superintendent at Canberra, as follows:—

You will please take over from the Director-General of Works complete charge and supervision of all the works in the Federal Capital Territory, and all hands will be under you.

Shortly after receipt by Mr. Brilliant of this letter, there was an interview between him and Colonel Owen, at the instance of the latter, at Acton House, and another interview later in Sydney on 3rd June. Mr. Brilliant had long held the position of Works Superintendent in the Territory, and in that office had been subordinate to Mr. Connell, Mr. Hill, and, of course, Colonel Owen. This order superseded the latter, and put Mr. Connell and Mr. Hill and other professional officers in a position subordinate to Mr. Brilliant. This reversal of position was, of course, very galling to them. Mr. Connell had had an interview on the subject with Colonel Owen, and very shortly thereafter followed Colonel Owen's interview with Mr. Brilliant. Mr. Brilliant states that Colonel Owen then told him that the Honorable King O'Malley and Mr. Griffin were "unreliable and irresponsible persons," that he, Brilliant, "was taking the wrong course in obeying the Minister instead of him" (Colonel Owen), and that "he would very likely find himself dealt with if he did not mind what he was doing;" that the Commission to inquire "into the affairs at Canberra would only last a very few days, and that then things would go on as before;" that "Mr. O'Malley and Mr. Griffin would probably kick him (Mr. Brilliant) out after they had done with him, and that Mr. Griffin would introduce officers in keeping with his own views." (33978-34031.)

165. Colonel Owen in his evidence as to this conversation states (34614, 36070-3) "that it is very hard for him to remember what he did say" at the two conversations, that he "was on the best of terms with Mr. Brilliant then, and did not want to harangue or bully him." Further, he says:—

I told him that we had to pull along together, and get on with the work. Mr. Brilliant started talking about officers in a way that I did not like; that made me very angry, and I said to Brilliant, "The public is not paying us to have quarrels; we are paid to carry out the work of the Government," and I ended by saying to Mr. Brilliant, "You have to play the game, and you have to carry on." I do not remember saying, "Play the game and all will be well." I have no recollection of saying that Mr. Griffin and the Minister were unreliable and irresponsible persons. If I had said such a thing I would remember it. I will swear I never used those words referring to the Minister. I have absolutely no recollection of using them, and if I were asked to swear one way or the other I would say, "No, I did not."

166. Considering the whole of the evidence given by these two witnesses, I am impelled to the conclusion that Mr. Brilliant's evidence is correct. He impressed me strongly as being a very careful and straightforward witness, and also as a man not likely to get excited or to act or speak without due consideration. Colonel Owen is excitable, and apt to speak without full consideration when excited. I believe his evidence when he says, "It is very hard for him to remember what he did say," as my impression is that at these interviews he was very excited, and not at all likely to have a clear recollection of what did occur. Then, too, Mr. Brilliant's statement of what was said is clear and

consistent, and in accordance with the circumstances that had arisen. That Colonel Owen and other officers should feel strong resentment at being made subordinate to one who was not an engineer is of course to be expected, and at the first conversation at least, if not also at the second, Colonel Owen was speaking under the impulsion of such resentment; and in one of the questions put to Mr. Brilliant in examination, Colonel Owen did seem to concede the correctness of Mr. Brilliant's evidence. (34024.) This question was—"Did I not ask you to play the game and stick by the officers that you have worked with for years?" These words may have been inadvertently used, but they are an admission of the accuracy of the substance of the evidence given by Mr. Brilliant, for that evidence goes to show that Colonel Owen's effort in conversation was to persuade Mr. Brilliant to work with the officers, rather than to work with Mr. Griffin and the Minister in opposition to them.

