there is more satisfaction on all occasions in departmental work, or the day labour principle, than can be got from the contract system. With regard to the object of this motion, and the considerations which actuated the moving of the motion, it has been stated by interjection that it was thought the motion was moved out of consideration by the members opposite for their friends the contractors. I believe that may have had some influence with them, but I believe the main object for moving it was to try to draw the Government and the Labour party away from their great principle. Our friends opposite know this principle is so firmly embedded in the minds of the people, and that the justice of it is so well known by the people, that they thought if they could draw the Government away from this great principle of theirs they would cause disruption among the followers of the Government. They thought they would bring about a certain amount of criticism on the Government by those who are supporters of the Government if they could succeed in getting us to depart from one of our fixed principles. I believe that was the main consideration which actuated the moving of this motion, and that it was also backed up by a chance remark which a member sitting on this side of the House let fall at a deputation some time ago. I am not going to detain the House any further. I am sure that the motion will be defeated. There is no necessity for me to express the hope that it will be defeated. I am satisfied that it will be defeated because the common sense, not only of the members of this House, but of the general public, leads them to favour departmental construction as against the contract system.

On motion by Mr. Heitmann, debate adjourned.

House adjourned at 9.57 p.m.

Legislative Council,

Tuesday, 13th August, 1912.

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

WICKEPIN-MERREDIN RAILWAY SELECT COMMITTEE.

Extension of Time.

Hon. H. P. COLEBATCH (East) moved—

That the time for bringing up the report of this select committee be extended until the 27th August.

He said: Last week the House had carried a resolution permitting this select committee to confer with the select committee appointed by another place for the same purpose, and was still awaiting an answer to the Message, which would probably be available to-day. The committee would then be in the position of knowing what to do. The request for a conference had been made with a view to saving expense to the country and inconvenience to settlers.

Question passed.

QUESTION — TREASURER'S ADVANCE.

Hon. M. L. MOSS asked the Colonial Secretary: 1, What amount of the £250,000 Advance to Treasurer in Schedule "B" to the Appropriation Act, No. 17 of 1912, was expended up to and inclusive of 30th June, 1912. 2, Is any of such expenditure excluded from the deficit in the Revenue Account up to 30th June, 1912.

The COLONIAL SECRETARY replied: 1, By votes excessed, £88,142 4s. 10d.; by new items, £54,107 16s. 11d.; total, £142,250 1s. 9d. 2, No.

QUESTION — ESTATES REPURCHASE, CLOSER SETTLEMENT.

Hon. J. F. CULLEN asked the Colonial Secretary: 1, What is the number of offers of land for closer settlement made to the Government from October 1st, 1911, to July 31st, 1912? 2, How many of these have been favourably reported upon by the Land Purchase Board? 3, How many have been accepted by the Government? 4, What is the total area so purchased and the aggregate price?

The COLONIAL SECRETARY replied: 1, Eleven. 2, Only one at vendor's price. 3, None. 4, Nil.

QUESTION—LAND TRANSFERS.

Hon. H. P. COLEBATCH asked the Colonial Secretary: 1, Has the attention of the Colonial Secretary been directed to page 19 of the recently issued 1912 *Selector's Guide* of Western Australia? 2, Is the concluding paragraph on such page, relating to transfers, in conformity with Section 61 of "The Land Act Amendment Act, 1906" (Section 142A, subsection 2, of the principal Act)?

The COLONIAL SECRETARY replied: 1, Yes. 2, The section mentioned restricts the Minister's discretion. It does not otherwise affect the exercise by the Minister of his discretion to approve transfers, subject to an appeal to the Governor-in-Council.

PERSONAL EXPLANATION—HON. C. SOMMERS AND RAILWAY DEVIATIONS.

Hon. C. SOMMERS (Metropolitan): I desire to make a personal explanation. In speaking on the Address-in-reply I regret that I made a very serious charge against the Government of having deviated the Wongan Hills railway line eastward for the purpose of penalising me mainly through my opposition to them during the recent Legislative Council campaign. I made the charge on statements and hints given to me which I now find quite untrue, and I therefore take the earliest opportunity of apologising to the leader of the House and the Government for having made such a serious and unsubstantiated charge against them. Directly I became aware of this, I tok the opportunity of waiting on the Premier at the close of last week and I told him that I had been misled. I gave him my authority for making my statements and I told him that I would take the earliest opportunity of making my withdrawal public. This is not the proper place for me to make any statements with regard to the deviation of the line. The matter is now in the hands of a select committee from whom I am confident the country will have an impartial report, upon which the Government can take any action they choose with reference to the settlers who will be deprived of their rights. I can only conclude by repeating that I apologise to Ministers for the statement I made.

RETURN—STATE FARMS.

On motion by Hon. J. F. CULLEN (South-West) ordered: That a return be laid on the Table showing the total expenditure and the total cash value of earnings from fees, produce, etc., in connection with each of the State farms for each of the past five years to June 30th, 1912.

BILL—WHITE PHOSPHORUS MATCHES PROHIBITION.

Read a third time and *passed*.

BILL—METHODIST CHURCH PROPERTY TRUST.

In Committee.

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

Clause 1—Short title:

The COLONIAL SECRETARY: It seemed to be the desire of members that

some investigation should be made in regard to the Bill. He had previously taken action in the direction of asking the Commissioner of Titles to submit the Bill to his scrutiny, which the Commissioner of Titles had done; but subsequently there were several points raised in the House, and the attention of the Crown Law Department had been directed to the Bill, with the result that the Solicitor General had forwarded a minute explaining the position. The Solicitor General's minute was—

> I annex a letter from Messrs. Haynes, Robinson & Cox. 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 Registrar of Titles and do not see any objection. In Clause 16, however, "Acting Registrar" in two places should read "Assistant Registrar." The following amendments should be made :—Clause 2, page 7, line 37, before "Examiner" insert "Commissioner or." Clause 16 delete "Acting Registrar" in two places and insert "Assistant Registrar."

There was also the attached letter from Messrs. Haynes, Robinson & Cox who had drafted the Bill. It was dated 12th August, and read—

> As requested, we send you herewith the Rev. Dr. Youngman's letter of the 13th October, 1911, expressing as President of the General Conference of the Methodist Church of Australasia his approval of the Bill. We also send you herewith a copy of the minutes of the last Methodist Conference of Western Australia showing that the draft Bill was examined and passed by that body. The model deed has been prepared and has been signed by all the metropolitan parties, and it is now going round some of the country towns where signatures of prominent country members are being obtained. On the return of the deed, it will be registered in due course in the office of deeds, and if you think proper you can make the passage of the Bill subject to the registration of this deed before the assent of His Excellency is given. As it is obvious, however, that the Bill is of little use without the registration of the deed, you may possibly take our assurance that our instructions are to complete the registration as speedily as possible. Speaking generally of the statute, it was drafted by us very much on the lines of the Queensland Bill where similar clauses to those relating to the trust property have been working satisfactorily since the year 1893. Dr. Youngman, the President of the General Conference of the Methodist Church of Australasia, was in this State for some two months last year, and we had the benefit of his advice and assistance. Dr. Youngman is one of the recognised authorities of the Methodist Church of Australiasia on all matters affecting its legal status.

There was also the following letter signed by Dr. Youngman :—

> Perth, 30th October, 1911. To Messrs. Haynes, Robinson & Cox. Gentleman, Having considered the draft of the Bill for settling the Methodist Church properties in this State on the model deed, establishing the annual conference, providing for an independent conference for New Zealand, register of trustees, and other collateral purposes, as president of the General Conference of the Methodist Church of Australasia, I hereby express my approval of the aforesaid Bill as embodying the declared purposes and intention of the General Conference. May I express the hope that, in view of the urgency of the matters involved, no time will be lost in receiving the necessary Parliamentary action?

Hon. J. F. CULLEN: This would be the best time to add a word to that explanation. As the first to criticise the Bill he had been very careful to premise that, as a rule, a Legislature did not inquire closely into an ecclesiastical Bill except as to its bearing upon public interest.

The CHAIRMAN: While latitude in the way of what was really a personal explanation had been allowed the leader

of the House, the question before the Committee was Clause 1.

Hon. J. F. CULLEN: The intention was merely to say that in view of the Colonial Secretary's explanation he (Mr. Cullen) would not make any attempt to move an amendment. If permitted a further word of explanation he would say that a legislative body had to consider its own honour, and avoid giving grounds for the courts to ask later on how came any House of Legislature to pass a Bill of this kind. He had intended to do a kindness in drawing the attention of the church authorities to the very great improvements which might be made in the Bill, but as those authorities had declared that this was the kind of Bill they required, he would say nothing further in regard to it.

Clause put and passed.

Progress reported.

BILL—TRAMWAYS PURCHASE.

Second Reading—Amendment, six months.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: The Government having undertaken to purchase the Perth Electric Tramways, Limited, subject to the ratification by Parliament, this Bill is introduced for the purpose of seeking endorsement of the action taken. Attached to the Bill is the agreement under which the Government propose to bring about the nationalisation of the trams, and a close study of this contract, together with information which I shall place at the disposal of hon. members, will enable them to form a judgment as to the merits of the measure submitted for their consideration. To boil down into convenient form all the provisional orders and agreements would baffle even the ingenuity of experts. They occupy 450 pages of closely printed and typewritten matter. All the Acts and provisional orders operate on different dates, and expire on different dates, while, in certain instances, one is somewhat antagonistic to another, so that an impossible position is occasionally created. For instance, the contracts affecting the city of Perth terminate by the reversion of the trams to the Perth City Council in 1939. The city council would then have sole control of the tramway track within its boundaries. Under the agreements made with the other municipalities, however, some of which do not expire for several years after 1939, the company have undertaken, during the currency of these agreements, to run the trams right up to the Perth Town Hall, a thing, of course, utterly impossible for them to do except with the consent of the Perth City Council. This is one reason why it is not advisable that the reversionary rights of the Perth City Council should be allowed to continue under a scheme of nationalisation. Were these rights to be recognised the Government would be in exactly the same position as the tramway company would find themselves in 1939, up against a dead end so to speak. They would be required by the Subiaco, North Perth and the Leederville municipalities to run trams to the Perth Town Hall, although the control of the tram tracks within the boundaries of the City had already passed to the city council.

Hon. J. D. Connolly: Do not the reversionary rights apply only to the trams within the municipality?

The COLONIAL SECRETARY: But the contracts with the other municipalities beyond the boundaries compel the tramway company to run the trams to the Perth town hall after the system has passed to the Perth City Council.

Hon. J. D. Connolly: That is not a part of their reversionary rights.

