

dustry, not involving questions which are, or may be subject of the proceedings for an indictable offence, and without limiting the general nature of the above definition." The words "done or to be done" relating to the work had been omitted; that was because of the possibility of dispute; otherwise right down to and including paragraph (d) the Bill embodied what was in the existing Act.

Hon. FRANK WILSON: Paragraph (d) gave employers preference and did not give it to the workers, and although that was in the old Act he objected to it. If he could persuade hon. members to join him he would strike out the paragraph. He moved an amendment—

*That paragraph (d) of the definition of "Industrial matters" be struck out.*

Progress reported.

#### BILL—WHITE PHOSPHORUS MATCHES PROHIBITION.

Returned from the Legislative Council with an amendment.

*House adjourned at 10.44 p.m.*

### Legislative Council,

*Wednesday, 14th August, 1912.*

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The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

#### BILL—TRAMWAYS PURCHASE.

*Second reading—Amendment six months.*

Debate resumed from the previous day.

Hon. W. KINGSMILL (Metropolitan). It came somewhat as a surprise to me to hear the concluding part of the speech of Mr. Colebatch. I did not think that an attempt would be made to execute the Bill at so early a stage, at all events, in its passage through this Chamber. Personally, I do not propose to support the hon. member's attempt at any rate at this stage. This Bill is an extremely interesting one from many points of view, and I would not like to see its career cut short until it has had a chance of correcting some of the vices which it bears within it; until it has had that chance, I feel bound to vote against any proposition such as that so eloquently and ably moved by Mr. Colebatch. He raised the point as to which were the better course to pursue, nationalisation or municipalisation, and he fought that point principally, I think he will acknowledge, on broad principles. Now, it is a very good thing that matters should be treated in this Chamber on broad principles, but there are sometimes matters of detail which affect principles, however broad they may be, and it is by studying the details in this case that I have come to the conclusion that if we wish to better the tramway system of the metropolitan-suburban and suburban areas, that betterment can only be brought about at the present stage by nationalisation. It appears to me that there are very many difficulties indeed, most of which were dealt with by the leader of the House in his speech, in the way of municipalisation. If there were not other difficulties, difficulties in the varying forms of agreement made at certain times with the different suburbs through which these tramways run, agreements differing among themselves and all differing from the agreement made by the Perth City Council—if there were no other difficulties, these would be sufficient to turn my mind towards the scheme of nationalisation which has been introduced in this Bill. As hon. members have already pointed out, were there in existence to-day a scheme which has been in the air for a good many years, and which, may I be allowed to say, shows

every sign of remaining in the air for many years to come—I allude to the project for a greater Perth—if that scheme were an accomplished fact, there would be every reason for municipalisation of the trams as against nationalisation, but that greater Perth scheme is not, as so many people think, to become an accomplished fact in a few minutes. It will take many months and perhaps years of anxious thought and keen debate before even the form which that scheme is to take can be settled, whether it be a municipal federation or a municipal unification, and the varying terms under which the municipalities and roads boards will be embodied in that scheme will require a great deal of careful study. Until that greater Perth is brought about, it is somewhat early to think of municipalising the trams. There are, however, three alternatives in this matter—nationalisation, municipalisation, and leaving things as they are. I understand that the objection to leaving things as they are lies principally in the fact that the company, which of course conducts its operations at the will of the shareholders—I do not know whether my information is correct or not—are desirous at the present juncture, not of making extensions, which extensions are undoubtedly necessary, if the tramways are to fulfil the functions which tramways should fulfil in this area, but of diverting any profits which they may make into the shareholders' pockets in the nature of dividends. I understand that is the great obstacle in the way of leaving things as they are, and personally I do not for a moment think that things should be left as they are. I think that the importance of the city and its environs demands a better system than the company are apparently able to give us at present. That being so, the two other alternatives suggest themselves to my mind, and, with the evidence I have before me. I have no hesitation in adopting nationalisation as preferable to municipalisation, at all events, at the present juncture. But now let me say that whenever the greater Perth scheme materialises, then in the Act of Parliament forming the charter of that body,

undoubtedly they should find a place for the ownership of these trams. If I may be allowed to say so, the principal crux of the situation in this Bill is not municipalisation against nationalisation, but whether or not a municipality has any rights as against the State, and there have been some very interesting speeches in this connection—I was going to say amusing speeches, and they would be amusing if they did not embody a principle which I look upon as altogether vicious in its application. I allude to the principle that has been laid down that as against the State a municipality has no rights. I would invite the attention of the Government to what must be the logical consequence of laying down for their guidance a principle such as that. I take it that this Government, socialistic though their tendencies be, do not wish to altogether kill all possibility in the future of municipal undertakings and municipal trade. I would ask the Government how can any local authority in future engage in any undertaking whatever with private individuals, or even on its own account, when they have before them the example of what is proposed in this Bill—the example of the Government swooping down upon them when the time is ripe and wresting from them by force rights which they undoubtedly have acquired, rights which are valuable, and which are held for the best interests of the citizens who own them. I think that if the Government think for a moment of what the effect would be of adopting such a principle, what frightful burdens, financial as well as administrative, the cessation of all municipal and roads board undertakings would throw on their shoulders, they would hesitate before taking the step they propose to take in this Bill. As I understand the position, the history of this matter is in a few words as follows: In the first place an Act was passed long years ago, whereby private undertakers in this and other directions could obtain provisional orders from the Government of the day under which they could construct tramways or other works, the provisional order to be confirmed by Parliament. That order was really the charter of their exist-

ence and laid down the terms under which they held those rights, how those rights were to be administered, and what was to become of them after a term of years. In this instance the provisional order laid down, as per agreement with the city council—the Government after all being only, so to speak, the body which promises to ratify in Parliament the agreement between the company and the municipality of Perth—that these trams should become the undoubted property of the City of Perth after a term of 35 years, and that, in the meantime, as the leader of the House stated, in lieu of rates the company should pay to the municipality three per cent. of the gross takings. And therein lies a very valuable piece of evidence with regard to the recognition of the rights of the municipality and with regard to the rights of the municipality as against the Government in dealing with rates. I would point out to the leader of the House that always the subsidy paid by Governments to municipalities has, in large towns at all events, been looked upon as compensation for the fact that the Government pay no rates on the very large tracts of land they hold in some municipalities. That in itself is a recognition of the undoubted rights municipalities have as against the Crown. To resume my brief history of this case, I understand some eight or nine years, whatever the period, say eight years, have elapsed since that concession was given. When it was first given, during the first year, these rights were of very little value; indeed, nothing had accrued; but in the second year they were more valuable, until at last, after a term of years has elapsed, supposing eight years have elapsed since the making of the agreement, out of the complete period set down in the agreement of 35 years, I think we would be justified in saying that all events the rights of the city of Perth accruing during the term of years past is eight thirty-fifths of the total value of the trams. That is a rough and ready way of estimating the rights of the Perth City Council, and very likely one the Perth City Council would be perfectly willing to accept. Of course I do not know what their ideas are on this subject and I think, before hon. members make up

their minds as to the fate of this Bill, the fullest inquiry should be made, inquiry which, so far as Parliament is concerned, has, at all events, not yet been made, as to what the views of the municipality are in this very connection. As Mr. Colebatch said, the action of the Government has been a very high-handed one indeed. As a matter of fact, I am led to wonder, if they can take this high-handed action in a minor degree, why they should bother to think about purchasing the trams at all. If they can pass an Act of Parliament to confiscate the rights of the city of Perth, I do not see why they should not pass an Act of Parliament to confiscate the rights of the tramway company. Why not? It is purely a matter of degree, and not a very great deal of difference at that. Naturally, I suppose, the Government would say, if they thought of it, that they would not take such a step because the company is in the nature of a private individual; but I would ask the Government whether a municipality, under the Act which constitutes municipalities, is not constituted an individual. I understand by the Municipal Corporations Act a municipality enjoys the same rights and privileges and is subject to the same penalties as an ordinary citizen of the State.

Hon. D. G. Gawler: It is a body corporate representing the citizens.

Hon. W. KINGSMILL: Quite so. The section of the Act which makes it a body corporate makes it, as I have already said, subject to the same penalties, and gives it the same privileges as an individual, and the municipality becomes in the eye of the law an individual; so that the Government may just as well take any accrued rights from any citizen of the State as take the course they propose to adopt in this Bill, to confiscate what I consider, at all events, the undoubted rights of the citizens of Perth for consideration in this matter. The arguments which have been used to the present by those who believe in this confiscation go, in my opinion, to show, not that the present action is right, but, perhaps, that Parliament was wrong when it gave the reversion of these trams to the municipality and not to the State in the first instance. I think all of us know that a bargain is a bargain whether it is a good

bargain or a bad bargain, and to repudiate a bargain because it is bad is, I understand, not an honourable process in private life, and I believe it becomes an even more reprehensible process when carried out on the larger scale of the public life of the State. As I have already indicated, in my opinion this is a most complicated question. It has been described by the leader of the House as a most complex question. We have had in this House, at all events, not a very great deal of explanation of the matter, and the House, either in full Council or in Committee of the whole, does not, in my opinion, form a proper arena for the dispassionate and detailed discussion which should take place over a proposition involving as many fine points and as many points of justice and injustice as this case does.

Hon. F. Connor: And creating a precedent like this.

Hon. W. KINGSMILL: Yes, and creating a precedent, as I have said, which must strike at the very root of all municipal and roads board undertakings throughout the State for ever. If Parliament allows such a proceeding as this to take place, then I say on the head of Parliament be the blame which undoubtedly will accrue of throwing everything into the hands of the Government. It may be the Government, with their socialistic tendencies that I have already alluded to, desire such to be the case; it may be the Government believe in the theory which has been laid down by one of the most prominent members of the Ministry, that a man is first and last a citizen of the State. I agree with him in part of his proposition. A man may be first a citizen of the State, but he has other rights beside that in the complex nature of our society which has grown up year by year as we have evolved into our present social position. I think everyone will agree with me that it is an absurd theory to lay down that a man can only be looked upon in one capacity. The ordinary individual has rights of locality, of citizenship, of State citizenship, and as a British subject of the Empire and other rights at

each end of the gamut I have mentioned which are too precious to him to be lightly parted with or to have taken from him without, at all events, his entering a protest against such a proceeding. I do not know that the municipality of Perth, the most interested party to this dispute—because, after all, it is the party which has the most definite rights—has had a fair opportunity of laying its case before Parliament. Personally, I do not think that this has been the case. The city council have protested, but in my opinion, they have not had a fair opportunity of laying their case before Parliament. Therefore, I propose when this Bill has passed its second reading, if the amendment of Mr. Colebatch is not carried, to move in the direction of ensuring to that body that such a hearing shall be given to it. I think it is essential and a proper proceeding that this Bill should be referred to a select committee of the House in order, firstly, that the Perth City Council may say what they would like, and, secondly, that the Government may have the opportunity, if they so desire it, of saying that they do not wish, after all, to be so harsh as this Bill would lead us to suppose they are, that they are prepared to meet these people who have undoubtedly moral rights and, I should think, legal rights under the agreement entered into some years ago, and that they are prepared to recognise that municipalities and local authorities of various kinds can, after all, have some rights under our Constitution. I hope they will desire to take this opportunity. I hope they will view this matter from a reasonable point of view. Furthermore, there is another thing we may consider. We all know that during the preliminary stages of any bargaining, when the principals, so to speak, are fighting wide of one another, there is always a tendency for both sides, perhaps, to be a little unreasonable; the vendor asks more than he expects to get, and the purchaser offers less than he is prepared to give, and it is only when the two parties as it were, get to close grips that business—rational, well-thought-out business—is likely to eventuate.

Hon. C. Sommers: You want to abolish the middleman.

Hon. W. KINGSMILL: In this case, I am sorry for the hon. member, there is no middleman. The middleman would be a very awkward customer to deal with before a select committee. At all events there is no middleman to be considered in this case, and I think this last opportunity, the last chance which is given to either party to be reasonable, should not be denied them. It seems to me to be essentially a fair course, and a course which, if it does not do any good, at all events cannot possibly do any harm, and a course which, I hope, will satisfy the ends of justice. For that reason it is my intention when the proper time arises to move, if the Bill is still in existence, that it shall be referred to a select committee.

Hon. Sir J. W. Hackett: What about its existence then?

Hon. W. KINGSMILL: I have already explained that I am going to support the second reading. As to the subsequent proceedings and the after stages of the Bill, I shall be guided entirely by what is done in the select committee and in the Committee of the whole which follows.

Hon. Sir J. W. Hackett: At what you call the funeral obsequies.

Hon. W. KINGSMILL: I do not call them funeral obsequies. It may, on the other hand, be a period of rejoicing at the rejuvenescence of the measure we are discussing. At all events I believe the fullest inquiry should be made before we pass a Bill embodying a principle which I look upon as vicious and embodying a clause which takes away what I consider the undoubted rights of a local authority, and which affords a precedent which must in my opinion now and in the future for ever embarrass the Government of this or any other State.

Hon. A. SANDERSON (Metropolitan-Suburban): This Bill is of special interest to the municipalities in the metropolitan area and suburban districts. If I thought it necessary I would like to deal at some length with Mr. Colebatch's very vigorous attack yesterday on the Bill, root and branch. I always listen with in-

terest and very often with approval to what the hon. member says, but I must confess yesterday, although I had more or less an open mind and was quite prepared to hear what could be said against the proposition, the effect of his speech was to satisfy me that he had gone too far on this occasion. I tried to follow him clearly to find out really what the great objection was from his point of view. Mr. Kingsmill, to most of whose remarks I can say ditto, on this occasion has dealt very sensibly with the question in confining the discussion to a very large extent to how much should be paid to the Perth City Council. Mr. Colebatch, on the other hand, dealt with the questions of private enterprise, municipalisation, and nationalisation; indeed I was astonished that he did not deal with what is a practical issue in this connection, namely, the federalisation of the tramways.