167. But I doubt whether I should be right in thinking that Colonel Owen had been actuated during 1914 and 1915 with the same animosity against Mr. Griffin that he did, I believe, betray and display at those interviews. The immediate cause and, as I think, the main, if not the entire, cause of the animosity at the time of those interviews, was the slight that had been put upon the professional men by their being placed under the orders of a non-professional officer. I do not desire it to be thought that I wish in this to depreciate Mr. Brilliant or his qualifications. On the contrary, I look upon him as being one of the ablest and most efficient officers of the Territory, and fully competent to discharge any of the duties imposed upon him.

MR. GRIFFIN REINSTATED IN AUTHORITY.

168. The history of this whole matter requires statement of the further fact that on 15th November, 1915, the Honorable King O'Malley, in an attempt to end all questions of conflict between Mr. Griffin and other officers, wrote a minute stating his "desire to give immediate effect to Mr. Griffin's agreement," and that he "would be glad if Mr. Griffin would be good enough to furnish him, with the least avoidable delay, with his recommendations for carrying out such intention." On the same date the Minister directed a minute to be forwarded to all chief officers of the Department in the following terms:—

All officers of the Department are hereby required to furnish any information and assistance desired by the Federal Capital Director of Design and Construction. It is my desire to eliminate all methods and forms of red tape in this regard, with a view to facilitating the progress of the city. The Director must be furnished with immediate acknowledgment of his requests, stating the steps being taken to comply with them. (Exhibit "B 10.")

169. In Schedule No, 3, issued on 1st December, 1915, the following paragraph occurs:—

Under his contract Mr Griffin was constituted Federal Capital Director of Design and Construction, and no operations or matters in connexion with that City can be initiated without his advice having been obtained thereon.

Mr. O'Malley wrote a further minute to be sent to all concerned officers informing them "That they are under the Director, to whose instructions they are expected to be readily responsive; the advice of the Director will be sought on all operations and matters in connexion with the Territory, prior to submission for Ministerial approval;" and on 2nd May he directed that "No commitments should be entered into without reference to Mr. Griffin."

COMMISSIONER'S FINDINGS.

170. Upon all the evidence, and particularly upon that which has been stated or referred to in this report, I find that the reasons why Mr. Griffin between 18th October, 1913, and 15th November, 1915, performed no substantial part of his duties under his contract with the Commonwealth are as stated in four of the five charges advanced in his behalf, viz., charges 1, 2, 3, and 5, and are as under:—

- (1) That necessary information and assistance were withheld from him and his powers were usurped by certain officers;
- (2) That he and his office were ignored, his rights and duties under his contract denied, and false charges of default made against him;

- (3) That the Honorable W. O. Archibald and members of the Departmental Board endeavoured to set aside his design and to substitute the Board's own design ; and
- (5) That there was in the Department a combination, including the Honorable W. O. Archibald and certain officers, hostile to Mr. Griffin, and to his design for the Capital City ;

and that the Honorable W. O. Archibald and the officers mentioned in my references to the evidence under these charges are severally responsible to the extent already indicated by me for this result. But I think it necessary that I should emphasize the fact that after Mr. Archibald's accession to office it must have been perfectly clear to all the officers that the Ministerial policy was directed against the carrying out of Mr. Griffin's design, and any acts they did in frustration of Mr. Griffin's efforts were therefore done in furtherance, as they believed, of the Minister's desires. I cannot say that this excuses them ; still the greatest responsibility in respect of the obstruction to Mr. Griffin is with the Minister. Holding the views that he did as to the "grave mistake" that he considered had been made in the engagement of Mr. Griffin, he should have adopted one of two alternatives ; either to have cancelled the contract and reverted to the design of the Departmental Board, or else to have allowed Mr. Griffin's contract to be performed and his design carried out.

171. As to the fourth charge—

"That in order to prevent Mr. Griffin's design from being carried out wilfully false estimates of its cost were given ;"

I find that it wholly fails, and that no such false estimates were made.

I have the honour to be,

Your Excellency's most obedient servant,

WILFRED BLACKET,

Commissioner.

D. J. QUINN,

Secretary,

Melbourne, 12th March, 1917.