The COLONIAL SECRETARY: The contracts with the various municipalities and the times when the tramways revert to the several authorities are as follows: Perth City Council, options of purchase at price to be fixed by arbitration accrue in 1925 and 1932, and 1939; Subiaco, options of purchase at price to be fixed by arbitration accrue in 1931 and 1936; Leederville, options of purchase at price to be fixed by arbitration accrue in 1934 and 1939; North Perth, in 1938 and 1943. At Osborne Park, the tramway is vested in the Town Properties of Western Australia, Ltd.,

and the North Perth Roads Board have an option to purchase at a valuation in 1924 and 1931. In 1938 those trams will vest in the roads board without compensation. With regard to the Victoria Park tramway, the company hold a lease which expires in 1913 with option to purchase within that time. Subiaco and Claremont may acquire the Nedlands Park tramway, at a price to be fixed by arbitration, in 1931 and again in 1936. The tramway company at the expiration of three, six or nine years from date of opening for traffic has the option of purchase at half cost of construction. If such right is not exercised at the end of the nine years the municipalities themselves have such option. That gives in a nutshell the concessions and terms of the contract.

Hon. W. Kingsmill: It is pretty complicated.

The COLONIAL SECRETARY: Yes. The Acts governing the tramway system are as follows:—In relation to Perth, 61 Vic. No. 30, 63 Vic. No. 42, 2 Edw. VII. No. 38, and 4 Edw. VII. No. 18 (No. 43 of 1904). All these Acts have been taken into consideration so far as the Bill affects the tramway system in Perth proper. The Acts affecting the suburban local authorities are—Subiaco, 63 Vic. No. 27; Leederville, 64 Vic. No. 42; North Perth and Perth roads board, 1 and 2 Edw. VII. No. 26; municipality of North Perth, No. 46 of 1904 and No. 35 of 1909; Victoria Park, No. 50 of 1904; Subiaco and Claremont (that is the Nedlands Park line), 7 Edw. No. 30. That completes the Acts governing the tramway system.

Hon. W. Kingsmill: How many are there, about a dozen?

The COLONIAL SECRETARY: More than that, I should think. Not only is the system governed by these Acts of Parliament but also by the Tramways Act of 1885 and its various amendments, which apply to all routes except where special provision is made under a particular or special Act. The construction of lines is governed by provisional orders, and in connection with the Perth tramways the position is that on the purchase of any freehold by the company the different local authorities concerned must be notified. That is in respect to Perth, Subiaco, Leederville, North Perth, and the Perth roads board. Under these provisional orders workmen's cars are to be provided at certain hours, and the time-table is to be decided by the local authority, with the final decision of the Minister for Railways. That is for Perth only. The work has to be done to the satisfaction of the local authorities in the case of Perth, Subiaco, and Nedlands, and the promoter may enter into agreement with any person, corporation, or company as to the use of the said tramway and for the prescribing of tolls and charges. That is in respect to Perth, Subiaco, and Leederville, North Perth and Perth roads board, and Nedlands Park. The local authorities may require the carriage of merchandise, live stock, etcetera, but the Commissioner of Railways can terminate that with six months' notice. That refers to the North Perth and the Perth roads board; and so it goes on, in almost every provisional agreement a different provision is stipulated. The promoters pay to the local authorities 3 per cent. on the gross earnings in lieu of rates. On six months' notice the purchase price may be ascertained by arbitration, the lands to be calculated at the actual price paid and no goodwill. If the right to purchase be not exercised it recurs at the end of twenty-eight years on exactly the same terms, and if it be not exercised then at the end of 35 years all lines and extensions and works and land are to be handed over to the local authority free from mortgages or anything of that kind. As to the lines, subject to the agreements and extensions made in ten years, they must be handed over at the actual price paid by the promoters for the lands and for all extensions made after the ten years, the price to be fixed by arbitration. We take over the tramways under this Bill with a condition to respect the whole of the agreements up to a certain point. I may say that the Government are not prepared to increase the public debt of the State for the mere pleasure of having control of the tramway system until such time as the parties to the agreement say they shall revert to the local authorities. It must be

an out and out purchase or no purchase at all. It is not to be the goodwill of a business for a limited period; if it is there will be no purchase, so far as the present Government are concerned. The Perth City Council have rights in this connection, but it seems to me they have no rights as against the Government of Western Australia.

Hon. J. F. Cullen: No rights?

Hon. J. D. Connolly: That is an extraordinary view.

The COLONIAL SECRETARY: Not in this connection. In the first place the people appoint a Parliament to manage their affairs; the executive of Parliament is the Government, which deals with all the larger matters affecting the public welfare, but as it would not be possible for the Government to deal efficiently with all the smaller matters of public concern which come within their province Parliament has provided machinery for the creation of bodies such as municipalities and roads boards to assist the Government in carrying out their administration. These bodies are no more than trustees for those from whom the power to create them has sprung, that is the people. Their rights are not merely the rights of those who pay in the form of taxation for services rendered; they are the rights of the people as a whole.

Hon. J. F. Cullen: A trustee is rather a solid proposition.

The COLONIAL SECRETARY: Of course it would be very inconsiderate for Parliament to deprive any municipality of a substantial amount of its revenue without something like reasonable notice. To do that might dislocate its financial engagements, but the Government propose to do no such thing in this connection. It is provided that the municipalities shall enjoy their present financial advantages from the tramway system until Parliament otherwise determines, and no doubt when Parliament comes to the conclusion that that concession shall cease fair and reasonable notice of the discontinuance will be given to the authorities concerned. With regard to the city of Perth, the earliest stage at which the Council can purchase is 1922. If they do not exercise their right then, they will not be able to purchase until 1932, and if they fail to purchase in 1932 the trams will revert to them in 1939 under the contracts made. The Perth City Council is the only local authority which is entitled to take over the trams after a period without making any payment except for the original price of the land and for extensions made after the first ten years of the concession. Certain questions in reference to the matter were submitted for legal opinion, some time ago, and the answers were as follows:—

> If the local authority purchase at periods stated or take over at periods stated, will it have to pay for statutory running rights?—Perth, no; Subiaco, yes; Leederville, yes; Victoria Park, no; North Perth, yes; North Perth and Perth Roads Board, no; Subiaco and Nedlands Park, yes.
>
> Can local authority consent to construction of opposition lines?—Perth, yes; Subiaco, yes; Leederville, yes; Victoria Park, not till after December, 1940; North Perth, yes; North Perth and Perth roads board, yes.
>
> If local authority does not purchase, is it bound to take over at end of fixed period?—Subiaco, yes; Leederville, yes; North Perth, yes.
>
> Can promoter assign?—Yes in each case.

The position of the local authorities outside of the Perth City Council is that at the expiration of their agreements, they have to take over the trams, the price to be fixed by arbitration in every instance, that is except in the case of the Perth City Council. This is a matter which must be seriously considered when estimating the merits of the Bill before the House.

Hon. J. F. Cullen: Who is the legal authority?

The COLONIAL SECRETARY: The Crown Law Department.

Hon. W. Kingsmill: Which member of it, the Crown Solicitor?

The COLONIAL SECRETARY: I am not prepared to state. I have not the information. I am given to understand the matter has been before the Crown

Law Department. At present the company are paying the local authorities 3 per cent. of their gross takings in lieu of rates, and it may be of interest to learn exactly how much they have received under this heading. I find that the highest amount paid to the local authorities in the aggregate was in 1904, when they got £2,272; that was divided among the lot, but the bulk of it went to Perth. In 1910 the figures were £1,914, and last year the figures were something like £2,500. The average therefore seems to be in the neighbourhood of £2,000 a year. Members may wish to know something about the mileage of the trams; they are as follows :—City of Perth, 55 miles 55 chains; Subiaco, suburban extension, 2 miles 60 chains; Leederville, suburban extension, 1 mile 40 chains; Victoria Park, suburban extension, 2 miles 12 chains; North Perth, suburban extension, 1 mile 22 chains, Osborne Park, operated under contract, 2 miles 30 chains, Nedlands Park, operated under contract, 2 miles 30 chains. The company own and operate 30 miles 11 chains under Parliamentary enactment. With regard to the price, when we entered into negotiations with the tramway company they submitted the same offers which they had previously made to the municipal authorities and verbally to the ex-Premier, namely, £500,000. When the purchase was announced no price was mentioned, but it was generally assumed that the figures were half-a- million and there was no public criticism of our action. It was generally agreed that even on the basis of half-a-million we had done a very good thing from a business point of view. But we closed at £475,000, notwithstanding that after the shareholders at their annual meeting had fixed the price of half-a-million, no less than £13,000 was spent in improving the service. Consequently that made the actual price £513,000, and we have got the option for the concern for practically £38,000 less. The Government secured expert advice before completing the deal. We arranged with the Commissioner of Railways to make a valuation, and he called his expert officers to his aid. They advise that we have to regard the property from the point of view whether we are going to allow the system to revert to the local authorities or take possession of it, and the figures have been consequently put under these different headings. They say that the value to the Government by purchasing now would be £375,000, if the trams were to be repurchased by the Perth City Council in 1925, that is if we had to dispose of them in 1925, they would be worth only £375,000 to us, basing it on the assumption that the profits would not increase or diminsh, and that we were not to make any extensions. The annual net profit required for interest and sinking fund would be £25,000, interest at 4 per cent. absorbing £15,000, with an annual sinking fund contribution of £10,000, so that in 1925 we would get back our capital invested by disposing of the system to the Perth City Council at £200,000 We have allowed more for depreciation than any company operating a tramway system in any part of the world. The depreciation has been based on McColl's standard work on the keeping of tramway accounts. In the event of a transfer to the Perth City Council in 1939, that is handing the system back free to them at that date, a fair price to pay would, according to the experts, be £400,000, that is if in 1939 we handed the system back to the Perth City Council. Of this a net profit of £25,000 would be sufficient to pay the interest, £16,000 per annum, calculating it at 4 per cent. and a sinking fund of £9,000. which would cover the suggested price of £400,000 in 1939. If we were in such a position that we should be called upon to hand over the system in 1939, it would not be desirable, as members must all realise, to make the purchase; if we were not to retain the possession of the tramway system for all time, it would be far better in my opinion, that the Government should not purchase it at all.

Hon. J. D. Connolly: How do you base your calculations; are you allowing for an extension?

The COLONIAL SECRETARY: No, not under the figures I have given. There would be no sense, in my opinion, in ap-

proaching the money market for a loan, in fact it would be a most unbusiness-like proceeding to ask for a loan for the purchase of tramways which would revert to the Perth City Council in 1939. I am afraid it would be very difficult indeed to borrow money for such an undertaking. Members may wish to know something in regard to the profits of the tramways.

Hon. J. F. Cullen: The Minister did not give us the third set of figures, the Commissioner's estimate on the basis the Government are going on.

The COLONIAL SECRETARY: No, the Commisssioner has not supplied them. In 1905 the gross surplus receipts over expenditure amounted to £33,096; in 1906, £37,359; in 1907, £33,739; 1908, £31,666; 1909, £33,632; 1910, £29,976; and in 1911, £41,087.

Hon. W. Kingsmill: That seems to be a pretty good bargain.