Hon. F. Connor: Why not the unification?

Hon. A. SANDERSON: Anyone taking any interest at all in Federal affairs knows that there is a very strong movement on foot to have the railways taken over by the Federal Government. If the State Government of Western Australia are going to eat up the municipalities, and, a little later, the State Government is to be eaten up by the Federal authorities, it will be seen that unless some reasonable treatment is meted out both to the municipalities and the State it will be a disastrous thing for Western Australia. I deny altogether that the city council have any right in law. If they have, let them exercise it.

Hon. J. F. Cullen: They will, when the time comes.

Hon. A. SANDERSON: Against whom?

Hon. J. F. Cullen: Anyone who may be in the way.

Hon. A. SANDERSON: Surely if we pass an Act of Parliament we take away any rights the city council may have as against the Government.

Hon. J. F. Cullen: It does not follow.

Hon. A. SANDERSON: Surely the hon. member is thinking of the Imperial Parliament.

Hon. J. F. Cullen: I am thinking of the High Court which happily exists.

Hon. A. SANDERSON: It is very interesting to deal with these questions as to the legal rights of the Perth City Council, the position of the State Government and the power of the High Court, to say nothing of the veto of the Governor. All these questions, I hold, can be fittingly discussed in this connection. But I wish to say I do not propose on this occasion to follow Mr. Colebatch in his very severe criticism of the Bill when he launched forth into the question of the merits of private enterprise as opposed to State enterprise. To my mind, the whole of the problem in the Bill is the question of how much the Government, or this Parliament, if members prefer to put it that way, are going, as an act of grace, to allow to the city council in connection with this purchase.

Hon. A. G. Jenkins: Surely not as an act of grace, but as a right.

Hon. A. SANDERSON: I am speaking of legal rights. It seems to me that if the Bill pass they will have no legal rights whatever as against the Government. If they have let them exercise those rights. They will probably find it a costly process to get any damages against the Government.

Hon. F. Connor: The Bill might be *ultra vires*.

Hon. A. SANDERSON: Then it would not be assented to.

Hon. F. Connor: Yes, the courts would decide it.

Hon. A. SANDERSON: Surely it would not reach the courts, it would be for the veto of the Crown. I think it will be admitted that if the Bill pass the city of Perth will have no legal rights against the Government.

Hon. W. Patrick: No, because those rights will be taken away.

Hon. A. SANDERSON: That is so, the rights will be taken away.

Hon. W. Patrick: But we have no right to take them away.

Hon. A. SANDERSON: Precisely, that is one view of the case. Another is that we have that right, while, as a matter

of fact, we are asked by the citizens of Perth to exercise it, to say nothing of the metropolitan district. Even taking Mr. Molloy's circular letter, and Mr. Colebatch's speech on the same point, the question is how much shall be paid to the city council for those rights.

Hon. W. Kingsmill: And how.

Hon. A. SANDERSON: That goes without saying.

Hon. H. P. Colebatch: The Government propose to pay the tramway company for the city council's rights.

Hon. A. SANDERSON: That point raised by Mr. Colebatch in regard to the increase of the share market value of the tramways is also a very interesting one, which I propose to leave out of the discussion, for the reason—

Hon. A. G. Jenkins: That it is a very difficult one.

Hon. A. SANDERSON: No, it is not very difficult, as far as I am concerned. Personally, if I had my way in the matter, and were not representing a large province with conflicting and complex interests, as well as trying to a certain extent, to look after the interests of the State as a whole, I would be strongly in favour of leaving the position as it is to-day, with the property in the hands of a private company; but I recognise that the champions of private enterprise will perhaps do most for that cause at the present juncture by saying very little about it. I am pledged to support this, because the municipalities in the suburban district have asked me to support it. I had looked into the matter—not so exhaustively, perhaps, as I have done during the last few days—but I came to the conclusion that it was a sound business proposition. To come back to the point raised in regard to the increase in the capital value of the shares; I think it is merely the muddling and interference of State and municipality which, I agree with Mr. Colebatch, has served to raise the price. It may be said that it is due to the introduction of the Bill, but I think it would be an interesting test, in the event of the Bill being rejected, to see whether those shares will keep up to their present price. In order to make

myself quite clear, I again ask how much are the Government—and I repeat the words “as an act of grace”—

Hon. W. Kingsmill: Justice.

Hon. A. SANDERSON: Well, as an act of justice. I think it is rather a misuse of the words. How much are they going to permit the city council to have out of the general revenue? When justice is talked about in this connection I do not think it is unfair to remind representatives of Perth, and even that august body, the Perth City Council, that the mere fact of Perth being the capital of Western Australia gives very many advantages to the city, directly and indirectly; and whether or not they get compensation they have so many advantages from the Government being located here, and this being the capital, that I think, considering the struggling municipalities outside of Perth, they would not be doing too badly if they got nothing at all. But I would like to see them satisfied. I think it is a bad principle to try to exact the utmost farthing, although I still maintain we are entitled to do it. But, how much are we going to allow them to have? I think Mr. Kingsmill's suggestion that the Bill should go to a select committee is a very sound proposition. Mr. Molloy estimates the market value, an amount which he says can be calculated by any actuary, at half-a-million of money. That is a very astonishing statement to make, and it can be discounted to a great extent by Mr. Colebatch's estimate of £100,000. That was his estimate of the amount which it would be a reasonable thing for the city of Perth to get.

Hon. H. P. Colebatch: That valuation was made by the Government valuers. It is not an estimate of mine.

Hon. A. SANDERSON: However, I recognise that each authority, whether Mr. Colebatch or the Government Railway Department, is quite competent to form an opinion on the matter. At any rate, it is a long way less than the half-a-million which Mr. Molloy says any actuary can calculate. The fact that there is this very large discrepancy, which can scarcely be discussed on the second reading, is in itself a sufficient warrant for referring

the question to a select committee. Speaking specially on behalf of the suburban municipalities, I hope it is clearly recognised by hon. members that, owing to the complexity of the different agreements made by the tramway company, it is very difficult indeed to see any other satisfactory way out of the dilemma than by this system of nationalisation. We must not forget that the attitude of the Government is this: “If you do not accept this Bill we will retire from the position altogether; we are not going to give you any large compensation.” That, I take it, is the attitude of the Government.

Hon. H. P. Colebatch: They propose to give the tramway company £100,000 above the valuation.

Hon. A. SANDERSON: When you get a State Government and a municipal council negotiating with a private corporation on a financial question, the price is bound to be unduly inflated. However, this sudden rise in the value of shares need not be thrown at me as a taunt; because I am satisfied, from past experience, that if you get a municipal council and a State Government trying to do a deal with a private corporation the net result will be that the corporation will come out on top. But I thought I had protected myself from that criticism by stating at the beginning that if my own personal opinion were asked I would leave things as they are. But that is not the opinion of the ratepayers of Perth, nor of the great bulk of the people, or at least very many of them, in the State. The Labour party have proclaimed openly and above board from every platform that the object they are aiming at is nationalisation, and whether private corporation or a municipality it is about time they realised that the Labour party are in earnest and are quite determined to carry out their policy. So, referring to the question of compensation, it seems to me very much like a claim raised for compensation to the publican when his license is taken away; but when the publican has had years of warning that no compensation would be paid, I think he has had reasonable opportunity of making what arrangements he can to protect himself. So

with the private corporations and private individuals to say nothing of the municipalities in this country, they have had sufficient warning now from the Labour party that they are going in for nationalisation, and the people in my opinion who are the greatest supporters of the Labour party—and do not intend to be—on this road to what in my opinion is political and social and financial perdition are those men who say we will take each question on its merits, and so we go step by step down to these regions. Members can put in any adjective they like. I trust the Minister will make some reference to this question of federalisation. I do not wish to be an alarmist, but it is a department of our State politics, and the influence of Federal legislation must be taken into consideration. I am very well satisfied from reading the speeches of Labour leaders that that is the goal at which they are aiming—unification, and then they will have nationalisation. At the present moment, of course, we have the different States as rivals, just as we have municipalities as rivals. Once we put away this magnificent private enterprise which has built up the principal part of Australia as we see it to-day, and whether it is municipalisation, nationalisation, or federalisation, it seems we are getting on very dangerous ground. I do not wish to take up too much of the time of the House, and I can certainly put the summing up of my position in a very few words. I will content myself with saying that I shall vote against the amendment. I certainly trust that Mr. Kingsmill's suggestion will be adopted, and that this Bill will be referred to a select committee. I am going to support the Bill as a whole, because I think in all the circumstances of the case it is the best way out of the difficulty, but I am quite prepared to do something at any rate to meet the claims of the Perth City Council. How far we will meet those claims one cannot say off-hand. I have been trying to find out whether the citizens of Perth really wish this to be brought about.

Hon. J. E. Dodd (Honorary Minister): You will not give them a chance; that is just the trouble.

Hon. A. SANDERSON: I would not put it in like that, because after all, the mayor of the city of Perth must be treated with distinction. I suppose he will shortly be lord mayor, but at any rate is a chief magistrate of this City, and I would treat any proposition coming from the mayor of Perth with consideration and distinction. I certainly regret that it leaves out the people who are outside the city council and not closely in touch with the ratepayers of Perth, and makes the task a great deal more difficult in considering whether the ratepayers of Perth are in favour of this nationalisation with or without compensation. If the interjection of the Honorary Minister is an indication that they have tried to avoid meeting their masters, all I can say is, it is very much to be regretted.

Hon. J. E. Dodd (Honorary Minister): They declined times out of number to take a referendum.

Hon. A. SANDERSON: I will not detain the House longer, except that to say that this is the position I take up on this important matter.

Hon. J. CORNELL (South): I would like at the outset to say that I somewhat regret the attitude taken up by Mr. Colebatch. Right through his remarks one could not help being struck with this impression that the present Government can do nothing in the direction of an honest attempt to do good to the citizens of the State, but that their motives are actuated by political jobbery and innuendo.

Hon. H. P. Colebatch: I made no such suggestion.

Hon. J. CORNELL: I say that was the inference running right through the hon. member's remarks, and it is the inference I got from them. I regret that it is necessary in connection with a measure like this to be placed in a position to a certain degree of defending the Government. I would like to say that so far as this Bill is concerned, and as a member of the party with which I am identified, the only notice I received of the measure was when it was laid on the Table of the House. Thus I was free to approach it as other members in this House, with a



open mind, and I resent on behalf of the Leader of the Government and the Premier in another place the suggestion to the contrary. The action of the Government in moving in this direction is to be commended. The tramway systems have been looked upon as a certain form of utility to be dealt with at the whims and wiles of certain individuals. I think the tramway system is a form of public utility, and the broader the ownership and the control we can give to the system, the better it is for the component parts of the district and for the State generally. I agree with the Bill as placed before us with one exception, and members will see that in that connection I am not in accord with the Government of the day. I do not agree with the provision made in Clause 8, paragraph (a). If I had my way, that would be struck out altogether. That is my opinion of the Bill in that respect, but the Bill has run the gauntlet of the Legislative Assembly whereby I should say a true representation of the views of the Perth municipality and other districts has been obtained. I have taken a considerable amount of interest in the matter, and though members in another place representing adult suffrage in the metropolitan area have fought for certain alterations in the Bill, it has come forth from that House with a mandate, and so far as the principle of nationalisation is concerned, it had almost the unanimous support of that Chamber and of the representatives of Perth and the surrounding districts. As a consequence, I think members when the issue comes, should give some consideration to the thoughts of members of the Legislative Assembly.

Hon. D. G. Gawler: That is the support of one party.

Hon. J. CORNELL: The principle of nationalisation has the support of both parties. I will touch further on the question of nationalisation later on. Mr. Colebatch in speaking last evening said he was opposed to the Bill root and branch because it was unbusinesslike in principle and opposed to the best interests of the ratepayers. To get at what a

ratepayer is, we have to make a generalisation of the functions that make a ratepayer of a municipal council. A lot has been said about the rights of the municipal council. We know that Parliament in its wisdom has brought in a Municipal Corporations Act and a Roads Act for the purpose of allowing certain parts of the State, where the citizens are of opinion that it is necessary, to conduct their domestic affairs, and they cannot go outside the four corners of the Act. In the first place Parliament made it possible for them to be ratepayers through the medium of the Municipal Corporations Act. Now, what is a ratepayer? A ratepayer is generally known as a person who pays rates to the municipal council. I have for many years held this opinion, that a man in business who pays rates from a portion of what those who deal from him give him, is worthy of no more consideration than those persons who indirectly pay the money. I regret that the country is so far behind, that in the electoral machinery of the municipalities we have not seen fit to give recognition to that great principle. I think I have dealt with, and I hope I have conclusively proved that after all the question of a ratepayer is a very flimsy thread on which to hang an argument. If we take the great city of Perth and its municipal council, were it not for the money of the people who are the ratepayers resident within and around its ramifications, we would not have much of a city. It is in the interests of these people, and the people of the whole State who contribute in a large degree to the success and welfare and prosperity of the municipality of Perth that the Government brought down this measure. Mr. Colebatch made a very astounding remark that every town has been built up by the energies of the ratepayers. I think that every town in this State to a great extent has been built up by the energies of the poor individual who is not a ratepayer, and is too poor to become one.

Hon. E. McLarty: Tommy-rot!