The COLONIAL SECRETARY: We are calculating on a profit of £25,000. In the past, so far as I can discover, there has been very little written off in the way of depreciation. This is a matter that appears to have been neglected, but if the Government take it over a fair amount in accordance with the McColl system will be written off.

Hon. W. Kingsmill: Are they not bound to keep the lines in a state of efficiency?

The COLONIAL SECRETARY: Yes; but apart from the lines, there is the rolling stock. I am informed there is a considerable amount of depreciation in connection with the system, and according to the report of the Commissioner of Railways, about £16,000 a year is only a fair amount to write off. I fail to see what genuine grievance the Perth City Council can have. The Government are not going to tear up the tramways and remove them to Guildford or to some other centre. The tramways will be worked for the advantage of the community generally, and Perth in particular. In Sydney, where the trams are nationalised, they act as feeders to the railways. There are no petty jealousies and imaginary conflicting interests such as would certainly arise under divided and distinct control. Again, to make the tramway service as efficient as possible, and to cater for the wants, not merely of the ratepayers of Perth, but the people of the State as a whole, it will be necessary to embark upon huge expenditure. The system will have to be extended, and I do not think that the Perth City Council would be in as good a position as the Government to find the money for the purpose. All the local authorities support nationalisation with one exception, and that is the Perth City Council, and those who did agree to support it, did so before they discovered what price the Government were prepared to pay. That I think clearly shows that the municipalities directly desire that the system should be nationalised. I have been asked to make it plain that unless the Government can purchase without being burdened with the obligations which surround reversionary rights, they will not purchase at all. The statement is not made by way of a threat, but with the object of defending the position. As I have already stated, it would be obviously ridiculous for the State to borrow money to buy a particular thing which would cease to belong to the State in a few years' time. It would be unfair to pledge the credit of the country to the extent of £475,000 under such circumstances, even if there were people willing to lend the money.

Hon. W. Kingsmill: I wonder you are buying it at all; why not confiscate?

The COLONIAL SECRETARY: It would create a very undesirable impression in financial circles if we were to borrow money with which to purchase something which would cease to belong to us in the course of time. Whatever views hon. members may hold in regard to nationalisation as against municipalisation, I think the vast majority will agree that the present system should be ended as speedily as possible, and that as public feeling, if I can gauge it, and undoubtedly it is a predominant feeling——

Hon. Sir J. W. Hackett: You have promised certain extensions already.

Hon. COLONIAL SECRETARY: We propose to carry out some extensions. There is no doubt that there will be no hope of any further concessions being agreed to by Parliament while the system is under the control of a private company, that is so far as indications show at the present time. The important point which the House has to consider is whether in the interests of the general community the service can be better administered by the State under the eye of Parliament than by a municipal corporation who is not responsible at all except to a limited section of the people. I beg to move—

That the Bill be now read a second time.

Hon. H. P. COLEBATCH (East): In considering a Bill of this importance, it is probably the usual course after the Minister has moved the second reading to secure the adjournment of the debate, but this particular matter has been before the country for so long, and I suppose it has been considered by the individual members of the House so fully that so far as I am personally concerned, I have no desire for an adjournment, and being prepared to continue the debate, I propose, with the permission of the House, to do so now. I intend before resuming my seat to move an amendment to the motion now before the House. I must crave the indulgence of hon. members, since it is my intention to deal somewhat fully and somewhat in detail with the different matters referred to in this Bill. I want to say at once that I am opposed to it, not opposed to some petty detail in it, but opposed to it root and branch. I regard it as vicious in principle, as unbusinesslike in its conception, and as opposed to the best interests of the ratepayers of Perth and the people of this country.

Member: Leave out the people.

Hon. H. P. COLEBATCH: I shall deal fully with the rights of the people later on. To some it may appear that the Bill involves a triangular discussion, that we are asked to consider three forms of ownership — municipal, nationalisation, and private control, but for reasons which I hope to make clear to members during the course of my remarks, I regard it more as a matter of choice between the two rival forms of public ownership, nationalisation and municipalisation. I am one of those who believe in the public ownership of public monopolies, and I do not fail to recognise the obvious, I might say the natural and therefore the possibly permanent disabilities of such a system, but the reason I am in favour of public ownership of public monopolies is that I believe there are greater dangers to be feared in the private operations of any public monopoly. I am also firmly of opinion that if we are to have public ownership, then the closer we can get the control the greater will be the chance of success. For that general reason I would favour municipalisation as against nationalisation. I want here to repeat the protest I made when speaking in this House on the Address-in-reply against the manner in which it has pleased certain leaders of public opinion in this community to discuss this question of nationalisation as against municipalisation in the case of the Perth Tramway Company. From first to last we have had little more than appeals to short-sighted prejudices. The one argument against municipalisation repeated over and over again, almost amounting to tedious reiteration, is that the present mayor of Perth is an incompetent blunderer, but in so much as that gentleman must retire from his office in three months' time, I am astounded that the people who make use of this argument do not realise that they are heaping insults upon the ratepayers of the city of Perth. I am not concerned about defending Mr. Molloy's capacity as an administrator. I do not know anything about him, but I do know something of the business capacity the present Minister for Works has shown in the administration of the affairs of such a concern as the Goldfields Water Supply Scheme. I have heard, and I have read something of the Premier's financial pronouncement, and if I to-morrow were a shareholder in any institution and were asked to vote for one of these three gentlemen to serve on a board of directors to look after my

interests I should give my vote to the mayor of Perth, and I do not hesitate to say that if their personal interests were at stake some of Mr. Molloy's traducers would do the same. But that is apart from the question we are discussing. Mr. Molloy is only in office for the time being, and I refuse to insult the ratepayers of the city to the extent of telling them that they are incompetent to provide or unwilling to elect a fitting civic chief. I refuse to insult the ratepayers of the whole metropolitan community by telling them that they are incompetent to deal with the problem presented to them by the ramifications of this tramway system, the solution of which may be said to have been already discovered in the bold conception of the scheme for a Greater Perth. One of the strongest arguments for the Greater Perth scheme, which would also have the important result of decreasing the cost of administration, was the necessity for tramway control by the whole of the municipalities through whose streets these trams would run. To turn round now and nationalise the service would be to destroy the chief incentive for this movement for a Greater Perth and to throw back the scheme indefinitely.

Hon. Sir J. W. Hackett: Mr. Molloy is against the Greater Perth scheme.

Hon. H. P. COLEBATCH: I have already said that Mr. Molloy does not enter into consideration in the matter one bit. He is to be in office for another three months, and I refuse to insult the ratepayers of Perth by saying that they are incompetent to elect a fitting civic chief. It has been said that as the railways are in the hands of the Government therefore the trams should be under the same control. The argument used is that time tables could then be assimilated. It is a poor argument at best since it should be just as easy for a municipalised tram service to arrange a time-table to fit in with the railway service as for a nationalised scheme to do the same, though I must say that from my own recent experiences I should be inclined to think that the surest way to catch any particular train would be to arrive at the station without any knowledge of its proper time of departure. I have looked at this argument from all points of view and every time I come back to the conclusion that nothing could be better—either for the services themselves or for the travelling public—than competition and healthy rivalry between a State-owned metropolitan railway service and a metropolitan tram service owned and operated by a Greater Perth. Another feature of the utterly mischievous appeal to prejudice to which I have referred is the reckless assumption that directly the tramways are nationalised the services will be perfected. I am not going to dispute that at present there are some imperfections, but I do say—and without fear of contradiction from those qualified by personal experience to express an opinion—that the administration of the Perth tramways by a private company is orderly and considerate by comparison with our State-owned railway service. I doubt if it will be possible in this House to find one member with the hardihood to rise in his place and defend the metropolitan-suburban railway service as it is at present conducted. I have heard travellers say that the trains are the slowest and the carriages the dirtiest and least comfortable in the world, and I know that business men never rely upon a train to get them to an appointment; they always allow themselves say, half or three-quarters of an hour for probable delays. On the longer journeys the trouble is still worse. I will give hon. members very briefly the exact particulars of four out of five consecutive journeys recently taken by myself. The inconvenience experienced on each of these occasions was shared by a full train load of passengers. I had made an engagement of some importance to me, and perhaps to the other party, for noon in Perth. I left Northam by the 8 a.m. train—the Albany express—due in Perth at 11.30, where it eventually sauntered in in a leisurely fashion at 1.5 p.m. On the next occasion I had undertaken to speak at a meeting at 8 p.m., and came down by the train due at 7.45, but which actually steamed into the station at twenty minutes to nine. Returning to my home at Northam last Thursday the train was again nearly an hour late, and on the following morning when I went to the station to pick up a

Parliamentary party due at 10.30 by the mail train I found that it would not arrive until noon. The Parliamentary party, of which the Minister for Lands and the hon. the Speaker were members, was due at Nangeenan at 3.6. A banquet had been arranged for 3.30 and probably a couple of hundred residents assembled, most of whom had travelled many miles for the occasion. The train—a mail train, mind you—sauntered in a little before five o'clock and the whole of the arrangements were disorganised in consequence. Now all the instances I have given are merely characteristic of what happens day after day on the main lines to mail trains. The experience of those who have to use the spur and loop lines is beyond description. I assure hon. members that it is not unusual for trains to be five and six hours late, and not exceptional for them to be ten or eleven hours late. Only the other day a man, who was just leaving the Northam station in disgust on being told that the train he had driven in ten miles to meet was seven hours late, told me that only once in the last six months had he found one of these loop line trains up to time—and then on making inquiries he found that it was really the train that should have passed through the day before. I made some reference to the condition of our railway carriages. Without presuming to reflect for one moment on the management of the service, I do not hesitate to say that disinclination to improve is one of the cardinal weaknesses of the monopoly system, whether in private or public hands. In the Eastern States the different State services constantly rub shoulders with each other and the conditions are better. But here there seems to be no incentive to improvement. The things that were good enough ten years ago are held to be good enough now, and so we grub along. Let me quote just one instance. Does any hon. member know anything more inconvenient than our railway carriage windows? It is very seldom that they are in order and even when they are in order it is difficult for any but a strong man to operate them. They are always a source of annoyance and by no means free from danger, but apparently they are good enough for the public that has no choice. I have been informed that a new type of window—an Australian invention too—was submitted to the department sometime ago and rejected, not because it was unsuitable, but because of the cost of altering the existing carriages. The same patent submitted to a private company in another part of the world was snapped up at once, because they saw the immense advantage of giving their customers something better than their competitors were offering. I do not desire to labour this question of railway administration, and the remarks I have made under this heading have merely been intended to show people that if they imagine that a nationalised tram service means a perfectly conducted service—or even a well conducted service—they are living in a fool's paradise indeed. The instances I have given indicate the disadvantages we suffer when we have a monopoly service, and when those who operate it are able to say, "You have to take what we offer because you cannot get anything else." I am free to admit that in obedience to the principles laid down by the platform of the Labour party the Government have no option in the matter. They must support nationalisation as against municipalisation.

Hon. R. G. Ardagh: No such thing.

Hon. H. P. COLEBATCH: I say under present conditions, since one plank in the municipal platform of the Labour party is adult suffrage. I am making no unfair statement when I say that until that plank is carried into effect—which I hope may not be for many years—the party will press for nationalisation as against municipalisation in just the same way as they are prone to press the Federal Parliament as against the State Parliament because of the property vote for this Chamber. Surely this should be sufficient to open the eyes of the public, to some extent at all events, to the real desire. I have no wish to make rash statements that I cannot prove, but I would recall to the minds of hon. members the pronouncement of a leading labourist a week or two ago on the question of the complete amalgamation of unions under the Trades Hall. That I understand is a

very popular desire on the part of leaders of the Labour movement. It is defended on the ground that it will make for industrial peace. The argument is that whereas under present conditions any small union may go on strike involving hundreds of other workers, the new system would compel them first to submit their cause to the central body. It is claimed that this would at once quash all frivolous disputes and silence all unjust demands. But we must carry the case further. The body to judge whether or not the dispute is frivolous, the body to decide whether the demand is just or unjust will be the Trades Hall. These minor unions are not going to give up their present weapon of redress for nothing, and if they are going to remain at work because the Trades Hall says their claim is unjust they will expect the full volume of Trades Hall support—even to the last extremity of a general strike—once they have satisfied the Trades Hall that their claim is just.

Hon. R. G. Ardagh: Is the hon. member in order in making that statement; is he speaking to the matter before the House?

The PRESIDENT: I think the hon. member is in order.

Hon. H. P. COLEBATCH: My remarks are allied closely to the matter before the House. I am discussing municipalisation as against nationalisation. Let hon. members ask themselves what is the probable attitude of the Labour Government towards a demand made by the Trades Hall under such circumstances? Am I not right in asserting that whilst municipalisation means ownership by those who pay and control by those who own, nationalisation, under present circumstances, means common ownership and not common control, but control by the Trades Hall. Suppose this ideal were realised and every trades union having a dispute sent it to the Trades Hall and obtained that body's sanction; suppose again that the Perth tramway employees had a dispute and the Trades Hall on considering the case said "Yes, you are right"; what would be the position of a Labour Government if they refused to take notice of such a decision? We had a railway strike not very many months ago—a strike the cost of which to the State in the shape of damaged engines will probably never be fully known. The strikers were not prosecuted as the law directs but were actually allowed at least some measure of dictation as to the tribunal by which their case should be decided. A year or so ago we had a tramway strike. I believe some members of the present Government took up a certain attitude in regard to that strike, and I venture to predict that if this purchase is completed—which I hope it will not be —the ink will scarcely be dry upon the deed of sale before demands are renewed and concessions granted against which the duly constituted arbitration tribunal has already pronounced. Under such conditions, do hon. members expect the Government to reduce fares to the users of the trams, improve the facilities, and also make the concern pay? Look again at the railway figures. Last year's revenue showed an increase of less than £40,000 on the year before, whilst the expenditure went up by £120,000—on the balance, a worse result by £80,000 in one year. I should like now to deal briefly with the rights of the ratepayers of Perth in regard to these tramways, and I want at the outset to say that I have no patience with those people who argue that the rights of a section of the community must give way to the rights of a community as a whole. It is a barbarous and a false doctrine, a survival of what was known as—

> the good old rule
> . . . . . the simple plan,
> That they should take who have the power,
> And they should keep who can.

The Colonial Secretary spoke over and over again of the rights of the city council. To my mind right is right. I maintain that the right even of the humblest individual must stand as against the whole community. Our whole system of civilisation were impossible otherwise. It is, of course, necessary to discover whether the so-called right is real or imaginary, and in this case I would urge that the ratepayers of Perth have rights both in law and equity. For their legal

rights, let me refer hon. members to the Municipalities Act, 1906. By Section 10 the inhabitants of every municipal district for the time being are constituted a body corporate, and are given all the powers and privileges of such bodies. Section 179, Subsection 30, gives them power to make by-laws regulating and controlling the use of tram cars in streets and public places, and Subsection 42 gives them general power over the streets and footways. Section 213 gives them power to enter into contracts, such contracts being effectual in law and binding on all parties thereto. The contract between the municipality of Perth and the Perth Tramway Company comes within this definition and is specially ratified by the Perth Tramways Act of 1897. Before seeking to define the rights of the ratepayers from the point of equity let me warn those who intend taking up a contrary view of the position in which they stand. Probably within this present session we shall be asked to consider a roads board Bill embodying the doctrine of one ratepayer one vote, and a municipal Bill embracing the principle of adult suffrage. If you are going to brush aside the rights of the ratepayers in regard to this matter of the tramways, how are you going to defend them on municipal politics generally? Members of the Labour party who deny any special right to the ratepayer will be consistent in their attitude, but I am puzzled to discover where others who support this Bill will find themselves. Personally I stand firm by the rights of the ratepayer, just as I stand by the rights of the Legislative Council elector on the principle that power and responsibility must go hand in hand—that he who shirks the latter has no right to exercise the former. It is all very well to take away privileges from an established city like Perth and say that the ratepayer no longer carries any risk, but if the principle is sound it must be applied throughout. Every town in this State has been built up by the confidence and enterprise of the ratepayers, and in those cases where towns have gone down the ratepayers have had to stand the loss.

Hon. J. E. Dodd (Honorary Minister): You do not seriously contend that Perth was built up by the ratepayers?

Hon. H. P. COLEBATCH: I said every town in the State was built up by the energy of the ratepayers but I exempted Perth from that; I know that Perth has been built up by the development of the country generally. I say if you apply the argument to Perth you must apply it all round, and say that the man who ventures his money in a town has no more right to say how the affairs of that town shall be administered than the man who has nothing and can clear out of the town whenever he likes. We have seen that happen over and over again, particularly in goldfields communities, and the people who have suffered have been the ratepayers who have ventured their money there. It is for this reason alone that the ratepayers should gain special rights in matters of municipal government. Once introduce the principle that those who take risk and responsibility in the matter of developing a town are to have no more say in its management than those who take neither, and who are ready to flit without a pennyworth of loss to themselves directly misfortune comes along, and you will at once destroy that spirit of enterprise that has been at the root of the progress of every successful country. I say that legally and equitably the ratepayers had a perfect right to enter into the agreement they did with the Perth Tramway Company and that to deprive them of the fruits of that agreement will be an act of confiscation more vicious than a common theft, because it will have been done under the authority of Parliament. I pass now to an entirely different feature of this question—the matter of price. It is no concern of mine whether the criticism I am about to pass reflects on the present Administration or the past. I am here to express my own opinions, to state the case as I see it, and it seems idle for the present leader of the Opposition to declare that the presence in the field of both Mr. Molloy and himself, as probable purchasers of the tramway undertaking, did not inflate

the price. A choice of buyers always has that effect, just as surely as a choice of lovers will raise a young girl's value in her own estimation. I repeat again a statement I made in this House when speaking on the Address-in-reply, on the authority of three firms of stockbrokers, that some little time before Mr. Wilson and Mr. Molloy went home the shares in this company stood at 14s. They moved up to 17s. and continued to harden until a day or two after the Premier made his announcement of purchase subject to the ratification of Parliament—buyers offered 23s., practically an advance of 10s. per share since the negotiations, an advance, I contend, primarily if not entirely due to the negotiations. There are 200,000 shares in the Perth Tramway Company. I know there are debenture obligations as well, but this fact is sufficient, that there are 200,000 shares in the company; they have appreciated in value 10s. per share, that is £100,000. Now I want to point out a curious coincidence in this connection. There are 200,000 shares in the company and consequently the advance that has taken place, as I maintain consequent upon these several negotiations to purchase, has been equal to £100,000, and that £100,000 is exactly the amount the Premier proposes to pay in excess of the value of the undertaking. That is not my statement but the statement of the Premier himself. You will remember that the reversionary rights of the city council are twofold. First the right to purchase in thirteen years from the present date without any payment for goodwill, and second the absolute reversion to the council in 27 years without any payment at all, except the actual price—not the then value—paid for the land. Both these concessions have a value and if you refer to the speech of the Premier delivered in another place, in moving the second reading of this Bill, you will see that responsible and competent officers acting on behalf of the Government value these two reversionary rights at £100,000. They say if the reversionary rights are wiped out the undertaking is worth £450,000, if the reversionary rights are to stand, the undertaking is worth only £350,000, and the Premier bears out this conclusion by saying that if the reversionary rights are insisted upon he will drop the Bill. That means that this House is asked to abrogate the reversionary rights of the ratepayers of Perth, valued by the Government officer at £100,000. We are asked to confiscate the rights of the ratepayers, value at £100,000, not in the interests of the community as a whole, but in order that the Government may make a present of £100,000 to the Perth Tramway Company. These are not my conclusions—they are the bald statements of the Premier himself and I hope that no member of this House, no matter on which side he may sit, who proposes to vote for this Bill, will neglect to tell the country on what grounds he justifies the making of a present of £100,000 to the Perth Tramway Company. That £100,000 is to be given to the tramway company for the reversionary rights which are owned by the ratepayers of Perth. I repeat, it is a wicked, an utterly discreditable proposal. There may be circumstances in which it will be said that whenever the Government purchases a private concession they will have to pay through the nose for it, but that applies only to concessions that are increasing yearly in value. The argument will not hold in regard to the Perth tramways, whose concession is decreasing in value because of the rapid approach of the date on which the first reversionary rights—and according to the valuation the more valuable reversionary right of the two—may be exercised.

Hon. W. Kingsmill: And the Perth City Council's rights are increasing year by year.

Hon. H. P. COLEBATCH: Yes, the Perth City Council's rights are increasing year by year, and when I said the £100,000 as being the value of these reversionary rights, I am stating the value placed on them by the Government officer. The mayor, I understand, values the reversionary rights at £50,000.

Hon. A. Sanderson: What Government officer do you refer to?

Hon. H. P. COLEBATCH: I do not know who made the valuation, but if the hon. member will turn up *Hansard* at

pages 641 and 642 of No. 5 he will see that the Premier stated that the valuation was made by a prominent officer on behalf of the Government, and this officer says that if you have to observe reversionary rights the tramway company's property is worth £375,000.

The Colonial Secretary: No, £400,000.