Hon. J. CORNELL: It is not tommy-rot. Take the goldfields town of Boulder

where I come from. The municipality of Boulder has about 3,000 ratepayers. The municipality of Kalgoorlie has a little over that number. The population of the two centres is in the vicinity of 40,000. I ask members who has been the contributing factor to the building up of that centre, the ratepayers or the masses of the people generally? I say the masses of the people generally have contributed as ratepayers directly and indirectly in the building up of those towns. On the other hand. I could take members to goldfields towns from where the great portion of the people I have referred to have gone, and so did the ratepayer go.

Hon. A. G. Jenkins: He left his money behind him. The other man did not; that is the only difference.

Hon. J. CORNELL: I am very glad to hear that interjection. He says he left his money behind. I know many ratepayers on the goldfields who are amiable persons, men and women for whom I have the highest social admiration, who went to that town with nothing and probably will go away with nothing. It is a bad advertisement. You took your chance, but for one ratepayer or one business man in or around the Golden Mile, who went to it with nothing and will go away with nothing, there will be thousands of workers who have kept many ratepayers in easy jobs who will go away with nothing, and it is in the interests of these people, not any particular section, that we desire this piece of legislation brought about. It was pointed out in debate yesterday that the ratepayers in Perth had rights of law and equity, and that they had a perfect right to enter into an agreement with the Tramway Company, and to deprive them of the fruits of their agreement would be confiscation. That was tantamount to saying, in my humble opinion, at any rate, that the Government of the day would stoop to the ordinary common known methods of theft. It is not motives of theft that have actuated the bringing down of this measure but the motives of justice and justice to all and not a few,

and I think that accusation could very well have been left out of the broad principle of the nationalisation of the Perth trams. We come to the question, could it have been possible for the Perth City Council to have entered into an agreement at all without the sanction of Parliament. Parliament gave its sanction per medium of an Act. They gave the council the right to enter into an agreement with the tramway company and it took another Chamber and this Chamber to allow them to do so. Parliament did this sometime ago and I think hon. members will admit that changes in politics and changes in many directions, in my opinion, are a prominent factor in progress, and the public opinion at the last general election was emphatic in this direction, and I say that what Parliament gives, Parliament, as the custodian of the rights of the people, has a perfect right to take away. On the question of compensation, if Parliament is going to dole out a sum, or call it a right if you will, to the Perth City Council to the detriment of the great masses of the people of the State, then I say they will be taking up a wrong attitude and I will not be with them. In his remarks yesterday Mr. Colebatch said that he was in favour of public ownership of public monopolies. I interjected how he intended to apply the principle and Mr. Colebatch replied, "When the reversionary rights mature 27 years hence."

Hon. H. P. Colebatch: After 13 years is the first right of purchase.

Hon. J. CORNELL: It would cost a lot more then. I understood by Mr. Colebatch's remarks that his idea of the purchase was to wait until the reversionary rights matured.

Hon. H. P. Colebatch: I never said anything of the kind.

Hon. J. CORNELL: Then there would be nothing to pay for except the land and the extensions. I am pleased to know that we have a Micawber in the Chamber and I am also pleased to know that the Government with which I am associated are not waiting for something to turn up, but will move in the direction indicated by the people. There is another imputa-

tion I would like to resent strongly. It was asserted yesterday by Mr. Colebatch that monopolies meant that those who paid would have control, but in the case of nationalisation it would mean common control by the Trades Hall. That I regard as an insult to the intelligence of the Government. The only inference that can be read from that is that the Government are not free men in any direction, that they have not wills or souls of their own and that they are slaves to the Trades Hall. If I liked or cared to stoop so far down I could say that the hon. member for the East Province had no soul of his own, and that the only soul he had, had been relegated to him by the Liberal League; but I will not say that, I will give him the benefit of the doubt.

Hon. H. P. Colebatch: You have not seen the black list yet.

Hon. J. CORNELL: I was put on it when I went to school.

Hon. H. P. Colebatch: You have not seen the black list of the Perth tramway employees.

Hon. J. CORNELL: No, I will be pleased if the hon. member will show it to me. Just before I get away from that question I would like to say that, as one who has stood in the limelight to a certain degree on the goldfields as secretary of the Trades Hall, that on these matters of great public utility every member of the party is untrammelled and free to express his own will.

Hon. Sir E. H. Wittenoom: Some of them must tell awful fibs then.

Hon. J. CORNELL: I know there are a lot of liars in the community, but we have to console ourselves with the knowledge that if there were not many liars we would not know what the truth was.

Hon. J. F. Cullen: You cannot believe half the lies you hear.

Hon. J. CORNELL: I and others, without being egotistical, recognise that public utilities should be owned and administered in the interests of all and not in the interests of any particular section of the people, and I will defy hon. members to give me authentic proof or one illustration that any member of our party has acted in any other way. We are

pledged as a party to the principle of nationalisation. I thank Mr. Sanderson for his remarks in that direction. I believe he is sincere in thinking that we are on the wrong road, and he is open-minded and manly enough to tell us directly and not by innuendo. He is the sort of man I admire. Give me the opponent who will hit from the shoulder and not go behind one's back by innuendo. I hope, however, to convince Mr. Sanderson some day as I grow older, and perhaps wiser, that the policy of nationalisation is far preferable in the interests of the whole community than the old stage coach of public enterprise. There is another misconception I desire to clear up. Mr. Colebatch predicted that the ink would not be dry on the agreement before the employees would demand certain concessions and get them. Well, probably they will demand them and if they are not contented with their conditions they are free men; they are not slaves and they have a perfect right to ask. I will ask hon. members if they ever got anything that they did not ask for. Hon. members are hanging on tightly now to keep what they have got because they know others are after it. If the Government get hold of this concern they will have a perfect right to treat the men employed in it as men and if their demands are reasonable—

Hon. H. P. Colebatch: Who is to decide?

Hon. J. CORNELL: Who decides now?

Hon. H. P. Colebatch: The court of arbitration.

Hon. J. CORNELL: Sometimes.

Hon. H. P. Colebatch: The Trades Hall decides.

Member: Conference.

Hon. J. CORNELL: I hope I am not digressing but the last interjection I would like to clear up by asking hon. members this simple point. Have not a body of men, whose labour is their capital which they sell, as much right to meet and discuss their affairs as free men as those who employ them?

Hon. Sir E. H. Wittenoom: Certainly.

Hon. J. CORNELL: They have a perfect right to do that. There is in Sydney

one of the finest tramway systems in the world to-day, one which is a great source of revenue to the State and I have yet to learn, even under a Liberal Government or a Labour Government, that the tramway employees in Sydney have been any more unreasonable than any other body of employees. I have yet to learn that the employees of the State railways and the public servants are more unreasonable than any other body of employees not in the public service. In the language of the Hon. Alfred Lyttleton in the House of Lords I would say it is disingenuous piffle on the part of Mr. Colebatch to bring up such a matter. Another point—the question of the 3 per cent. was a mere sop to catch votes. Mr. Colebatch inferred that yesterday—a mere sop to catch votes. Not only are the Government indicted of being run by the nose by the Trades Hall, but they are going to give 3 per cent. to the Perth Municipal Council so that they may catch votes and retain a majority. I said earlier in my remarks that I thought the Government should have given nothing.

Hon. A. G. Jenkins: They should have made the council pay.

Hon. J. CORNELL: I have been a councillor and the main line we have had to adopt was how to keep out of the insolvency court—not to buy anything. Mr. McKenzie is a past mayor and councillor of Kalgoorlie and he will tell you that they had an overdraft of £7,000.

Hon. R. D. McKenzie: They had splendid assets.

Hon. J. CORNELL: Their asset is the town lots, a concession from the Government.

Hon. H. P. Colebatch: Is there not an electric lighting undertaking in Kalgoorlie; is that not one of the biggest assets?

Hon. J. CORNELL: Like the Boulder, it is a sieve. It is a very small peg to hang a hat on, the idea of giving 3 per cent. to catch votes. There are members in our party who say that it should not be given. There are members in the Liberal party who voted against giving it, and I would vote to-morrow against the giving of it if I thought I should get it through. I do not think that I would

get it through, therefore I support the Bill as it is. All through this debate Mr. Molloy has cropped up like a King Charles' head, always bobbing up. One would think that we were living in the Peruvian age with an Inca, and the people of Perth under a benevolent despotism. I ask members, has there ever been a popular demonstration against this measure? The only demonstration I can find out is one conducted right through the piece by Mr. Molloy, who was speaker, chairman and chucker-out at his own meetings. I have followed it closely and if there had been a popular demonstration by the citizens of Perth against the principle of the Bill, there would have been some justification for the attitude taken up by Mr. Colebatch. But I say with the Hon. Mr. Sanderson, the people of Perth want this.

Hon. A. Sanderson: I did not say that. I asked the question; I wanted to find out.

Hon. J. CORNELL: The people of Perth want this, and I venture to say the Government are aware of the facts I have pointed out. There has been no public demonstration. Several referendums have been asked for, but have never been taken. The Government are justified in sticking to their guns when they think they have the people of Perth behind them. If Mr. Colebatch had been sincere in his charge, we would have seen him, as in days of old, leading the revolutionaries, demanding that referendums be taken of "King" Molloy. Another question, in dealing with Mr. Molloy yesterday Mr. Colebatch spoke of his financial genius and capabilities. I do not wish to do that, I have never had enough money to be a financier, but Mr. Colebatch could well have left the Premier and the Minister for Works out of any invidious comparison. We know we are all human, and not all intellectual geniuses. I am not one, I do not pose as one. I venture to say that the Premier and the Minister for Works have done their best, and are endeavouring to do their best, and I fail to see where any connection of the administration of these two gentlemen can be in any way implicated by the financial ability of the mayor of Perth. In conclusion, I am informed that

as far as the 3 per cent. clause is concerned, that this Chamber cannot alter it. It can recommend or appoint a select committee to recommend. With that aspect of the question I will not offer any objection, but I do offer a decided objection to the amendment moved by the hon. member, Mr. Colebatch. I say that I hope it will not be carried. I do not think that it expresses the opinions of members in this Chamber, and to say the least of it, I think it is cowardly. What does it amount to? The amendment is that this Bill be read this day six months. What does this day six months mean? It means the shelving of the measure; that is the intention.

Hon. H. P. Colebatch: That is the usual course.

Hon. J. CORNELL: That is the usual course.

Hon. H. P. Colebatch: Then there is nothing cowardly about it.

Hon. A. G. Jenkins: The only Parliamentary way of throwing it out.

Hon. W. Kingsmill: That is so.

Hon. H. P. Colebatch: It is the only way of throwing it out. I would have moved that it be burnt, if it were constitutional.

Hon. J. CORNELL: If that is the only way of throwing it out I think the hon. member would have been in order in moving that the Bill be read at a later date, or, to be honest, he should have moved that it never be read.

Hon. H. P. Colebatch: I should have been disorderly.

Hon. J. CORNELL: I was informed that the Council could reject the measure on the second reading without any question of reading the Bill six months hence. I ask you, Mr. President, if I am right. If the Council can reject the measure without any amendment, then I say it is cowardly in the extreme. Let us reject it or proceed on the lines suggested by Mr. Kingsmill. If you think you can do any good by going to the Legislative Assembly, then let us do so.

Hon. W. Kingsmill: It is not very encouraging.

Hon. J. CORNELL: I do not think you will get anything. The leader of the Government told me yesterday that the Government were wedded to the Bill as it stood, and I think they are justified in sticking to the Bill.

Hon. C. Sommers: In the multitude of councillors there is supposed to be wisdom.

Hon. J. CORNELL: Wisdom is a very doubtful quality. We generally base our estimate on our own wisdom, but the wisdom I look on is not the wisdom I think I have, but the wisdom which other people think I have. And if other members would look at it like that we should get on better. I hope the Council will reject the amendment, and let us be honest and vote whether the question is desirable from the point of view of whether we think the principle of nationalisation is desirable. If the Council think the principle is not necessary, say so and vote the Bill down.

Hon. J. F. CULLEN (South-East): The situation now reached by this Bill has an amusing side. I think it is pretty clear to anyone who has studied the first stages of the Bill, that the clauses absolutely breaking the contract with the city council are not to be taken as the final offer of the negotiations. Take the speeches which we have listened to. It is impossible to come to any conclusion than that the main issue has been to cover up as much as possible. My conclusion from the early stages was that the Government were trying to bluff the city council into the least money with which the Government could get out. To my amusement I find the morning Press swallowing that bluff as if it were most serious. The morning Press, professing to believe the popular opinion, that an Act of Parliament can do anything! That anything can be got through Parliament, say, by a dominant majority of one House or in both, as sometimes exists, as in the Federal Parliament to-day, a dominant majority may carry any hasty measure and that hasty measure is unchallengable; it is an Act of Parliament. It may utterly override previous legislation, it does not matter; it is an Act of Parliament, and our morning

Press adopts the popular delusion that an Act of Parliament can do anything.

Hon. Sir J. W. HACKETT: When backed up by the people.

Hon. J. F. CULLEN: I can understand the popular plea, I can understand the term "the people" in the sense in which we have heard a good deal of it in the last few years, but I do not think it is a term to conjure with amongst thoughtful people who treat law with serious aspect. It is easy to say the people want this, and the people want that, but the people sometimes want one thing to-day and another thing to-morrow, and what the Legislature has to arrive at is the matured views of the people, not some haphazard cry of to-day, but the matured mind of the people, then there would be something to conjure with. But my surprise was further increased to-night by the deliverance of Mr. Sanderson. His constituents in the outlying municipalities having come to an arrangement with the Government—I think very wisely; their interests were a mere bagatelle, and they are much safer with the Government than otherwise—the hon. member professes to hold that the city council have no legal claim in this matter.