Hon. H. P. COLEBATCH: The statement is correct in both cases. He said that if you have to sell in 13 years at a valuation the value is only £375,000, but if you are to be allowed to carry on for the whole 27 years the value is £400,000. I may point out that the valuation relied upon by the Premier fixed the value of the undertaking at £375,000, if the right of purchase in 13 years without payment for good will is to be recognised, and at £400,000 if only the reversionary rights at the end of 27 years is to be protected. It follows that the former is worth £100,000 and the latter £75,000, and I must be excused if I seem tiresome in my repetition of the statement that it is a monstrous thing to confiscate a right of the ratepayers worth £100,000, in order that we may give the tramway company £100,000 for something they do not possess. Now what is the proposal in regard to the protection of the ratepayers? They are to have three per cent. of the gross revenue until Parliament otherwise provides. It would be interesting to know whether or not the valuation relied upon by the Premier contemplated the payment to the local authorities of this three per cent., and if so for how long a period —for one year, for the 27 years once suggested by the Premier, or forever. Obviously no one could value so uncertain a quantity. Again, are the ratepayers likely to accept this as a sufficient safeguard. They have been told that it is not a right but a concession. If that is the case assuredly it will be taken away from them before very long. A Parliament that would so wantonly strip them of reversionary interests worth £100,000, in order to give the money to an outside company, would think it a small matter to hypothecate this three per cent. to the service of the people. And by comparison it would be a very small matter indeed. I will go further and say that I cannot see how anyone can consistently support the confiscation of the reversionary rights without also taking the view that the three per cent. is merely a dole to which the metropolitan municipalities are no more entitled than other bodies in different parts of the State. I am sorry to have detained the House so long but there is just one other feature of the case that I wish to bring before the attention of hon. members. We have heard a good deal recently about the public works and loan commitments of this State. The Premier himself at Albany the other day made some casual reference to a sum of six millions sterling—I do not want to lay too much emphasis on this because there has been some dispute as to what was actually said, but he made some casual reference that in order to meet the requirements of the State loans to the value of six millions will be needed, and no doubt that is somewhere near the mark. We know that in every part of the State people are crying out for public facilities, and we know that some difficulty must be experienced in the matter of raising sufficient money, and because of a remark passed by the Colonial Secretary the other day, I would like to say I do not intend to refer to the Labour party. It does not matter what party is in power in Australia, at the present time it has to be recognised that Australia is not regarded as a fancy field for investment by the money lender. It will be impossible to obtain large sums of money at anything like reasonable rates, and it therefore behoves us to see that every penny we borrow is spent where it will do the utmost good. Some members may say that we can buy the tramways and issue bonds for the payment, but under this Bill the apparently unbusinesslike arrangement is made whereby the company can dictate whether they will take bonds or take cash, and in present circumstances it seems to me that they will take cash, and there is every likelihood that their friends in London will make some profit out of raising the loan that will be necessary.

Hon. J. Cornell: How do you propose to pay them?

Hon. H. P. COLEBATCH: I would not buy the trams at all. I would wait until the municipalities or a Greater Perth make up their minds to buy them. In the meantime the trams are doing no harm. I would point out that this half a million of money it is proposed to expend will not employ labour. It will simply be borrowed and left in London and do no good. If the half a million could be borrowed to provide some new facility it would provide labour and do good from the very jump, and it would also open up fresh avenues of employment when the work it is employed on is completed. But this money will do no good; it may improve the existing facilities; it may not; my own opinion, guided simply from what I see in connection with the railway service, is that it will not improve existing facilities, and that the citizens of Perth will find they are living in a fool's paradise, and that they will be still waiting at the street corners as long as they do with the enterprise in private hands. Even the city people themselves I think should recognise that not only Perth but the country generally depends upon the development of the State, particularly the agricultural portions of it. As recently as a month ago, "weather" was the first topic on the tongue of every person; it was regarded as being of even greater importance than the scores of a test match. A fortnight ago certain members of the House journeyed to Wongan Hills? What did we find? Irrespective of the vexed question of railway routes we found settlers in all directions who had been toiling along 40 miles from a railway, who told us of their privations, of what they had done themselves, and what bountiful nature had done for them, and asked when Parliament was going to do its share. They were not asking for some improvement to an existing facility; they were asking for the right to live, for facilities of transit that would enable them to enjoy the fruits of four or five years' industry. I ask hon. members of this House—would it not be infinitely better to put half a million of money into agricultural railways than to put it into this enterprise which may, or may not, improve existing facilities?

Hon. J. W. Kirwan: Will not this work provide interest and sinking fund?

Hon. H. P. COLEBATCH: The difficulty will be the matter of borrowing the money. The speed with which we shall be able to proceed in giving facilities to the people of this country will no longer depend on whether or not we can show if this undertaking will pay; it will depend on our ability to borrow the money in the necessary time; and if we are to borrow half a million of money for the purchase of the Perth Tramway Company, we are going to put back for a certain period the building of a railway in an agricultural district that will cost a similar sum of money. It cannot be avoided. The irresistible logic of facts will force us to it once we admit that our borrowing facilities are limited; and it will have to be admitted. I have in my hand a letter from a number of settlers in a district, and there is no proposal before this House at the present time to serve that district with a railway. In this district they had 12,553 acres under crop in 1911, and this year they will have under crop 28,260 acres. The present prospects are in favour of at least 12 bushels per acre average, which will give them 113,000 bags of wheat, worth £60,000 sterling; and I do not know, any more than these unfortunate settlers do, how they are going to get this £60,000 worth of wheat to market.

Member: How far are they away from a railway now?

Hon. H. P. COLEBATCH: They are from 15 to 40 miles away. We are told that the Minister for Lands offered to take the wheat of the Esperance settlers and pay for it at what it would be worth if there was a line to Esperance. I regard a proposal of that kind as altogether indefensible, unless a similar privilege is afforded to everyone in the country far from a railway. But it may serve its useful purpose. It may show the Ministry the great disadvantages of the people who are trying to grow wheat long distances from a railway. I am told on good authority that in many cases it will cost

£6 a ton to cart the wheat to port in that district. We know there are 37 bushels to the ton of wheat, and at 3s. 4d. a bushel it is worth just about £6 a ton, so that, after having bought his wheat, the Minister will have to consider which is the more profitable, to pay for its cartage to the port or burn it where it stands. However, as I said, it shows the difficulties under which these outback settlers are labouring, and I ask members whether it is not our bounden duty to attend to them first, rather than do something which may or may not improve facilities already enjoyed by the citizens of Perth? Not only are new railways wanted, but new trucks and new engines. Already, well-informed people are asking how the new harvest is to be moved. Even those who believe in nationalisation from the broad point of view of socialism may well pause and ask themselves if the Government cannot do better by trying to make a real success of those enterprises already in hand before they start extending the scope of their activities. That is the doctrine preached by intelligent socialists—when you take a thing in hand, make a success of it before going on to anything else. Here we have the Government in this respect, not unlike their predecessors, handling to the immense dissatisfaction of all members of the community the railway service; and instead of trying to bring it into order, they want to plunge into something else, just because it is easy to put a Bill through Parliament. Any fool can buy a tramway if Parliament will give the money, but it is very difficult to successfully operate railways such as we have already in hand. I appeal to the people of Perth in this matter to regard their best interests, to remember that, just as every shower provided by a bounteous Providence lightens their hearts, so the driving of every fish-bolt in a new line of agricultural railway should make sweet music in their ears. I take up this attitude in the full confidence that those who oppose this Bill will eventually be recognised as friends, and not foes, of this fair city of Perth. It is for these reasons—because I believe that the trams should be owned by those who pay, and controlled by those who own, instead of being owned in common and controlled, not in common, but by the Trades Hall; because I regret the confiscation of the rights of the ratepayers as only one degree less wicked than the presentation of £100,000 to the Perth Tramway Company; because I believe that we, as the people's representatives, are solemnly pledged to give precedence to those items of expenditure that will best serve the development of the country, that I submit as an amendment to the motion—

That the word "now" be struck out and "this day six months" added to the motion.

Hon. C. SOMMERS (Metropolitan): I second the amendment.

On motion by the Hon. W. Kingsmill, debate adjourned.

WICKEPIN-MERREDIN RAILWAY SELECT COMMITTEE.

Power to confer.

Message from the Legislative Assembly received and read intimating that the Assembly had agreed to the request of the Council that the select committee appointed by the Assembly to inquire into the Wickepin-Merredin railway should confer with the committee appointed by the Council for a similar purpose.

BILL—PREVENTION OF CRUELTY TO ANIMALS.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew), in moving the second reading, said: The only legislation on the statute-book dealing with a matter of so much importance as this is embodied in one section of the Police Act, 1892, and it fails to provide sufficient power to deal with the question in anything like a satisfactory manner. In England, the Eastern States, and New Zealand ample provision has been made to secure the humane treatment of dumb animals, and it behoves us in Western Australia to recognise our duty in this particular respect. To my mind there is a great deal of unintentional

cruelty to dumb animals, through the ignorance or want of thought of the persons responsible. In such case the introduction of legislation such as this must have an educative effect. There are, however, it is regrettable to have to state, callous natures who have little time or respect for precepts, unless disregard of those precepts is backed up by consequences unpleasant to themselves. To these the vigorous operation of the measure, with all the pains and penalties provided, should appeal with some degree of force. Nor is the Bill likely to prove a dead letter if it becomes an Act. The Minister responsible for its administration will have the valuable assistance of the Society for the Prevention of Cruelty to Animals, branches of which it is to be hoped will be formed in the various districts of the State. It is meet, as the Hon. Mr. Kingsmill indicated, that this Bill should be introduced to the House almost side by side with the Game Bill, the second reading of which the hon. member moved, for they bear a close relationship, and are both based upon considerations remote from the plane of thought from which man views his own selfish interests, and his own selfish interests alone. Much care has been bestowed on the draftsmanship of the Bill, and in order to secure a perfect measure the legislation of several of the States of the Commonwealth and New Zealand has been drawn upon. Clause 4 defines what is cruelty under the Bill. It includes the failure to supply sufficient food or water to animals, keeping or using animals for fighting or baiting, receiving money for admission to any fight between animals, inciting animals to fight, conveying animals in such a way as to cause them unnecessary pain or suffering, and cruelty in slaughtering or using animals. Under Clause 5 the dehorning of cattle or the earmarking or branding of any animal, or the tailing of any lambs is not an offence if performed with a minimum of suffering to the animal. Clause 6 provides a penalty against any person using a diseased or maimed animal delivered to him for the purpose of being slaughtered. Clause 7 gives power to any constable to direct that any animal which he thinks is unfit for work is not to be worked for a period specified in the notice, which must not exceed three weeks. At the end of the three weeks he can give a fresh notice, and the operation of that notice will only extend for a further three weeks, and if the party to whom the notice is issued fails to obey he is liable to a penalty of £5. There is an appeal against this notice to a magistrate or two justices, who can annul, vary, confirm, or extend the operation of the notice. Clause 8 authorises a constable to enter saleyards for the purpose of finding out whether animals kept there are properly accommodated. Then there is a penalty for anyone hindering him. Clause 9 gives a constable power, if he sees an offence committed, or has been told an offence has been committed, to bring the offender to justice. And the same clause enables a justice to issue a warrant for the arrest of an offender wherever good grounds for so doing are stated to exist. Clause 10 states a prosecution must be started within thirty days after the cause of complaint arose. Clause 11 provides that a constable may seize a vehicle, the property of an offender arrested, as security for the payment of any fine inflicted on him. Clause 12 enables any magistrate to appoint officers or agents of societies for the prevention of cruelty to animals special constables with all the duties and responsibilities of an officer of the police force of Western Australia.