Hon. A. Sanderson: Not if this Bill is passed.

Hon. J. F. CULLEN: Exactly—that an Act of Parliament can take away the legal rights of anybody. Does the hon. member seriously mean that this is his settled view—that an Act of Parliament can violate a contract and leave a party to that contract without redress except in the way of a dole by act of grace?

Hon. A. Sanderson: They can exercise their legal rights.

Hon. J. F. CULLEN: I interjected when the hon. member was speaking that when the time comes, if this Act is passed fifty times, the city council can enforce their legal rights.

Hon. A. Sanderson: Against the Government?

Hon. J. F. CULLEN: Decidedly. I insist that although this Bill professes to take away ruthlessly and dishonestly the

rights of the city council, it cannot do it. What is the High Court for?

Hon. D. G. GAWLER: If this Bill is against the constitution the High Court can deal with it.

Hon. J. F. CULLEN: It is against the constitution and against equity. Mr. Sanderson asked why should not the city council interpose now by going to the High Court.

Hon. A. Sanderson: I did not say that.

Hon. J. F. CULLEN: The hon. member said distinctly that if the city council had a right which was being violated, why should that body not take action now. The council cannot take action now. Their rights will accrue later on, and until they accrue the council would have no standing in court appealing against a threatened interference with those rights. The tramway company can only sell what it owns. I take the ground, and I defy any lawyer in this Chamber to take the other side, that we are dealing with a triangular contract. Parliament confers a contracting power upon the Perth Tramway Company, and the city council, and those two bodies, on the strength of the powers conferred by Parliament, enter into a business contract. It is entirely apart from the ordinary functions of a municipality. It is an undertaking by civil contract between the city council and the Perth Tramway Company, and that contract is ratified by the Parliament of the country. Now this Bill says in effect that two parties can violate that contract without reference to the desires or rights of the third party.

Hon. D. G. GAWLER: They can do anything by Act of Parliament.

Hon. J. F. CULLEN: Here is another member of this House taking up the popular fallacy that Parliament can break its own laws.

Hon. D. G. GAWLER: Certainly.

Hon. J. F. CULLEN: It is preposterous. I say most distinctly if this Bill were carried to-morrow in the form in which the Government have introduced it, that when the time comes the High Court will certainly maintain the rights of the city council.

Hon. D. G. Gawler: I am afraid you are wrong.

Hon. J. F. CULLEN: Now what is the position? Here is a civil contract based on Acts of Parliament and provisional orders granted by Parliament. It is made in full agreement with those powers. Some of the powers were probably not wisely given, but it is made in pursuance of those powers and ratified by Parliament. Apart altogether from any question of policy, I say as a question of law Parliament cannot by a later Act violate the earlier one without regard to one of the contracting parties. It cannot take away the right to redress which that disregarded party has now and will continue to have. I would like to make my position clear. From the day of that unfortunate tramway strike when any man in a public position would naturally study the matter and come to a conclusion, I have publicly advocated the nationalisation of the Perth tramway system, because I hold that the company is entirely inadequate for the purpose. A company with an absentee directorate and very limited capital is a hopeless proposition for the tramway system of a city like ours. Further, I have taken the ground that owing to the complexity of the Acts of Parliament, provisional orders and contracts, it would not be feasible for the city council to undertake this tramway system. There would be endless risks of friction, and possibly litigation amongst the various municipal parties. Very well; the third course, purchase by the Government, is the one that must be taken. I have no sympathy with the amendment on any account whatever. This course must be taken, but it must be taken honestly. Parliament must surely set an example of honesty. I was interested in Mr. Kingsmill's remarks about the three-fold capacity which we all hold. I dealt with it pretty fully during my electioneering campaign in replying to the sorties of the socialistic party. Not only has each of us an individual capacity in which he does his own work and holds his own property, but we all have a municipal capacity in which, as communal assem-

blages we deal with certain civic matters. Then we have our capacity as members of the State, and these three are entirely harmonious and in each of them there are the most sacred rights of property. Surely even a socialistic Administration, who might feel themselves free to ride rough-shod over individual property, have not got so far as to try to repudiate municipal capacity and municipal property. If the Government, by saying that the State includes and embraces everything, argue that we cannot recognise any right of the Perth city council, why do they talk about paying for the town hall site? Why should the Government do any such supererogatory work? Why not take the town hall site by Act of Parliament, and allege that when once the Act is passed it is unchallengeable? So says Mr. Sanderson, and so says the *West Australian*. If the Government can only get the Act through, it does not matter what that Act includes, it is unchallengeable. Mr. Sanderson went even so far as to say that it rested with the Crown to challenge the Act if it is to be challenged at all: that is, that the royal assent should not be given. Is the hon. member going to lay down the doctrine that royalty is responsible for the legal interpretation of an Act of Parliament? That would be preposterous. If the Government can succeed in rushing the Bill through—by the way, we were asked to meet a week earlier to rush this through on the supposition that the Government with their immense majority would rush the Bill through the other House in a week—the rights of the city council are to be extinguished. If so, I ask again, why negotiate to buy the town hall site? Why not take it. The Government can do that with just as much show of right as they can acquire these tramways without regard to the rights of the city council. Have hon. members really carefully looked into the terms of this Bill with regard to the city council? Until 1939 the city council are entitled to certain things which I need not specify, and amongst them three per cent. of the gross earnings. One hon. member has very rightly stated that this

three per cent. may be looked upon as a kind of composition for the rates that the company should pay for the use of the streets. I think it is a very reasonable rate indeed for the use of the streets. The city council are entitled to the three per cent. until 1939 and then the reversion of the whole undertaking without payment. What do the Government offer in this Bill in exchange for that property, that tangible, valuable property? The Government say they will continue to pay three per cent. until Parliament otherwise orders. They will not pledge the Government to pay it for two years even; they will pay it until Parliament thinks differently.

Hon. W. Kingsmill: That is an invitation to think differently.

Hon. J. F. CULLEN: Exactly. Is it likely that other claimants on Government money will be satisfied that this three per cent. payment, which might be terminated altogether, should continue whilst the Government are refusing them many things that they think they have a just claim upon?

*Sitting suspended from 6.15 to 7.30 p.m.*

Hon. J. F. CULLEN: Hon. members are aware that whenever a Bill is submitted to Parliament touching property at all, if it is seriously amending legislation, or rescinding legislation, there is always a saving clause protecting all parties concerned in accrued rights and powers. Now, the singular part of this Bill is that, instead of a saving clause, we have Clause 6, and I want hon. members to listen carefully to this clause which says:—

As from the notification in the *Government Gazette* of the fact of the completion of the purchase, the Acts mentioned in the Second Schedule shall be repealed.

That is necessary; but the clause goes on to say—

And all the rights, interests and powers of all local authorities under and conferred by the said Acts and the provisional orders thereby confirmed, and the agreements therein and in the

Fourth Schedule hereto mentioned, shall, notwithstanding anything contained in the Tramways Act, 1885, to the contrary, be extinguished.

There is no saving clause whatever. If the Bill were dealing with private persons, would members dream of such action? If, in the place of the Perth City Council, there was a private person, would members dream of passing a Bill in these terms? Certainly not. They would not dream of it. It would be rank confiscation; it would be dishonest confiscation, and they would not dream of it. Now, what is the real difference between a private person and the Perth corporation? What is the real difference? The council of Perth is a corporation acting for the ratepayers, holding their property and administering it, and taking all their responsibilities—and they are very heavy and complex, an enormous burden for unsalaried men to carry. This corporation is to be dealt with in the terms of that clause I have read. Parliament will repeal the Acts and provisional orders on which an important part of their property is secured, and Parliament will say that from the moment the Government choose to complete any transaction with another party all the rights, powers and interests of the corporation in the tramway undertaking shall be extinguished. That is the word, "extinguished." Well, I say what is dishonest and confiscation with regard to a private person cannot be described by any different terms when applied to the Perth corporation. Now, coming to the terms of the contract with the one party, the tramway company, I am not foolish enough to dispute the valuations on which the Government have based the price at which they have negotiated. I am prepared to believe that the price is a fair one for the whole undertaking; but that means a clear title. If the Tramway Company are in a position to give a clear title to the whole undertaking, I am not going to dispute the price, £475,000; but I maintain the tramway company cannot give a clear title; and if this Bill is to go into Committee, I shall certainly see that an amendment is moved to the effect that



the company shall be required to give a clear title after an equitable settlement of the claims of the Perth City Council upon them. Then I would not dispute the price: but to buy an encumbered title at the full value that is placed on the whole concern is very unbusiness-like, and Parliament, representing the interests of the country, has no right to enter into such a contract. As regards a select committee, I look upon that as only a last recourse. The city council ought to have been heard by counsel in both Houses. Certainly now they ought to have come here and stated their case by permission of the House, which, of course, would be granted. Now, the proper course is for the Government, after the ventilation the Bill has received, to say that they will go for a clear title honestly acquired, that they shall either insist that the company shall equitably settle with the Perth City Council before concluding a transaction with the Government, or consider that matter in its bearing upon the price to be paid, and see that the just claims of the Perth City Council are equitably met. I am sure when hon. members get home close to the fact that this Bill is asking them to take away the Perth City Council's rights in two particulars, the three per cents. until 1939, and the reversion of the whole undertaking free of cost on that date, and to offer in return only 3 per cent. for an unguaranteed, undetermined period, the number of years which Parliament itself by any chance majority may choose to fix—I do not think members will seriously entertain such a proposition. They would not do it towards one another; they would not do it to any private person; they have no right to do it to the Perth City Council. I hope, even at this late hour of the question, the Government will drop oratory, and that as honourable men representing a great country which cannot afford to do a mean thing, quite apart from a dishonest thing, they will say, "We will find some way of arriving at the equities of the case as between the Government and the Perth City Council." There is no difficulty in arriving at it. There is no difficulty in

ascertaining what this reversion and the three per cents. may fairly be valued at to-day: and it would be quite right for the Act of Parliament that we are going to pass to embody that same equitable method of adjusting. I shall certainly support the main principle of the Bill, the acquirement of the trams by the Government, but I shall to the utmost of my power insist that it shall be equitably carried through.

Hon. Sir E. H. WITTENOOM (North): I have listened with much pleasure to the speeches of hon. members, but the utterance that fell from Mr. Cornell makes me indeed very diffident in addressing the House, not because I am jealous of the views and principles he holds, but because of the confidence with which he places them before the public. I find the very greatest difficulty in making up my mind on the question before us, but that hon. member seems to have none whatever and comes forward and makes his statement with so much certainty that I can only say I regard him with the greatest admiration and envy. I did not come here this evening in any way to defend the Perth City Council or take up their side of the case. The view I look at is how the trams can be run to the best advantage of the people who use them. The tramways are a most important part of the city of Perth, and we want to solve the difficulty of how they can be run for the convenience of these people who use them and pay for them. I have heard a great deal said that this question resolves itself into one of nationalisation *versus* municipalisation; but I say it is nothing of the kind; the two questions we are confronted with are nationalisation and private enterprise. I see no question in this Bill about municipalisation. If we accept the Bill we take nationalisation. If we reject it we go on as we have gone before—with private enterprise. I am one of those who thoroughly believe in private enterprise, particularly in relation to businesses where there may be competition. I think private enterprise develops them much more quickly than anything else does. Unfortunately, in this case we cannot adopt the alternative

of private enterprise, because the company are not in the position to carry on the trams with advantage to the people and with advantage to the country, because I consider the company have been very badly treated by the Government and the people of Western Australia. I say that not only that company, but numbers of other companies who have brought their capital into Western Australia have been looked upon after some years, and more particularly if they have been successful, as robbers and spoilers who should be treated as shamefully as possible and driven out of the country. I am saying that advisedly and with full knowledge of what I am talking about. This company have been confronted with these difficulties. I happen to know something of the inception of the company, because at that time I held the position of Agent General of this State, and the gentleman who was the instigator of these trams, Mr. Allen Stoneham, came to me and asked if I thought there was a fair prospect of success in the event of his managing to secure sufficient money to instal a tramway system in Perth. I told him that I thought his efforts would be attended with success ultimately; that probably he would have an uphill fight in the beginning, but in the end he would be successful. He went to work, and the result is the tramway company. The company had a great fight to commence with. For some time they lost money, and for a long time the shareholders did not get one penny back, in fact, no one but the debenture holders got anything. After a time, however, they were more successful, and I believe dividends have been paid. But, at the same time, they felt there was existing a certain amount of hostility towards them, and it frightened the shareholders against extending the system. Moreover, I believe that occasionally obstacles were deliberately placed in their way. At any rate the confidence of these people was impaired to such an extent that they decided to sell out if possible rather than continue under the circumstances. Many will agree with me that the way the trams have been run of recent years has been

anything but satisfactory, and we may take it as a certainty that the system has been imperfectly run with a view to getting some authority in Western Australia to take it over, which, in the opinion of the company, would be preferable to the company being harassed and interfered with in the way they have been.

Hon. B. C. O'Brien: In what way have the company been harassed?

Hon. Sir E. H. WITTENOOM: In many ways; they have been harassed by the municipality, and at times by the Government. They have been harassed, too, by labour strikes: in fact, I believe that prominent members of Parliament have taken part in those strikes. I was not on the spot, but I have been told so, and I have seen it in the newspapers.

Hon. B. C. O'Brien: The company were responsible.

Hon. Sir E. H. WITTENOOM: I do not know who were responsible. I only know that these strikes took place.

Hon. B. C. O'Brien: The company caused the trouble themselves.

Hon. Sir E. H. WITTENOOM: However, the strikes did occur, and the company have had many other troubles. We heard the Colonial Secretary say the other night that if the Bill were not carried, under no circumstances would the present company be allowed any extension. Therefore, they cannot, with the small capital they have, hope to make a great deal of money. It has been argued that there is not sufficient capital; but I am certain that if they had facilities for extending their system and putting it on a good basis there would not be the slightest difficulty in securing the necessary money. I have said so much in connection with private enterprise. I say it is almost impossible to consider the question of a continuation of the trams in connection with private enterprise. We are, therefore, brought down to the point of nationalisation, and it is proposed by the Government to purchase these trams and nationalise them. I am altogether opposed to the Government nationalising trams, or nationalising anything else. I say they are the worst party in the State

to manage anything of the sort, and particularly a competitive enterprise or any enterprise connected with Labour; for the simple reason that, to speak plainly, they are a Labour Government, and therefore to a large extent under the influence of Labour. I am not saying this in any way offensively. I am quite certain that every individual member of the Government is doing his best for the advancement of the country, and with the single idea of doing his duty. But I say that any man, whether he is a member of the Government or a member of the Labour party, is so confined by the conditions he has to accept to belong to that party that he is not altogether a free agent. Any organisation in the world where the employers are dictated to by the workmen can never be successful. Therefore, under the circumstances, I do not possibly see how the Government can take over an industry of this kind and work it successfully.

Hon. B. C. O'Brien: What about our railways?

Hon. Sir E. H. WITTENOOM: I will come to the railways presently.

Hon. J. Cornell: What about the Midland Railway?

Hon. Sir E. H. WITTENOOM: It runs up to time as far as it can. I say it will be found that as soon as the Government take over the trams there will be a demand for higher wages on the part of those who work them, and for lower rates on the part of those who use them; and I believe that in both cases the demands will be granted, with the result that a heavy loss will be incurred which will have to be made up by the taxpayer. Up will go wages, down will go fares. The majority of the persons who use the trams do not pay the taxes and do not care whether or not the system pays. It is the taxpayer who will have to face that responsibility and, in consequence, the Government know they cannot refuse any demand from Labour. If it comes forward in a properly organised manner and through an orthodox channel I have no hesitation in saying it will be granted.

The Colonial Secretary: Do you know any instance where this has occurred?

Hon. Sir E. H. WITTENOOM: Yes, only the other day the Federal Government granted the railway men a rise from 9s. to 12s.

The Colonial Secretary: But in Western Australia?

Hon. Sir E. H. WITTENOOM: I am speaking generally. However, here is another case, which occurred in Western Australia. Before the Government were elected, I believe there was an understanding that if they happened to get on to the Treasury benches wages were to be increased. They were returned by a most substantial majority and, in consequence, within a week there was granted a rise in railway wages to the extent of £32,000.

Hon. B. C. O'Brien: It was justifiable, too.

Hon. Sir E. H. WITTENOOM: I am not saying otherwise. I was asked to give an instance, and there it is. However, this thoughtless action so embarrassed the Commissioner of Railways that he did not know which way to turn, and it very nearly disorganised the whole of the railway service; because those other officers whose wages were encroached upon by the rise were naturally incensed that they also had not been treated in the same generous way.

Hon. J. E. Dodd (Honorary Minister): Surely you do not object to an act of justice?

Hon. Sir E. H. WITTENOOM: I am only saying the Government raised the wages of the railway men, and I say further that directly a demand is made through a proper channel, it will be granted. I am merely pointing to what will happen in respect to the trams, which probably cannot afford it. In that other instance we could not afford it. When the Government came into power there was a deficit. I have only to turn to the Hon. Mr. Kirwan, who told us in an able speech on the Address-in-reply that the Government had inherited not only the published deficit, but a very much larger one which had not been publicly stated, and also that they had had to face a drought. One would think that a Government who desired to be economical, who wished to obtain a good reputation for their handling

of the finances, that such a Government, coming into a big deficit and facing a drought, would have tried to gain the confidence of the people, instead of raising wages all round. But we find them piling up expenses in all directions. It seems to me that if anybody has had occasion to be thankful for the drought it has been the Government. I am certain they have often said, "Thank God for the drought"; because by reason of the drought they were able to cover up the expenditure in salaries and wages by declaring that it was for carting water to the farmers. Under the circumstances I think that if they had shown any idea of trying to be economical they would have secured a little more confidence. I am merely referring to this to show that I do not think the precedents they have given as to their management of the finances are such that we may consider them capable of managing this business any better than they have managed the business of the State. Therefore I am afraid that if they take over the system it will not be run at a profit, and I question very much whether it will be run any better than it is at the present time, for the reason that I do not think the Commissioner of Railways would have control over his men, and I do not think the Government dare say no to any request that is made. If I were a country member representing a country constituency, and living in the country, I would vote for the amendment moved by Mr. Colebatch. I would say, "Let the trams go on as they are, and we will have £450,000 more for railways and roads in the country." Instead of that we are to send £450,000 to the place where capital comes from, whereas we badly want it out here. There is that aspect to be considered. Unless we can see a very great improvement to be secured it seems to me a foolish policy to send money out of the country when we can utilise it so much better here. Now, as it is impossible to carry on the system by private enterprise, and because there is a good deal of doubt as to how it will be conducted under nationalisation, it seems to me it would be a good thing if it could be run by the municipality. The objection, I understand, is that Mr.

Molloy, the mayor, is not satisfactory. But Mr. Molloy would not manage the trams nor, indeed, would the council. Like the present company the authorities would get in a capable manager, and put him in charge. But there would be this difference between the municipality and the Government: the municipal council would not be forced to grant every request for increase of expenses, for the municipal council are not quite in the same position as the Government. They are not tied down to do certain things, and therefore I am of opinion that they could run the business very much better and very much more independently than the Government. Mr. Colebatch stated last night that the ratepayers in nearly all the cities and towns had made those cities and towns, and that they could control a business like the tramways. Under the circumstances, in my opinion, the trams should be controlled by the municipality, but so far as the Bill before the House is concerned there is no question about bringing the municipality into it, and as far as I can see from circulars, the municipality have so far accepted the situation, and all they now require is some recompense or recognition of their rights and privileges. Having come down to the question of rights and privileges, it does seem very high-handed indeed to have a Bill like this passed taking away all the privileges which had been bestowed before by Act of Parliament. I do not question the power of Parliament to do it. I think it is quite possible that Parliament can do anything, but it seems a terrible precedent to create that, after passing Acts of Parliament empowering the company or the municipality to own certain rights, they are to be taken away with one fell swoop without compensation. Under the circumstances, while I am not prepared to vote for the amendment moved by Mr. Colebatch, which simply would mean leaving the system in the hands of the company, I feel much inclined to support Mr. Kingsmill. I intend, however, to keep my mind open and listen to any further speeches. I hope to hear something from the Government benches to convince me on behalf of nationalisation. So far I am afraid I have not, but there are probably

other speakers to come, and I am open to conviction, and I shall be glad to follow anything and do anything which I think is in the best interests of the State. I cannot help referring to another matter, and that is an instance of what happened under Government control. I will cite one of the most dreadful pieces of mismanagement I have come across, and that is with regard to the Federal Government's telephones in Melbourne. I think they are an absolute disgrace. It is almost impossible to get people to answer, and when they do answer the amount of cross-talking going on makes it almost impossible to hear anything. This is another instance in which nationalisation is not a success.

Hon. B. C. O'Brien: Would you have telephones under private control?

Hon. Sir E. H. WITTENOOM: I have seen them under private control in Great Britain, and they are very good. I do not find that I have anything more to say on this matter. I hope the deliberations of members of this House will lead us all to a useful conclusion, a conclusion that will place the control of these tramways—a very important business indeed to the people of Perth—on the best lines. I do not care whether it is nationalisation or municipalisation or private enterprise, as long as we see the system carried out satisfactorily, and on a basis that is useful to the people and not at a great loss to the Government. Under the circumstances, I have much pleasure in supporting the second reading and the proposal of Mr. Kingsmill.

Hon. R. J. LYNN: I move—

*That the debate be adjourned.*

Hon. J. W. Kirwan: Why not go on? Motion put and negatived.

Hon. J. W. KIRWAN (South): One feature of Mr. Colebatch's speech yesterday ought, I think, deserve the commendation of this House. Immediately the Colonial Secretary had finished his speech, introducing this Bill, Mr. Colebatch was ready to proceed with the debate. When Bills are brought before this Chamber, in nearly every instance a good deal of publicity has previously been given to the details which have been discussed in the public Press and in another place, and it

seems to me that the example set by Mr. Colebatch, who is a new member, in going on with the debate immediately after the Colonial Secretary had moved the second reading is one that most of us might follow with advantage to the business of this House. In view of the attention which has been directed towards this Bill, it certainly seems to me that the majority of members have already made up their mind on the question, and if we could get to a vote and dispose of the question one way or the other it would be to the benefit of everyone here. Having said so much in regard to Mr. Colebatch's speech, and having also expressed my admiration of the vigour and eloquence of his utterance, I have said, I think, all that I can say in its favour. With a good deal of the matter contained in that speech, I am not in accord. I agree with what he said regarding Mr. Molloy. The qualifications of the mayor of Perth or the council of Perth have nothing whatever to do with the Bill before this House. I know nothing whatever about the administrative capacity of Mr. Molloy. In that respect I am like Mr. Colebatch, but I am not going, like Mr. Colebatch, with my absence of knowledge of the administrative capacity of the mayor of Perth, to immediately compare his administrative capacity with the administrative capacity of two Ministers of the Crown. I sympathise with what was said by Mr. Cornell regarding the general tone of Mr. Colebatch's speech as well as the tone of the speeches in this debate and in other debates in this House, and in regard to the attitude of opposition or bias towards the present Government. I can only regret that my friend Mr. Colebatch seems to be suffering from the prevailing malady in certain classes of this community, a malady that I might characterise as "labour-phobia." There are certain men who are to be met with in Western Australia, men in the professional and commercial classes, and the mere fact that a Labour Government propose a certain reform is quite sufficient to ensure its condemnation from them. A large number of these men, who talk so glibly about the States and Federal

Governments—we meet them travelling in railway trains, staying at hotels, and almost wherever we go—I say a great many of these men are ever ready to condemn anything that comes from a Labour Government, quite irrespective of its merits. When we discuss the matter with some of them we find that they know nothing about either the ideals of the Labour party or the ideals of the Liberal party. I say, with a knowledge of this House extending over many years, that the centre in this State of that “labourphobia” is this particular Chamber. Mr. Colebatch went on to say that the statement that the mayor of Perth was incompetent was an insult to the intelligence of the ratepayers who elected Mr. Molloy to his present position; but what did he say about the two Ministers of the Crown and their administrative ability? Did he not think that his comments regarding these Ministers were also an insult levelled at the whole of the people of Western Australia? I say that if it be an insult, as Mr. Colebatch described it to be, to the ratepayers of Perth to criticise the mayor of Perth or the city council in the way he said they were described, then it is a similar insult to the electors to refer to two Ministers of the Crown as he almost immediately afterwards did as men utterly lacking in administrative capacity.

Hon. H. P. Colebatch: You are misquoting what I said. I said it was an insult to say they could not elect a suitable civic chief to mend their ways, and probably the electors of the State would do the same.

Hon. J. W. KIRWAN: Probably Mr. Colebatch will see a difference between the present interpretation and what he said yesterday, but I fail to see any difference. The Ministers of the Crown as members of Parliament are elected by the people, just in the same way as the mayor of Perth is elected by the ratepayers.

Hon. F. Connor: Ministers are elected by caucus.

Hon. J. W. KIRWAN: And the remark of Mr. Colebatch applies to the

Ministers of the Crown, just in the same way as it applies to the mayor of Perth and members of the city council. They are both elected, and if it is an insult in the one case, it is in the other case to the people who elected the Ministers. The member who has just concluded his speech and other members have made a comparison between the running of trains under the Government system and the running of the trams under a private company. I am ready to admit there is room for considerable improvement in the running of the trains of Western Australia, and the indictment made by Mr. Colebatch, one of the leading Liberals of Western Australia, against the running of the trains, will perhaps, later on, prove very interesting reading indeed. I say that in a comparison between the running of trains and trams, bad as the running of the trains may be, the trains are better run, in the interests of the public generally, than the trams are. During the last few days, since I have been in Perth, on two occasions when I was waiting for trams to come up to this Chamber, I have been shut out because the cars were overcrowded, and I had to wait a considerable time, considering the shortness of the journey, for another tram. I do not know any instance of that sort in connection with the running of trains, but I say the running of the trains compares very favourably indeed with the running of the trams. If a comparison is to be made between the running of trains, controlled by the Government, and institutions that are controlled by private individuals, why did not Mr. Colebatch make a comparison between the running of the Government trains in this State and the train service that is owned by a private company? Is it because it would not fit in with his arguments? Mr. Colebatch probably knows a good deal more than I do about the running of the trains on the Midland Company's lines, and if what I read in the local papers that are published in the districts served by the Midland Company's trains is right, and if what I hear from people who use those trains be correct, then I

think there is a concensus of opinion that bad as the Government services may be, they are not nearly so bad as the Midland Company's services. That I venture to say is a fair comparison. You have similar institutions run under the two systems, the Government system and the privately owned. Perhaps a still better comparison than that—if Mr. Colebatch wished to make a correct comparison—is the case of the trams that are run by a private company and the trams that are run by the Government. Why did not Mr. Colebatch compare the privately run trams of Perth with the Government trams of Sydney? I have lately been in Sydney and I know that there are great difficulties attendant upon the running of the tram services in Sydney. The streets are narrow, the volume of traffic is very considerable, and I can quite understand the tremendous traffic difficulties in connection with the management of those trams. From what I could see as a visitor to Sydney, who went about a good deal and used those trams extensively, during the busy times of the day, I was agreeably surprised by the way in which they were run. The readiness with which the trams were available to any part of the city and suburbs was very marked, and although in many cases they were overcrowded there was not a single instance where I was not able to get on a tram when I wanted to do so as it came along. That I venture to say would have been a better comparison to make than the comparison Mr. Colebatch made, and before the House approves of the drastic proposal that he has submitted I trust that members will carefully think over his speech and they will see for themselves the many inconsistencies in his remarks. It was a speech that was so excellently delivered, and the diction was so good, that unless one analyses it carefully it might produce an effect on the minds of some members that the matter in the speech did not justify. A good deal has been said to-day concerning what has been described as the confiscation of the rights of the Perth City Council. It seems to me that a great deal more has been made out of that question

than the circumstances justify, and the position that was taken up by Mr. Sanderson in that matter was the nearest approach to the correct position that I think the Government ought to assume in this matter. If after the closest investigation of the whole thing there is reason to suppose that any great wrong has been done to the municipal council, I am quite sure that this Government, or any other Government, as a matter of course, would take the subject into consideration and fully reward the council for any injury that may have been done to it. Mr. Kingsmill made the strongest feature in his speech the question of the rights of the city council, but to my mind he gave the whole position away because he said that when the agreement was entered into by the municipal council in the first instance, when these rights first of all came into existence, they were really of no value. He went on to say that the ratepayers had since then given a value to these rights which they did not possess.