Sitting suspended from 6.15 to 7.30 p.m.

The COLONIAL SECRETARY: I was dealing with Clause 3, which gives power to a magistrate to appoint any officer or agent of any society for the prevention of cruelty to animals to be a special constable and to be liable to all the duties and responsibilities attachable to the police force in Western Australia. The same clause gives power to the appointing magistrate or to the Attorney General to cancel the appointment at any time. Clause 15 provides for the killing, under certain circumstances, of weak, disabled or diseased animals. Clause 16 gives power in the case of a complaint

against the proprietor of a vehicle to summon the proprietor to produce his driver. If he fails without reasonable excuse to do so the case goes on, and if there be a conviction and a penalty the proprietor has to pay the fine, which, however, under sub-clause 3, he can recover from the driver. Sub-clause 4 provides a penalty for failing to produce the driver without reasonable excuse. Clause 17 enables any person to supply food and water to neglected animals deprived of liberty, and recover the cost from the owner. This does not apply to the Commissioner of Railways. However, sub-clause 4 is tantamount to a direction to the Governor-in-Council to issue regulations to meet the case. Clause 18 makes the master liable for the act of his servant committed in the course of employment, when it is proved that the servant had previously called the attention of his master to the matter constituting the offence. Clause 19 deals with exemptions, under which vivisection is included, provided it is performed by a duly qualified person in accordance with the Government regulations and that the animal is sufficiently under the influence of an anæsthetic. Clause 20 gives power to make regulations. I beg to move—

That the Bill be now read a second time.

Hon. A. SANDERSON (Metropolitan-Suburban): I wish to congratulate the Government on this measure, which apparently is an advance on existing legislation; but I think if they are really in earnest, and I have no doubt they are, they should take into consideration the question of increasing the subsidy which they give to the Society for the Prevention of Cruelty to Animals. I think it is fairly obvious to members that however excellent the Act may be, unless it is enforced it is valueless. I trust therefore there will be an increase in the subsidy to the Society for the Prevention of Cruelty to Animals, which is really doing a very large portion of the work of carrying out the Act. I see no provision here for imprisonment; a fine is considered sufficient to meet the case.

The Colonial Secretary: That is in the Justices Act, which will also apply.

Hon. A. SANDERSON: Then there will be a provision, I take it?

The Colonial Secretary: Certainly, Clause 21.

Hon. A. SANDERSON: Well, if the Minister is satisfied, I expect it is all right. I do not know that it is necessary to raise that very difficult and painful question of vivisection, because I find there are no regulations at present in existence in Western Australia. I see that Clause 20 gives power to make regulations; therefore we may assume that, so far as Western Australia is concerned, vivisection does not exist. There are no regulations I think?

The Colonial Secretary: Not so far as I know of.

Hon. A. SANDERSON: Then I will content myself with congratulating the Government on having brought down this measure, which is an improvement on existing legislation. I sincerely trust that they will see their way to increasing the subsidy to the Society for the Prevention of Cruelty to Animals.

On motion by Hon. T. H. Wilding debate adjourned.

BILL—HEALTH ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: The object of the Bill is to remedy defects which have been found in the existing Act, and to enable the pure foods advisory committee to carry into effect the intention of Parliament when, in 1911, it sanctioned the existing legislation. The Act was supposed to contain all the necessary powers, but its practical operation has proved that it is deficient in some essential respects. The aim of the Bill is to supply those deficiencies. The Act provides that plans and specifications shall be submitted to the Commissioner of Public Health for approval. Clause 2 goes further and enables the Commissioner to insist that duplicate copies of plans shall be lodged with the department. This has

been found necessary, especially in connection with the erection of theatres and other large public buildings, so that a check can be kept on the work as it proceeds. Clause 3 remedies an obvious defect in Section 141 by substituting for "local authority" the qualification "any officer of a local authority." With these additional words left out, it means that the whole of the municipality would have to attend to certain functions rightly expected of an officer of that body. Clause 4 corrects another error. The word "Act" should read "Division." It is really a consequential amendment. Clause 5 enables regulations made under the sections dealing with labelling to be applied with regard to disinfectants as well as in regard to food and drugs. Clause 6 also deals with labelling. On comparing these clauses with the section of the Act it will be seen that the sections make specific reference to labelling, and it has been held that the power to make regulations is thus restricted to the few matters specified in the Act. It is very necessary that the widest powers should be given to make regulations in regard to the labelling of food and drugs. The obvious object of such control is to ensure that producers shall know exactly what they are getting. If preservatives and colouring must be added then it is only right the buyers should be made aware of it. This clause also gives power to set up standard methods of analysis, to be observed in certain cases.

Hon. D. G. Gawler: What about the new standard of milk?

The COLONIAL SECRETARY: It is stipulated under the Act. The matter is now under consideration; it will necessitate an amendment of existing legislation. The standardising of methods of analysis is essential, and will reduce to a minimum the possibility of variance between different analysts. In regard to paragraph (f) of subclause 2——

Hon. W. Kingsmill: Do none of these interfere with the Federal Commerce Act?

The COLONIAL SECRETARY: I do not think so.

Hon. W. Kingsmill: They must come pretty close to it.

The COLONIAL SECRETARY: They are simply amendments of existing legislation. Paragraph (f) of subclause 2 is necessary. In the first place the general regulations will, no doubt, provide for the name of the manufacturer to be stated on the label; but it must be remembered that it is a custom in some cases for articles to be sold under a trade name. In some of the Eastern States it has been arranged that goods can be so sold provided they are registered by the Department of Public Health and a prescribed number appears on each label. Of course it is stipulated that a manufacturer or firm thus using a number on the label is responsible for the contents of the package. This will also give power to permit the formula of a patent medicine to be deposited with the Department of Public Health instead of being stated on the label.

Hon. J. D. Connolly: It is not compulsory to state it on the label now.

The COLONIAL SECRETARY: No, but instead of making it compulsory to state it on the label we say that so long as the formula is deposited with the Health Department and the department require a number to be placed on the label it will be quite sufficient. It is very necessary that the formula should be available as the matter of examining certain patent medicines would otherwise be very difficult indeed. The analysis of drugs without the formula being available is a very difficult process indeed so I am given to understand. But if the department has the formula at hand, it is not a very difficult matter to conduct an analysis of drugs or patent medicines. Clause 7 will enable the midwives registration board to recognise such certificates as those issued by the Melbourne Women's hospital and the Sydney Women's hospital and similar institutions, which cannot be recognised under Section 261 as amended. At present the only certificates issued under statutory authority that may be recognised comprise four in the whole of the British dominions. I believe that is due to an amendment which was moved in this Chamber last session. The only place in which certifi-

cates are issued under statutory authority are Tasmania, New Zealand, Queensland, and England. Clause 8 comprises a formal amendment which is considered necessary by the draughtsman. Clause 9 consists of a correction of terms, which were incorrectly used in the principal Act. With regard to Clause 10, it has been contended that a copy of the *Gazette* containing the by-law is very difficult and expensive to local authorities to produce. It is altogether unnecessary and under this clause, it will be sufficient to produce an extract from the *Government Gazette* signed by the Government Printer. That is the case in various portions of the Commonwealth. I beg to move—

That the Bill be now read a second time.

Hon. J. D. CONNOLLY (North-East): This is a small Bill but it is an amendment of a very important Act and I have not yet had time to go into the matter, but I would point out to the Minister that the measure of which this is an amendment was before the country some three or four years before it was eventually passed. Now the amendment of such an Act is just as important as the passing of the original measure and I would suggest to the Minister that this amending Bill be not hurried through the House for that reason. As far as I can see, and I know a good deal about the matter having had to do with it for three or four years, I do not think there is anything objectionable in the Bill. At the same time the amendment may be too far-reaching. I am one of those who think it is almost impossible to go too far with legislation for the protection of food and drugs. I take a pride in the present Act, because it has been admitted to be one of the best of its kind on the statute-books of Australia, that is for the protection of food. At the time of the passing of this measure to which the Minister has referred, there was a provision for the appointment of an advisory foods standard committee. The committee were appointed during the late Government's period of office, and have been going into the standardisation of food and drugs for the last eighteen months or two years. I do not know whether the personnel of that committee has been changed, as there were upon it men connected with the grocery, drug, and milk trades. Whether they are still connected with it, or whether it was altered when they got to the standardisation of other foods, I do not know. I remember there was a conference with regard to the standardisation of foods in Sydney and as a result of that or of the late Premier's conference, I think it was the former, it was agreed that there should be appointed a commissioner to go around all the States and to arrive as far as possible at a uniform standardisation of food and drugs. Doctor Ashburton Thompson, Chief Medical Officer of New South Wales, was appointed and he lately visited this State. That I think was a very good move. If it is possible, and I doubt whether it is entirely possible, to adopt throughout the States a uniform standard that is the best method. I do not think it is possible to arrive at a uniform standard of food or drugs for this reason: In Tasmania where food may be preserved with certain ingredients, they would not do in Western Australia or Queensland where we have a hotter climate and certain chemicals are necessary to preserve these foods, such as preservatives in jam and fruits and other things of that kind. Beyond that I think it is quite possible to have a uniform standard throughout the Commonwealth. The principal part of this Bill is Clause 6, which extends Section 200 of the principal Act. This section gives power to the Governor-in-Council on the advice of the advisory committee of food standards to make regulations. While all this may be necessary, I would like to know whether this is done, first on the recommendation of the advisory committee and secondly with the knowledge and concurrence of Dr. Ashburton Thompson, because it seems futile to alter these regulations and set up other regulations which may have to be altered in a short time when different and uniform standards are adopted. I simply point out this aspect of the question, but apart from that I see

no objection to the Bill. I remember very well when the other measure was before the House very strong representations were made by druggists, wholesale grocers, milk vendors, and others with regard to regulations and more particularly to the labelling of certain foods with the ingredients or formula of which the foods consisted. The point which the Colonial Secretary mentions of the formula being stated on patent medicines was strongly objected to and the reason it was not placed in the present Act was that it would clash with the Commerce Act of the Commonwealth. It was found on the passing of the Commerce Bill by the Commonwealth Government that even they could not have it inserted in the measure as it would interfere materially with commerce and would not be a workable proposition. It was then decided, as far as this State was concerned, to content ourselves with giving the Board of Health this power, namely, the right to examine any particular medicine, drug or food put on the market and if they found it detrimental to the public health, it was ordered to be taken off. If on the other hand it was only a matter of some coloured water being sold as a cure for all ills and it was not detrimental to the public health, if the people would insist upon having such coloured water, it was decided not to go any further. Under this Bill, however, we go somewhat further. I am not prepared to say it interferes with trade at all, but at the same time it has a somewhat far-reaching effect on general trade, and while I repeat that we cannot go too far with legislation to provide for the people getting pure foods, at the same time it is well to give sufficient opportunity to the people interested in the trade to voice their objections if there are any objections. Therefore, I urge the Minister not to take the Bill through Committee right away, but to allow it to stand over for some few days. In regard to the other clauses, they are as the Minister stated, and as far as I can see, purely formal and I am glad they are rectifying an obvious error with regard to the midwives which crept into the amendment made here last session. There is one clause I would like to draw attention to and that is Clause 2. The definition of public buildings in the Health Act passed last sesion is as follows—

> In this part of this Act the words "public building" mean any hospital or benevolent or other asylum, or any theatre, opera house, concert room, music or assembly hall, whether forming part of or appurtenant to a licensed victualler's premises or not, or any school, church, chapel, or meeting house, and shall include any other building, structure, tent, gallery, enclosure, or platform whatsoever in or upon which numbers of persons are usually or occasionally assembled.