Hon. W. Kingsmill: I said nothing of the sort.

Hon. J. W. KIRWAN: I understood that that was what the hon. member said. At any rate he said that the rights had increased in value. At the time the rights came into existence they were of no value and the value they possess had accrued since the time the agreement was made between the tramway people and the city council. I venture to say that that increased value which had been given to the rights that the city council possess, has been entirely given by the people.

Hon. W. Kingsmill: Not at all.

Hon. J. W. KIRWAN: It is the people of Western Australia who have made Perth what it is to-day. It is the people of the State generally who have been responsible by their opening up of the various industries, mining, agriculture, timber, and the various others for the creation of certain values that exist at the present time in the city and the values that Mr. Kingsmill referred to in connection with this matter.

Hon. W. Kingsmill: The value is created by the approach of the termina-

tion of the agreement; the effluxion of time.

Hon. J. W. KIRWAN: That value would not have been created had it not been for the improved condition of Perth as a city.

Hon. W. Kingsmill: Yes it would.

Hon. J. W. KIRWAN: The fact that Perth had increased in population, in business, and in every other respect, that is what has brought about the increased values, and not the expiration of the agreement. Mr. Kingsmill now speaks of the termination of the agreement, but it was of no value when it was originally made; it was by the increase in the growth of Perth that the real value was created.

Hon. W. Kingsmill: Not at all.

Hon. J. W. KIRWAN: The trams did not pay for many years. They would be valueless to-day if Perth had not advanced. I say it is the people who created that value and the Government represent the people, and the Government are merely taking the value which the people created.

Hon. W. Kingsmill: Not in the least.

Hon. J. W. KIRWAN: Objection is invariably taken to every scheme of nationalisation, and in every instance where the Government take over services harm is done to some body or other. When a railway is built coach owners and teamsters are deprived of their means of livelihood. I remember an instance that occurred when the Goldfields Water Scheme was completed. Prior to the completion of that scheme there was a very large number of people upon the goldfields who performed a very useful work with condensing plants. They earned their livelihood by means of condensing water for the people. As soon as the Goldfields Water Scheme was completed those people were absolutely deprived of their means of livelihood. Would anybody for a moment suggest that they should receive compensation; yet they were undoubtedly deprived of their means of livelihood. In the case of municipalities it cannot be forgotten what all the municipalities of this State owe to various Governments and what the city

council in particular owes to successive Governments who have done a great deal for Perth. Why, therefore, haggle over matters of this kind? It is in the interests of the citizens of Perth that the Government are taking over the trams and is it not straining a point when members say that an injustice is being done to the ratepayers of Perth. If there be any injustice caused by this Bill, surely the great benefit which will accrue to the ratepayers and people of Perth by the taking over of the trams will have more than a compensating effect.

Hon. A. G. Jenkins: The Government say that this is in the interests of the people of the State.

Hon. J. W. KIRWAN: It is in the interests of the people of Perth and the State. What will be the alternative of this Bill not passing? Is the present inefficient system to be continued for 13 years, or the next 27 years? What guarantee have we that the system will be taken over by the municipality in the event of this Bill not being passed? Is there any certainty on the point; is there any certainty that even at the end of 13 years, or 27 years, it will be taken over? I have not heard of any reason to believe that there is any certainty that we shall have a municipal tramway service in Perth if this Bill be not passed. In connection with an interjection which has been made, and which was caused by a portion of Mr. Colebatch's speech in which he seemed to think that if half a million were spent on the Perth trams it would lessen the amount of money that would be available for agricultural railways, I may say that I do not hold with Mr. Colebatch in that respect. I do not think in any way that that would lessen our borrowing powers; in fact I think it might strengthen the borrowing powers of the State. The people in London who lend money to the State take into account the way in which the money that has been loaned to the country is being spent, and they take into account the earning capacity of the money they lend, and in connection with a loan to Western Australia of half a million for the purchase of the trams, there can



be no one in the House who will reasonably contend that from the expenditure of that amount on the purchase of the trams we would not be able to get a high percentage which would enable us to provide for sinking fund and interest and leave a substantial profit. If the trams under Government control pay ten per cent., and I do not think that ten per cent. would be too high to expect, surely that would tend to make up for the loss on the agricultural railways. It would tend to pay for the interest upon the money expended on all unproductive public works, and I venture to say that the securing of half a million loan from London for such a purpose as this would rather strengthen than weaken our borrowing powers in the old country. To hear the speeches made in this House one would imagine that the country generally was in a state of indignation at the proposal of the Government. I have not heard any outcry in Perth or any other part of this State concerning the proposal of the Government. What do we find when we examine the actual facts? That the Perth papers so far as I know, are unanimously in favour of this proposal, and surely that should be taken into account as an expression of public opinion. Not only that, but we find that all the local governing bodies, with the exception of the Perth City Council, are asking the Government to carry out this proposal. When hon. members come here and repeat that a great wrong is being done, surely if the Government were doing wrong and embarking on an enterprise attendant with risk, we would hear of public meetings being held. But I have heard of no such expressions of opinion except from the city council and the mayor of Perth in the circular which he has sent to members. As a country member, I fail to see why I should not support the Government in this matter. There is a proposal to submit the Bill to a select committee. The impression that usually exists on the reference of a Bill to a select committee, is that it is an underhand means of killing the measure.

Hon. J. F. Cullen: Who says that?

Hon. J. W. KIRWAN: The impression generally prevails that when a Bill, which has been so long before the country as this one has, is referred to a select committee, it is an underhand method of defeating it.

Hon. W. Kingsmill: The impression does not exist in all minds.

Hon. J. W. KIRWAN: It is a method well known in Parliamentary practice of killing a Bill, and it is usually adopted by those people who have not the pluck to come into the open and vote against a Bill that is favoured by the country generally though not in this Chamber. If this proposal to submit the Bill to a select committee be carried, I sincerely trust that there will be a clear understanding that a report must be submitted to the House as soon as it can reasonably be presented. We do not wish to have the chairman of that committee coming forward after a fortnight, three weeks, or a month asking for an extension of time and hanging the matter up indefinitely. If the proposal be carried, I hope there will be a clear and distinct understanding that the committee will finally have their report before the House within a fortnight.

Hon. W. Kingsmill: There generally is.

Hon. A. G. JENKINS (Metropolitan): To my mind at present the question is not one of nationalisation as against municipalisation of the trams. The question that more concerns me is whether the undoubted rights of the Perth City Council are going to be respected by Parliament. Now these rights are valued by the Premier. I understand, at £100,000, and another estimate is £75,000. They possibly are worth more, and possibly a great deal less, but up to the present neither this House nor the Legislative Assembly has inquired as to the actual value of the rights. Undoubtedly the Perth City Council have some rights in the matter, and the best way to determine the value of those rights would be to ascertain what the tramway company would be prepared to give for a lease of the trams in perpetuity. We know that they would give an immense sum if they could

dispose of the reversionary rights that the city council now have. Members are well aware that most of the immense fortunes in the world were made either out of land or tramway and railway grants obtained in America and the United Kingdom. If the Perth City Council had gone to the tramway company, and stated their desire to dispose of their rights and to allow the company to run the system for ever, does any hon. member think that the company would not have been prepared to pay an immense sum?

Hon. J. Cornell: Those rights would have been worth nothing without the consent of the adjoining municipalities.

Hon. A. G. JENKINS: That is a question I am not prepared to give an expression of opinion on as an actuary, but as a business man I am sure the rights are worth a considerable sum.

Hon. J. D. Connolly: A twenty years' extension would be very valuable.

Hon. A. G. JENKINS: Yes, and I understand the company offered a considerable sum for an extension of the term.

Hon. J. Cornell: It is only a joint in the tail of the system.

Hon. A. G. JENKINS: It may be, but it is a very considerable joint. To my mind there are only two parties to this bargain, the city council and the Perth Tramway Company, and so far as I am concerned, I am not going to be a party to the confiscation of any rights properly and legally given. I quite understand that if the rights became a menace to the community or burdensome to the community the Government should step in and take those rights away. That has been done only once in Western Australia and that was when the McArthur-Forrest patent rights became burdensome to the community, and Sir John Forrest introduced a Bill cancelling the rights which those people had acquired under a patent. Had that not been done the whole history of the gold-mining industry would have been changed and the industry would have suffered very considerably by the burden which the patentees were going to put on it. That is the only case in

this State where rights have been confiscated.

Hon. H. P. Colebatch: That Bill was disallowed by the Imperial Parliament.

Hon. A. G. JENKINS: I had forgotten that, but it is a useful precedent, because if that Bill was disallowed I question whether, if the Perth City Council approach the right authorities, this Bill also would not be disallowed. It is not a question of an infringement of the Constitution, because if it were, we might then approach the court, but I do not think we can approach any court in this matter, except by appealing to the Imperial authorities.

Hon. J. Cornell: Why not get the opinion of the ratepayers by a referendum?

Hon. A. G. JENKINS: The question before the House is whether or not this Bill shall become law, and I am here to say that the Perth City Council have rights, and until proper compensation is allowed for them, I am not prepared to vote for the Bill. I want some member of the House to rise and tell me that the Perth City Council have no legal rights, but so far not one member has stated that under the Acts of Parliament and the existing agreements the city council have not legal rights.

Hon. B. C. O'Brien: Who are the Perth City Council? They are the citizens of Perth.

Hon. A. G. JENKINS: We are dealing with intelligent people who have rights under this measure and not with persons who live thousands of miles away.

Hon. B. C. O'Brien: The citizens of Perth.

Hon. A. G. JENKINS: The hon. member will not respect their rights; he will vote as he is told. The Government have stated that they do not intend to pay the city council anything at all except the 3 per cent. But this circular which the mayor of Perth has sent to members shows that undoubtedly the city council have many more rights besides the 3 per cent. of the gross takings. The Government are not only going to take away those rights, but they are going to deprive the local authority of any compensation.

Hon. J. Cornell: Mr. Molloy is trying to intimidate us.

Hon. A. G. JENKINS: No, he is only referring to facts which can be verified by reference to Acts of Parliament. These are the rights which the city council have, and we are asked to take them away without any compensation whatever. The city council do not come here as beggars to ask for charity, or a dole, or an act of grace. They are asking for their undoubted legal rights, and those are what this House should be prepared to grant. It is all very well to say that Parliament as an act of grace can do this and that, but Parliament does not do acts of grace when there are legal rights under consideration. Parliament respects those rights and sees that the people to whom they are due get them. I say that this House will set a bad precedent if we agree to what is practically a policy of confiscation. I admit that if I had a vote for the nationalisation of these trams as against municipalisation, I would vote for nationalisation, because I believe that in the capital city, where the trams and the railways should, to a certain extent, form part of one large system, they are better nationalised, but at the present moment that is not the question. It may become the question if the Government say they have no intention whatsoever of giving the city council their proper rights. We have a contract ratified by Act of Parliament, and those rights given by Act of Parliament cannot be taken away except in a proper and constitutional manner. It undoubtedly is not a proper and constitutional manner to take those rights away without giving adequate compensation. My present intention is to support the motion that will be moved by Mr. Kingsmill, but should the select committee after inquiry not report in such a way as will tend to protect the rights of the city of Perth, I reserve to myself the right to support the amendment moved by Mr. Colebatch. It has been remarked that that will be assisting at the funeral obsequies. It may be so, but a bad Bill cannot be buried too deep and I shall be only too glad to assist at its funeral if we are unable to improve

it in the direction I have indicated. Mr. Kirwan referred to certain rights which had been affected. The hon. member knows that those rights were not created by Act of Parliament, and that they were simply private rights that had no standing in the community; and if people lost anything it was simply a business proposition and they did not deserve consideration; but here a different principle applies. It is all very well to say that the people created this immense asset for Perth, for undoubtedly it is an immense asset; the people by the same token created an immense asset for the tramway company. We are paying the tramway company for the immense interest the people have created. When they first started it was a losing proposition, and shares were worth very little, but now the people have made the asset a very valuable one. We are prepared to pay the tramway company for that increased asset. Why not, in a matter of justice, pay the municipality for their share in it whatever it may be?

Hon. C. SOMMERS (Metropolitan): Unless the Government see their way clear to recognise the claims of the Perth City Council for compensation, I shall be forced to support the amendment moved by Mr. Colebatch. The Perth Gas Company acquired certain rights over the streets of the city of Perth to supply electric current and gas and the city council under that contract had the right to buy from these people at the expiration of a certain term. What do we find? That they had to pay the full fair market value of that concern, and some people think they even paid more than that; but here the city council, instead of being the buyers are in the position of owners of a very valuable concession. Whereas they had to pay when they were buyers, now that they are owners the Government come along and say "Your concession is not worth anything at all; we will take it away; you may have some rights, but we have superior authority, as Parliament is superior to the municipality, and we exercise our judgment, our superior judgment, and the powers we possess, and we dispossess you of the concession." To my

mind the Perth City Council have a first mortgage over the tramway concession.

Hon. W. Patrick: They are owners subject to the lease.

Hon. C. SOMMERS: Quite so, and at a certain stage they become possessed of a very valuable property. If a private citizen entered into a contract with a certain company and, in repayment for some privilege he was able to confer upon that company, they contracted with him that at the expiration of a certain term he would become possessed of the very valuable property for absolutely no payment at all, what would be thought if the Government came along and confiscated his right? We know what we would say; we know what every right-thinking man would say, that they were doing a grave injustice, perpetrating a scandal no honest Government would be guilty of. Why not put the Perth City Council in the same position as the private individual? There is not the slightest difference. They have a first mortgage over a valuable possession which falls into their hands almost free of cost at a given date.

Hon. J. Cornell: There is no analogy.

Hon. C. SOMMERS: I think so. I know how it would strike the hon. member if in his private capacity he parted with some privilege temporarily, and if, when it was to come back unencumbered to him, a stronger arm came along and took it from him without compensation. He would say, "I am trustee for myself, I want my rights," and if he did not get them he would make a fuss, and I would not blame him. Not many country members have spoken. I wanted to know from Sir Edward Wittenoom whether he did not consider himself a country member. I thought he represented a country district, but he seems to claim that he has become now almost a metropolitan representative.

Hon. Sir E. H. Wittenoom: I said I lived here.

Hon. C. SOMMERS: I cannot understand a country member supporting the expenditure of practically half a million sterling when there are so many urgent works needed in country districts. Mr. Colebatch asked yesterday, in that admir-

able speech he made, what are we going to get. There is no new wealth created here except the promise, probably, that the concession will be better run under the Government. But there is no proof of it. Let us hope it will be if it goes that way. It is not creating any fresh employment for anyone. We are simply making a transfer from one ownership to another, and yet at the same time we know that our borrowing capabilities are taxed to the utmost; and this borrowing of this half a million of money which will be necessary to buy out the tramway company may possibly, and I think will, count somewhat against us when we go in for further loans to develop our public works policy. For that reason I would readily think this Bill would have no hearty support from country members. We want to see what the Bill provides for the Perth City Council by way of compensation. One clause refers to the fact that three per cent. of the gross earnings will be divided among the suburban and city councils, not for the whole time the concession is in existence, but only during the will of Parliament. That is a distinct disadvantage to the Perth council to begin with, because under the present agreement they have to get three per cent. during the whole of the concession. The Government want to take away this concession whenever Parliament thinks fit. It may be taken away next month, because it is to be only paid during the will of Parliament. I do not think the purchase of the tramways is a very urgent one. It will not hurt postponing it for a couple of years. It would not make the concession any more valuable; because, unfortunately for the tramway company, their concession is a decreasing one. Their concession is slowly running out, the sand is running through the glass for them, and every day brings them nearer to the time when they have to submit the tramways to the council for re-purchase, every day brings them nearer to the time when they have to give up everything for nothing. I do not see any great urgency for this purchase. I do not know that it was a burning question. During the recent Legislative Council elections in the metro-

politan area, I have no recollection that it was ever a prominent question. Certainly I was kept very busy on other matters, and probably that is how I escaped going more deeply into the matter and ascertaining the views of the citizens in this regard. I hear complaints that the trams are somewhat overcrowded and that the company do not run quite as many cars as we would like to see at certain hours of the day, but I do not think we have so much to complain of, seeing that at the beginning of the concession it was a losing concern. If the State Government, being superior to the municipal government in having greater powers, can do certain things and say they are doing them in the best interests of the people as a whole, if they are right in that contention that the bigger fish shall eat up the little fish, what would we say if the Federal Government, being a superior body, exercised the same right with regard to some of the State powers? In their superior judgment, they might think it would be good for the Commonwealth, and we would be deemed very unpatriotic if we opposed it. If it is right for the State Government to take from the municipal government we must admit it is equally right for the Federal Government to take from the State Government without compensation. Well, that may be right, but I think we would be very aggrieved, and I think we would have a good deal to say about it. The Perth City Council are not in a very enviable position just now. The rates are very high and there is a good deal of expense in the City, while the municipality have recently been deprived of at least £10,000 a year in rates by the recent resumptions in the municipality by the State and Federal Governments. I think I am right in mentioning this amount. I am assured by one of the councillors to-night that at least £10,000 is the amount the municipality will lose by these resumptions. There have been resumptions in East Perth and in Perth central for the Federal post office, and recently there were resumptions at West Perth, and again, a day or two ago, there was another large block resumed in West Perth. If they are going to lose £10,000

that way, and they are only going to have the three per cents. during the will of Parliament, I think their position is not to be envied; and if they can get something by extending the terms of the present company, as I understand they can, because I gather from the mayor of Perth that if the municipality give up their rights of purchase which fall due in about 13 years, they can get quite a substantial cash consideration from the company—from the mere fact that the present company would give the municipal council a substantial cash price if the council would only give up certain rights of the concession, it shows that the council have a mortgage or an equitable interest in this property, which we cannot possibly take away in equity without compensating them for it to the fullest amount possible.

Hon. J. F. Cornell: Is that compensation to be extended to the whole of the municipalities?

Hon. C. SOMMERS: No. In their superior judgment, the Perth City Council made a better bargain with the tramway company than the suburban councils. The suburban councils have no right I think, generally speaking, of acquiring the property, nor at the end of a concession shall the property fall into them for nothing; and if it is bought by them it has to be paid for by arbitration. I do not see why the Perth City Council should not be entrusted with the running of the tramway system. I think if we gave them power to acquire the concession and the power to borrow the money to buy it with, they would very soon come to terms with the suburban municipalities and bring about a trust on equitable grounds, or it would hasten the bringing about of the Greater Perth scheme, which I do not think is very far distant, despite what I have heard during this debate. I think the very fact of giving the municipality the power to do what the Government propose to do would bring the straggling ends together and cement them into one trust that would be strong and powerful, and capable of running a tramway system better than any Government possibly could. We must not forget the Perth City Council have already acquired

the electric lighting and gas plant, and the possession of that plant should enable them to run the tramway system more economically than the Government could. The two things should run together. The council owning the gas and electric lighting plant and having the poles for carrying the light throughout the various parts of the City, could run the two systems together more economically than if they were under separate control. I hope the Bill will go before a select committee. Not because I agree with Mr. Kirwan that the sending of any Bill to a select committee necessarily means that the Bill will be killed. I do not think the city council have had an opportunity of putting their case fully and freely before the Government, and most certainly not before Parliament. This is a very vital matter to the municipality. It means probably hundreds of thousands of pounds to them by the time the concession falls due. It is of very great importance to the ratepayers, who have tended in a very great measure to build up the present value of the concession by their enterprise, by the buildings they have erected and by the confidence they have shown in the State. I think these people are entitled to consideration and that the city council as representative of these ratepayers should have the opportunity of putting their expert advice before the select committee. Then the House would have every facility for arriving at a determination as to whether the claim is just, and if so, what is a fair compensation to give them for this property. In the event of the select committee not finding that the city council is entitled to fair compensation equal to what I believe the concession is worth, I shall be forced to vote against the Bill.

Hon. R. J. LYNN (West): I do not intend to speak at any great length to-night. Since moving for the adjournment of the debate I have thought that in order that other members would be able to have an opportunity of speaking before leaving for the country to-morrow, it would be better that I should address my remarks to the House to-night. I am quite in accord with many speakers in the senti-

ment that from the point of public utility the tramways of Perth should be either nationalised or municipalised. I am unable to agree with those hon. members who have expressed themselves as being in favour of nationalisation, a sentiment not quite in accord with the position I happen to hold in a sister municipality. I think Perth, or any other municipality or roads board or local governing body, should have absolute control and management of lighting and transit facilities within its boundaries. In this respect I differ from Mr. Jenkins, who stated that nationalisation was preferable to municipalisation. I happen to be connected with a business which brings me into very close contact with railway administration, and I must cordially endorse what Mr. Colebatch had to say respecting that railway administration. I endorse the hon. member's remarks, not in any spirit of party politics, because the same grievances have been in existence not only during the life of the present Administration, but of previous Administrations. If the Perth tramway system were to be operated by the Railway Department it would simply mean that a large amount of red tapeism respecting any matter of reform would have to be passed through, and that along channels quite foreign to those depending on the system. With a system similar to that in Fremantle, where we have direct control by the direct representatives of the people, and a special board created to administer and carry into effect all matters relating to the administration of the tramway system, you would have direct representation by the individuals concerned in the very municipality itself. That, I contend, would be of very great benefit to the Perth system. Those of us who have dealings with the railways know that immediately one has any complaint to make one receives the usual acknowledgment of that complaint. Then after many days or weeks occupied in controversial communications, one is informed that "this correspondence must cease." That is part of a system which applies, not only in the metropolitan area, but throughout the State, and in my opinion it is not suitable to the proper

administration of the tramway system. I consider the Perth City Council have certain reversionary rights. It has been argued that not the ratepayer, but the resident citizen establishes the value of the system within the metropolitan area. To some extent the argument is perfectly justified. It must also be considered that the ratepayer and the property owner within the boundaries of that particular municipality are alone the people responsible for the advance made in connection with the municipality by the reason of enhanced values. In this respect I must certainly favour municipalisation as against nationalisation. I intend to vote for the second reading, for I believe that if a select committee be appointed some solution of the difficulty will be arrived at. Mr. Kirwan has declared that to send a Bill to a select committee is to sacrifice the measure; but we know that in this case there is no intention of making any such sacrifice. The Bill will be sent to the committee in the hope of finding some solution which will justify the Government in coming to some arrangement with the Perth City Council. There are many very successful municipal tramways in existence in the old country. Indeed, there are some 120 systems throughout the British Isles, which to a great extent in days gone by assisted in the reduction of the rates of the respective municipalities. The first municipal tramways constructed in Australia were those of Fremantle, and having been honoured with the confidence of the people of that town in regard to the administration of those tramways right from the inception of the system, I confess that my sympathy is in the direction of municipalisation. I hope that the amendment foreshadowed by Mr. Kingsmill respecting the select committee will be carried into effect. We know that in small systems where the lighting power and the tramways are controlled by one local body large expenses are saved, not only in the administration but in the general working of the system. I realise that it can be shown to a select committee that the control of a system for the generation of power and the lighting of a city, as well as for the running of trams, will be

greatly to the advantage of the one party controlling that particular system. Seeing that Perth has expended a very large sum of money in the municipalisation of the lighting and power, it is natural to assume that benefits will accrue by the City having also the system of tramways to combine with the power and the lighting. It means one power station, one set of officers and one system generally, and it makes for economy from many standpoints. I do not propose to offer any objections to the Bill at this stage. When the various clauses are dealt with in Committee it will be found that Perth has many rights which should be duly protected. In speaking on the question broadly to-night I may say I regret that some arrangement was not entered into between the Government and the Perth City Council in order if possible to arrive at some solution of the difficulty before the Bill had reached this stage. I claim that if the Perth City Council are not ready to protect the rights of the citizens, the Government should step in and determine to nationalise the system. On the other hand I say the Government have no right to take away any rights that may be accruing to the Perth City Council under the existing agreements. I do think that some such arrangement as a referendum of the people of the metropolitan area might have been entered into. I understood from Hon. Mr. Dodd in reply to an interjection that any referendum would be acceptable to the Government in connection with this measure. If the Perth City Council refuse to take that referendum or to consult the people who are the masters of the situation, I am afraid members may be forced into supporting a measure which otherwise they would not do.

Hon. W. Kingsmill: What about the broad principle?

Hon. R. J. LYNN: The broad principle is this: that the people generally in the metropolitan area have every right to be consulted in regard to this measure, and if those people are consulted and any small section, whether it is the mayor of Perth or his council, refuse to accede to the demand or wishes of the people generally, they have no right to be respected.

From my standpoint I view it in this way, that if a referendum of the people who have these rights to-day in their own keeping are quite willing by a vote to hand them over to the Government, I say by all means nationalise the tramways, but if, on the other hand, the Government refuse to accept some such suggestion as a referendum being taken on the subject, I shall be forced to vote against this measure. I hope that a Bill of such public utility will be viewed from the standpoint of the benefit to be derived by all parties concerned. I believe that in the interests of the State this system should pass into the hands of the municipality or Government and, believing in that, I shall be glad to do anything I possibly can in order to arrive at some solution of the existing difficulty.

On motion by Hon. J. D. Connolly debate adjourned.

#### BILL—HEALTH ACT AMENDMENT.

*In Committee.*

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—amendment of Section 138:

The COLONIAL SECRETARY: In order to make it unnecessary that a regular duplicate plan should be provided, he moved as a proviso—

*Provided that a sun print or tracing of any such plan, block plan, or detail plan shall be deemed to be a duplicate for the purpose of this subsection.*

Hon. J. D. CONNOLLY: The amendment was not altogether satisfactory and he suggested that the clause be postponed in order that the Minister might get the Government Architect to draft it. From a professional point of view it did not read right. A detail plan might involve a pile of plans a foot thick. With regard to the plans for a cathedral, church, or theatre, they might not come to the detail plan for twelve months after work was started. He did not think a detail plan should be included at all. Every opportunity should be given to ensure

that such buildings were safe, but this was unnecessary expense.