Provision is made, and rightly, so that no such building shall be erected until the plan is approved by the Commissioner for Public Health. Although it is only for public buildings, I would point out that it is very far reaching, and if in the passing of this Bill it is contemplated to put in a similar provision, it will involve a great deal of expense to the owners of such property, and I do not know that it is altogether a fair provision to insert in the Bill If one were getting plans drawn for a cathedral, church, opera house, theatre, or anything of that kind, these plans are complicated and expensive. The cost of them is usually five per cent., and architects charge one per cent. for copies. That means that a copy would cost the people one per cent. of the total cost of the building. That is quite an item when a big church or theatre or anything of that kind is concerned. I am inclined to think this amendment is too far reaching. I speak with some practical knowledge on this subject and I think the object of the Commissioner for Public Health could be accomplished at much less cost to the owners of such premises. All that he wants could be done in the Government department, that is to take certain particulars, the sizes and heights, the strength of girders and of arches and more particularly the thickness and heights of walls and particulars of escape doors.

Hon. D. G. Gawler: And of drainage.

Hon. J. D. CONNOLLY: And as the honourable member who has had experience on the Central Board of Health says, particulars of drainage. If a signed plan cannot be produced let it be taken as *prima facie* evidence that he has departed from the plans of the Commissioner of Health as agreed to. I draw the attention of hon. members to this particular section because it is very far reaching. People building churches, or schools, or chapels, or other public buildings, reading rooms, etc., are not always wealthy people and they have to struggle to get funds, and as long as the safety of the public is assured they should not be put to needless expense.

The COLONIAL SECRETARY (in reply): The introduction of this Bill was recommended by the Commissioner of Public Health in order to enable the Pure Foods Advisory Committee to carry out the intentions of Parliament as represented by the legislation of 1911. There is very little more in this Bill than is provided for in the original Act; it is merely intended for the purpose of enabling the Act to be carried into force. With regard to Clause 2, when this Bill was placed in my hands—I may say I do not control the Public Health Department—I saw a strong objection to it, and naturally I sought for and obtained an explanation from the department. I was under a similar impresesion to that held by the hon. member that every person who proposed to put up a large building would have to lodge duplicate plans and would be involved in considerable expense.

Hon. J. D. Connolly: Why not let the department take a sun print?

The COLONIAL SECRETARY: That was proposed and I think it was provided for in this clause, that duplicates of the plans, or sun prints, should be lodged, but as the clause appears at the present time there is no reference to sun prints.

Hon. J. D. Connolly: The Public Works Department could do it at very little cost because they have the apparatus.

The COLONIAL SECRETARY: It seems to me to be a matter that requires some consideration, and I think that the taking of sun prints was contemplated. At any rate it is not my intention to take the Bill into Committee to-night, and I will get further information on the subject.

Hon. H. P. Colebatch rose to speak.

The PRESIDENT: By Standing Order 389 the reply of the mover of the original question closes the debate, but by a motion of the House the hon. member may be allowed to speak.

Motion put and passed.

Hon. H. P. COLEBATCH (East): I thought that the Colonial Secretary had risen to explain something to which Mr. Connolly had referred. I have no intention of opposing any clause; I only desire to suggest the possibility of introducing one or two other clauses that would remove anomalies that have been proved to exist in the present Act. I speak from experience, having had something to do with the administration of the Health Act as chairman of a local board of health for some years past. I have not had the opportunity of seeing the existing Act to quote its sections, but I have no doubt that the Colonial Secretary will follow what I mean. In the old Act it was the custom to give local boards of health appointed in the first instance as municipal councils exercising health jurisdiction, authority over a certain area outside the municipal boundary. In most cases that area was situated within a radius of a mile and it was highly necessary to do that, particularly in country districts, because outside a municipality there is no other health authority, and it usually happens that the dairies, slaughter houses and market gardens are all outside the municipal boundary, and probably a mile off. So that unless this authority is given to the local governing body there is no effective means of controlling things like abattoirs, dairies, and market gardens. Under the old Act the local governing bodies were given power to control these areas, but they did not rate them and they were not called upon to render any services; their powers began and ended in preventing any abuse or danger to the health of the community. The present Act continued that power but specified that wherever this power was exercised, wherever any area outside a

municipal boundary was added to the local health district, it should form in all features a portion of the board of health district, and it became obligatory upon the local body to rate everyone in that area, and also to supply them with the same services as are supplied to the people within the boundary. In the case to which I refer it was impossible, and it would have been preposterous to attempt to do anything of the kind, and I dare say a large number of municipalities are in the same position. We are placed in the position that we must either refrain from asking for an extension of our powers and forego the right of inspecting and overlooking slaughter houses, dairies, and market gardens, or else if we wish to keep within the four corners of the law we must impose rates and give the people the same services as we extend to those within the boundary. What we did other municipalities have done. We asked for an extension of our boundaries with a view to exercising control over these places, and we have so far ignored those provisions of the Act which compel us to strike rates and give these services. It would be better if the Act were put in order in this respect.

The Colonial Secretary: You can move an amendment later on.

Hon. H. P. COLEBATCH: I thought I would mention it so that the leader of the House might consult the authorities on the matter. I am not making these suggestions in any hostile spirit. There is also another matter that I desire to refer to. The Act provides that after a lapse of 12 months from the date in which it came into operation no person occupying the position of health inspector can continue to do so unless he obtains a certificate. In any other Act of a similar character which has been passed, such as the Medical, the Pharmacy, the Dental and the Veterinary Acts, special protection was given to people already practising and earning their livelihoods in their respective occupations. I maintain it is only right and fair that this Act should give similar protection to the people who have been filling the position of health inspectors in different localities, probably for long periods, men who perhaps have grown old in the service and who are doing their work well. I consider that these people should be given protection similar to that which is extended to people in other walks of life, protection which has been accorded to them under similar Acts which have been passed.

Hon. J. D. Connolly: The Act provides that the Commissioner of Public Health has power to give that protection.

Hon. H. P. COLEBATCH: That is intended to apply only to small municipalities, but if a man has occupied a position for a lengthy period, in some cases as much as eight and 10 years, he should have the same special privileges extended to him as are extended to medical men, chemists, dentists, veterinary surgeons, and midwives. It is quite unfair to ask a man who may be advanced in years to pass a technical examination; it is admitted that there are not enough qualified men. And another feature of this Act is that if it were put into force in its entirety to-morrow it would cause injustice and disorder in many local health districts in this State.

The Colonial Secretary: There must be some power in the Act to enable this to be done.

Hon. H. P. COLEBATCH: The Act states that the Commissioner can exempt a locality. The Commissioner himself has told me that he does not intend to exempt a large municipality, but only places where one officer is supposed to carry out the duties of secretary of the board of health and health officer as well.

Question put and passed.

Bill read a second time.

BILL—GAME.

Second Reading.

Debate resumed from the 7th August.

Hon. E. M. CLARKE (South-West): The necessity is recognised the world over for protecting native and imported game and fish. I hold that in some cases even more than in others this is most necessary. Being an old resident of

Western Australia, and indeed I have spent the whole of my life in this State, I am in the position to say something about the condition of game at the present time and compare it with the position as it was 50 years ago. I can declare most emphaticallly that relatively speaking there are now neither wild duck nor fish in any quantity to speak of. We must bear in mind that many of the lakes were simply teeming with tens of thousands of duck, just as is the case at the present time in the Kimberleys, and one could go out, if he had a gun and ammunition, and the inclination, and blow away as much powder as he chose with successful results. Now, however, all this is different. Then we come to fish. It is not a great many years ago since the firm of J. & W. Bateman used to buy schnapper obtained at Safety Bay, which is on the south end of Garden Island. The people used to file the barbs off their hooks and with two lines each could haul in the schnapper as fast as they could take them off the hooks. These were dried and sold for the enormous sum of £14 a ton; that is the schnapper for which we are now paying about eightpence a pound. Anyone who bears in mind the present price of fish will bear me out in my statement that those schnapper grounds are practically exhausted to-day; in fact, I understand the greater portion of the schnapper supplies come from the coast further north. Bearing in mind that in the 40 or 50 years of my recollection the supplies have been decreasing to such an extent, it is surely high time that some action to preserve our fish supplies was taken. With regard to mullet, I had an opportunity, as a member of a select committee, of investigating the so-called ring of Italian fishermen, or dagoes, and it was stated that nobody could handle any fish but these dagoes. After going exhaustively into the matter, and hearing the complaints of many men in regard to this ring, we found that there was not a scrap of truth in the allegation, and that anybody who cared to meet the boats at Fremantle could buy as much fish as they required at the market price. The committee also went to Mandurah. I remember that when I was a boy we used to go to a place called The Stakes and bring away huge mullet by the cartload, but when the committee were there we found it possible to get only little fish about a third grown. Seeing here another instance of depletion of our fish supplies, it must be apparent to every hon. member that it is necessary that we should adopt some stringent measures to preserve our game. Anybody who cares to go to the fish sales will see that the mullet are mere babies compared with those which we used to catch in such abundance. The remarkable thing is that at the Mandurah estuary there was only one man to police the whole of those waters. The Murray Inlet may be likened to a letter L with a long shank; the lower portion running south forms the stem, and the other portion forms the terminal; one portion is 20 miles in length and another 7 miles long, and to set only one man in that area to catch poachers is ridiculous. The Bunbury estuary I have known intimately since 1874, and as an old sportsman I am often asked if it is worth while to go there for fishing or shooting; my answer is that it is practically not worth while. Yet I remember that my friend, the late Commissioner of Police, and I used to fish there together, and though we are not prone to swearing we used to swear at the schnapper, with which we could fill a sack in no time, because they were too plentiful, and we wanted some more exciting sport. To-day, if a man gets a fish of ½lb. weight there is a paragraph in the local newspapers. As to the extent of the Bunbury estuary, there is the Preston River which extends two miles; then comes the Collie River, which from the point of its entry into the estuary is quite another eight miles, and then the estuary proper is fully ten miles long. Let hon. members imagine one man being delegated to look for poachers over the whole extent of those waters; it is ridiculous. The question then arises how shall we improve the conditions for preserving our game supplies? In the Bill it is suggested that there shall be guardians appointed who shall convert themselves into police in order to catch poachers, but I

do not think that system will act, although at Bunbury it did act very well for a while. However, it is necessary to do something. I remember that when I was a young fellow I could go out after kangaroo, and in less than an hour shoot a dozen of them; to-day one cannot find a solitary kangaroo where in years gone by they were so numerous. The Acclimatisation Committee at some considerable expense and trouble have stocked certain waters with imported fish. One of the varieties that has done best is the perch, and I think it is time that something was done to control the waters in which these acclimatised fish were placed. The Government should see that the imported birds and fish are looked after better than they have been hitherto. Amongst them is the bird known as the laughing jackass, which is said to do a lot of good; I am inclined to think that it does; at any rate it does no harm. Jackasses are getting very plentiful, but they cannot be good to eat, otherwise I am sure they would not be increasing so rapidly. I have not much to say on this measure, but I want to emphasise the point that our game protection laws are not on the Statute-book for the fun of the thing, and that it is an absolute necessity that something be done to preserve the fish and game of the country.