The COLONIAL SECRETARY: The proviso was simply in harmony with the section in the Act. The only thing was that the commissioner could not insist that a copy of the whole of the plans should be left with him. The plans were submitted at present and the commissioner signed his approval. Under the proviso a print or tracing would be deemed to be a duplicate.

Hon. J. F. Cullen: Why should he want them after he has approved of them?

The COLONIAL SECRETARY: So that he would have a check on the building, as plans were sometimes departed from. He would agree to postpone the clause.

Clause postponed.

Clauses 3, 4, 5—agreed to.

Clause 6—amendment of Section 200:

Hon. A. SANDERSON: Would the Colonial Secretary give an assurance that he was quite satisfied with regard to the Federal legislation on this point?

The COLONIAL SECRETARY: Inquiry had been made that day, and there was nothing to prevent the introduction of this clause, as it did not interfere or clash with existing legislation.

Clause put and passed.

Clauses 7 to 11—agreed to.

Progress reported.

#### BILL—METHODIST CHURCH PROPERTY TRUST.

*In Committee.*

Resumed from the previous day; Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Clause 2—Interpretation:

The COLONIAL SECRETARY moved—

*That in line 4 of the definition of "Legal proceedings" the words "or commissioner" be inserted before "examiner."*

This would bring the clause into conformity with the Transfer of Land Act. The effect would be that legal proceedings



should include all proceedings in any court of justice before the commissioner, as well as the registrar and examiner of titles.

Amendment passed; the clause as amended agreed to.

Clauses 3, 4, 5—agreed to.

Clause 6—Vesting of landed property of Wesleyan Methodist Church in trustees for United Church:

Hon. D. G. GAWLER: In this clause a principle dropped up which might not have made itself clear to members. It also occurred in Clause 10. The principle which was raised came before the House last session in the case of the Padbury Trusts and a Hospital Bill, and the effect of the clause would be to alter the trusts in connection with which the lands were given. It may be that the lands were given in favour of one particular church and the effect of the clause would be to alter the trust and make it for the benefit of the two.

Hon. J. F. CULLEN: The House need not be at all troubled about the point raised; this was merely a domestic matter with the religious bodies and they had had ample opportunities of presenting their case, and the very fact that the three bodies were practically unanimous would justify the Legislature giving effect to their requests.

Clause put and passed.

Clauses 7 to 11—agreed to.

Clause 12—Method of executing conveyances and other dispositions of Church lands:

Hon. D. G. GAWLER: Under a clause which had been passed it was provided that the trustees should be registered as trustees of the church. That infringed a principle of the Transfer of Land Act. One of the principles of that Act was that it recognised no trusts. If trusts were once created and brought to the notice of the Registrar of Titles, it was a principle of law that the persons dealing with them were bound to see that the trusts were carried out. The Legislature had said that their dealings with the Transfer of Lands office were bound to be clear, otherwise members would see that officials might have their time taken up by seeing that the trusts had been

complied with. It was his intention to move an amendment which would enable the trustees to be registered as trustees, but it would take the onus off the Registrar of Titles of inquiring whether the trust had been carried out or not. He moved an amendment—

*That at the end of the clause the following words be added:—"Notwithstanding anything in 'The Transfer of Land Act, 1893,' or any amendment thereof contained, the registrar shall not be bound to see or inquire whether any dealing with land under this clause is in accordance with or contrary to, or affected by any notice express or implied that such dealing is not in accordance with, or is contrary to the trusts upon which such land is held by the trustees."*

He had spoken to the gentleman who had drafted this Bill and he was perfectly agreeable that the amendment should be made. It was in Bills like this that interference with existing legislation crept in.

The COLONIAL SECRETARY: On the assurance of the hon. member that he had consulted the gentleman responsible for the Bill, and that that gentleman had no objection to the amendment, no opposition would be forthcoming.

Hon. D. G. GAWLER: He was quite prepared to agree before the third reading stage that the Colonial Secretary should submit the amendment to the Crown Law authorities.

Hon. J. F. CULLEN: The hon. member had moved an absolutely necessary proviso but he had only touched upon the fringe of the difficulty. He (Mr. Cullen) had abstained from moving other amendments that ought to have been made earlier, and would abstain from moving them on the ground that later on nearly all these difficulties could be got over by incorporating the United Church Bodies, and thus enabling the incorporated body to take over all trusts.

Hon. A. SANDERSON: Mr. Gawler stated that this had received the sanction of the Land Titles Department.

Hon. D. G. Gawler: I did not say that.

Hon. A. SANDERSON: No, but the Minister told members that, and that Mr. Gawler was trying to safeguard the in-

terests of the Land Titles Department. He (Mr. Sanderson) would throw the whole responsibility on to the church authorities themselves, and if any trouble was caused they would have only themselves to consider in the matter. Members had had the assurance from the Minister that the Crown Law Authorities and the Land Titles Department were quite satisfied with the Bill as it stood, and with the greatest deference to Mr. Gawler he would submit that, unless the church authorities specially asked or authorised him to look after their interests, the Bill should be allowed to remain as it stood. If we once started to interfere with measures of this description we would be taking a serious responsibility on ourselves. If any thing went wrong and injured them they would have only themselves to thank. The Committee had the assurance of the Colonial Secretary that the Land Titles Department was satisfied, and surely the department had been able to give the matter closer consideration than Mr. Gawler.

Hon. D. G. GAWLER: In conversation with the Parliamentary draughtsman and the Registrar of Titles, he had ascertained that both gentlemen were agreeable to the amendment, and the Registrar of Titles, more particularly, wished that the amendment might be carried in order that he might be saved the responsibility of looking into the trust. The leader of the House had said that the Crown Law authorities were satisfied with the Bill, but if he inquired he would find that they had no objection to the amendment.

Hon. A. SANDERSON: Evidently the Land Titles Department had not considered the matter carefully enough, because after discussing it with Mr. Gawler they recognised that some amendment was desirable to protect themselves. He hoped the Minister would endeavour to reconcile Mr. Gawler's statement with the statement made earlier that the Crown Law authorities and the Lands Titles Department were satisfied that their interests were protected.

The COLONIAL SECRETARY: The question of the hon. member was a natural one, but it was impossible to answer

it. The Registrar of Titles had written to him as follows:—

The clauses in the Bill relating to property are substantially identical with the Queensland Act of 1893. I have gone through them carefully in conference with the Solicitor General and do not see any objection.

Hon. D. G. GAWLER: In all probability the draughtsman had been entrusted with the drafting of the Bill, and the inspection of the measure had been somewhat cursory. If the Crown Law authorities objected to the amendment he would withdraw it, but until that was ascertained he proposed to press the amendment because he was satisfied that it was in the interests of legislation.

Amendment put and passed.

Clause as amended agreed to.

Clause 16—Entries in and extracts from Register of Trustees to be evidence:

On motion by the COLONIAL SECRETARY clause amended by striking out the word "acting" in line 10, and inserting "assistant" in lieu.

Clause as amended agreed to.

Clauses 17 to 25—agreed to.

Schedules, Preamble, Title—agreed to.

Bill reported with amendments.

## SITTING HOUR.

### *Standing Orders Suspension.*

The COLONIAL SECRETARY (Hon. J. M. Drew): I move—

*That so much of the Standing Orders be suspended as will enable me to move without notice that an alteration be made in Standing Order No. 48 relating to the hours of meeting.*

If the motion is carried, I propose then to move that in future the House should meet on Thursdays at 3 p.m. I have been approached by several country members who desire that the hour of meeting on Thursday should be earlier. They have to return to their homes on that day and if the House meets at 3 o'clock, it will be possible to get through a fair amount of business before adjourning. Some members leave the City at 5 o'clock, others at 5.30, and others again at 6 o'clock, and by meeting at 3 o'clock the

House will be able to transact a fair amount of business and then adjourn, say, at 6.15.

Hon. J. F. Cullen: No, 5.45.

The COLONIAL SECRETARY: I will endeavour to meet the convenience of hon. members as far as possible.

Hon. J. D. Connolly: Does this apply to to-morrow only?

The COLONIAL SECRETARY: No, to every Thursday.

Hon. W. KINGSMILL: Whilst I do not intend to oppose the motion, I think the leader of the House might have given a little more notice of it. As a matter of fact, members who are in the City have very likely made business engagements for to-morrow. That is the case with two members at least, including myself, and in the circumstances, more especially as the alteration in the hour of meeting is to apply to every Thursday, I think it might have been possible for the leader of the House to have given a little more notice of his intention.

Hon. J. D. CONNOLLY: In common with Mr. Kingsmill I think the leader of the House should have given more notice. I have no objection to the suspension of the Standing Orders for the purpose of altering the hour of sitting to-morrow to three o'clock, but I object to passing the suspension of the Standing Orders without notice for the purpose of fixing the sitting hour for the remainder of the session. At least the Minister might have given notice in the early part of the sitting that he intended to do so. It is an extremely dangerous precedent to allow Standing Orders to be suspended at a moment's notice. I quite agree that the country members should be considered and that the House should meet, if necessary, at three o'clock on Thursdays, but the matter could be fixed for to-morrow only, and then the Minister could give notice to move next week in reference to all succeeding Thursdays during the session, and members of the House would have full opportunity of expressing an opinion as to whether it would be desirable to alter the Standing Orders to that extent for the remainder of the session. It is very doubtful whether, in the

circumstances, the Minister will have a quorum at three o'clock to-morrow. There is not much more than a quorum present in the Chamber now, and probably absent members will not know of the change in time to be in attendance to-morrow when the House meets.

Hon. J. CORNELL (South): Some hon. members have waited in order that the necessary quorum should be present to pass this motion. I would suggest that if we do this in the manner we are now doing we can undo it in a similar manner, and I suggest, as a country member, that we need not start to-morrow, but may start on the following Thursday.

Hon. J. D. Connolly: Then there is no need to suspend Standing Orders without notice.

Hon. F. CONNOR: Certain members have retired from the Chamber and there may be important business transacted between three o'clock and 4.30 to-morrow, and though it may be in the interests of these hon. members' constituents that they should be in attendance in the Chamber while it is being transacted, yet they may not know of the alteration in time to attend. It would be better for the Colonial Secretary to postpone this motion and give notice of it in the usual way.

Hon. R. G. ARDAGH: While I agree with the desire to sit earlier on Thursdays, if there is an objection on the score of notice not being given I think the earlier sitting hour might apply from to-morrow week.

The COLONIAL SECRETARY: It is not my pleasure that I am moving the motion. I was approached by several country members, many of whom are not in the Chamber now, because they have gone away relying on the pledge given by other hon. members that this motion would be supported. It would be a great inconvenience to me to meet at three o'clock, but, as many as a dozen country members having approached me on the matter, I submitted it. If I had consulted my own wishes I would have given notice on Tuesday next, but I was approached by several members and asked

to bring this matter into effect to-morrow. If any member wishes to move the amendment in the direction of altering it till the following Thursday, I will not have the slightest objection.

The PRESIDENT : There is nothing about "to-morrow" in the motion, which is merely for the suspension of the Standing Orders.

Hon. E. M. CLARKE : I was one who approached the leader of the House. Very frequently on Thursday afternoon we are kept here just long enough to miss our train to the country. I am prepared to take my share of any work that has to be done, but it is annoying to anyone who is going any distance from the city to have to wait until next morning. It means a big loss of time and is a serious matter. We have our own businesses to look after, though so long as there is plenty of work to do in the House we are always ready to go on with it. I think the city members should consider the country members in this matter; and when it is considered that the country members stop here perhaps for half an hour's work just long enough to miss their trains, they might accede to our request.

Hon. F. CONNOR : I am in favour of the proposition to meet earlier on Thursdays but it is not the proper way to do it, moving, as the Minister has done, at the last minute and saying that at the next sitting of the House we shall carry on business when probably members who cannot know of the change will not be in attendance. It is an outrageous thing to do. I sympathise with members who have long distances to travel, but the whole object of the motion is to suspend the Standing Orders. When that motion is dealt with I shall speak on the question of meeting to-morrow at three o'clock instead of 4.30.

Hon. J. W. KIRWAN : I was one of the country members who spoke to the Colonial Secretary. There are several country members not here to-night who spoke to the Minister, and they are not here because they took it for granted the motion would be agreed to. It is a reasonable proposition. Country members are

asking the city members to come here an hour and a-half before the ordinary time on Thursdays because there is a possibility of saving country members 24 hours at the week end. That is not asking city members too much when we take into account the very great inconvenience to which country members are subjected in this matter. Standing Orders have been suspended previously without notice.

Hon. J. D. CONNOLLY : Not for the whole session.

Hon. V. HAMERSLEY : This matter will not affect me, but the first I heard of it was at this late hour when the motion was moved by the Minister. I consider it must be a surprise to some members to-night, and it may inconvenience members who have already made engagements for to-morrow afternoon. The Minister has always been willing to meet the wishes of country members and I recognise it would be a great convenience to them if later on it could be brought into operation.

Hon. W. PATRICK : I think it would be a great mistake to bring this alteration into effect to-morrow.

The PRESIDENT : Many of the remarks made come more fittingly under the next motion.

The COLONIAL SECRETARY : I beg to withdraw the motion, as it does not seem to be the desire of hon. members.

Motion by leave withdrawn.

*House adjourned at 10.13 p.m.*

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