Hon. J. S. DODD (Honorary Minister): I think that almost every hon. member will support the Bill, and from my point of view the principal failing in the measure is that it does not go quite far enough. We have had attention drawn to the fact that we should protect bird and animal life, but what strikes me very forcibly is that although we may make laws to protect the bird and animal life of the State we do not go far enough in the provision of sanctuaries or refuges in which the birds and animals may live. We have some other obligation to the bird and animal life of the State than the mere making of laws to prevent the killing of them. One of the saddest parts of my return to the district in South Australia from which I came was to drive for miles and miles over country and see no vestige of the scrub or bush that used to be there when I was a boy. Two years ago I revisited my home and it was absolutely sad to go over those roads, and see nothing but green fields or ploughed lands, however satisfactory this might be considered from a settlement point of view. Surely of the enormous area we have in this country we might spare some portion in which the birds and animals might find sanctuary.

Hon. Sir J. W. Hackett: Government after Government have been approached.

Hon. J. E. DODD (Honoray Minister): I am merely giving my views. I would also draw attention to the fact that one of the worst features of the beautiful King's Park, I suppose one of the best natural parks in Australia, is the almost total absence of any sound of bird life in it. It is indeed a beautiful place, but if something can be done whereby birds of a useful kind can be introduced, how much better it will be, and how much better purpose it will serve to the rising generation as well as the people of to-day. I do not think anyone could enjoy a greater pleasure than a run through King's Park, but the silence of it is a disappointing feature. There is nothing else I wish to say in connection with this matter, but I do hope that whether this Government are in power or any other Government, something will be done to preserve refuges or sanctuaries for the animal and bird life of the country.

Hon. J. F. CULLEN (South-East): I would like to support the remarks of the Honorary Minister, and to join with him in thanking Mr. Kingsmill for the Bill. The need for additional park reservations, which Sir Winthrop Hackett says has been impressed on Government after Government, should, in my opinion, be pressed afresh. There might be a combination of park lands which should serve as sanctuaries for birds. It is a singular thing that in this State no large areas have yet been set apart as park lands, except one little strip in the hills on which covetous eyes have been set time and again.

Hon. R. G. Ardagh: It is five thousand acres.

Hon. J. F. CULLEN: That is only a patch compared with the enormous territory we have. Within twelve miles of Sydney, on the southern side of the city, there is a park of 35,000 acres, but, not satisfied with that, the authorities have set aside, on the north-western side within four or five miles of the city, another area of 35,000 acres. There, within what might be called the metropolitan district, are 70,000 acres of park lands, in addition to numerous city parks, and none too much. Now what have successive Governments been thinking of, to say nothing of the pressure which Sir Winthrop Hackett speaks of, to delay the reservation of large areas, within reasonable distance of what is going to be a big city in the future.

Hon. W. Kingsmill: They gave away the only decent one they had.

Hon. J. F. CULLEN: I hope the Colonial Secretary will make a note of this and look round with the Minister for Lands to see what areas are still intact, out of which big reserves can be made as park lands and as sanctuaries for bird life. I am sure that not only Parliament but the whole of the people of the State will thank the Government for taking this precaution.

On motion by Hon. Sir J. W. Hackett debate adjourned.

MOTION — PROPORTIONAL REPRESENTATION.

Hare-Spence Method.

Debate resumed from the 8th August on the following motion of the Hon. D. G. Gawler:—"That in the opinion of this House the proportional representation system on the Hare-Spence method should be adopted in the Parliamentary electoral system of this State."

Hon. J. CORNELL (South): I recognise this is a matter of considerable importance. The material I shall speak on, I have put together to-night—and I speak to a certain extent from memory. I would like to say at the outset that Mr. Gawler is to be commended for bringing on such a discussion as must of necessity emanate on the altering of our form of voting. I have been a strong party man all my life, but I have been of the opinion that the franchise of the people should be sacred, free from party bias and party jobbery, and that it should be the bounden duty of every legislator to put forward the best and most up-to-date electoral machinery whereby a voter can give his or her vote. The proportional representation advocates have been called faddists. I think hon. members will agree with me that at the inception of a reform all those who take a keen interest in it are invariably called faddists, and that all reform has emanated right down through the ages from the minority and not the majority. This movement has grown and grown apace. It may be a movement new to Australia in a sense, but it is not new to many men in Australia. I have known several men in Western Australia who have followed this system out almost since its inception, and rather than get further away from it they have got closer to it. I venture to say that there are men in this State who can advocate the system of proportional representation in most of its phases as against any man in the British Dominions. What concerns us most is the endeavour to get a simple illustration. Simplicity in all things is best, and the simplest way in which one can explain any project is by simple language and by simple illustration. Various forms of the proportional system of voting have been adopted in Switzerland, Finland, and Belgium. In Belgium, as Mr. Gawler points out, they have the list system. Each party has the right to place its candidates on a list in the order in which it prefers them elected, with a proviso for subsidiary condidates. This system of voting may appear complicated, but it is one of the easiest systems of voting in vogue to-day. The lists are arranged by the various parties, how they would like to see the members returned in the order of preference, and it is not mandatory for any elector to vote the full preference. If he desires to see the candidates elected as the party desires, all he has to do is to blacken in a bull's eye on the white

space at the top of the list, but otherwise he can vote as his conscience directs him. He may fill in one and stop there, he may vote for the full list, or he may transfer from the subsidiary list and so on. A measure of proportional voting has been adopted in the case of the town council of Johannesburg, and, I believe, from information I have gathered in reading Humphreys' work, that it is to-day the best system in operation. It is also applied to the election of the South African Senate in a modified form. Part of the South African Senate is nominee, the other part is elected by the Parliamentary representatives of the various States in the Union on the proportional basis, by means of the single transferable vote. Before we endeavour to adopt any system, however, it is as well to analyse our own system of voting, which I consider is fundamentally unsound. In the first place it is voting by compulsion. No body of men has the right to dictate to a voter that he shall vote for the whole of the candidates.

Hon. F. Connor: What about caucus?

Hon. J. CORNELL: We are not dealing with caucus. I hope hon. members do not want a taste of the Address-in-reply. I wish to eliminate party considerations altogether in this. There are members of my own party who do not desire proportional representation; but I do.

Hon. D. G. Gawler: Our system only makes the expression of preference compulsory, not voting.

Hon. J. CORNELL: Just the same as in Belgium the elector must get his ballot paper, but he need not vote. I claim that our voting should not be compulsory. What is the meaning of preference? It is that we prefer one that we would like to see elected. If we have no preference for the others—it is immaterial to us whether or not they get in—no man should be compelled to exercise that preference. The idea of the adoption of the preference system was to get the majority vote. But securing the majority vote by compulsion has not eliminated party politics, and I do not think the reflex of the voters has been much better under the present system than it was when there was no compulsion. There is no system of proportional representation in vogue or advocated to-day which aims at compulsory voting. The difference between our present system and proportional representation is that, while our present system aims at the majority vote, proportional voting endeavours to give some faciltiy for representation in the legislative halls to minorities. That is one of the reasons why I advocate proportional voting. It is a means whereby all sections of the community numerically strong enough, according to quota, can voice their opinions in the legislative halls of the State. That cannot be done to-day. I shall endeavour to describe the system of the single transferable vote, though it cannot be accurately done without a blackboard and chalk. I do not wish to emulate Mr. Connor in the matter of exhibits in the Chamber, but I shall endeavour to give an illustration of the single transferable vote, which I think covers the whole system of proportional representation, on the one-vote-one-value system, that is, eliminating the fraction of the proportions of value. Take for example an electorate of 40,000 voters, and bear in mind that in arriving at the quota we only take the number of first preference formal votes polled. All informal votes are discarded. If there are five members to be returned for the 40,000 voters, and if there are 30,000 formal first preference votes polled, to get at the quota one is added to the number of candidates to be elected, making it six in this case, and this result is divided into the 30,000 formal first preference votes polled. That gives a result, in this case, of 5,000. To this we add one and arrive at 5,001 as the quota. Under the Belgian system, and in any proportional system, there may be nine candidates, and the elector can vote for one or nine. He may vote up to three or four, and leave the balance. For example, we will take the result of the poll of these 30,000 as follows:—A polls 5,500, B 5,001, C 4,900, D 4,000, E 3,500, F 3,000, G 2,501, and H 1,598. That accounts for the 30,000 votes. The quota being 5,001, A and B are elected. But A has received 499 more

than the quota, and there remains a surplus of 499 votes to be transferred. These votes have to be transferred for the reason that there are 499 prefer A as the candidate more than is necessary. If we were not to allow for the transfer of these surplus votes, we would of necessity disfranchise that 499 voters. It has been asserted that there is an element of chance in the transfer of surplus votes. Now, one authority, I think Humphreys, says it has been worked out by a dozen mathematicians in different ways, and that the elements of chance are about the same whichever way the votes are picked up. You have 499 votes to transfer. In the transfer of surplus votes, C receives 101, which gives him a quota, and so C is elected. But in this transfer I would like to point out that in the case of the vote being A 1, B 2, each having received his quota, the vote is transferred to the next number, namely No. 3. The third vote then becomes of the same relative value as the second, and it is transferred just as you transfer the preferential vote to-day. C receives 101 votes and is declared elected; D receives 398 votes and the surplus votes are exhausted. The result then is that A, B and C have received their quota and are elected. Now there remain two more to receive a quota before they can be elected. All the surplus votes having been transferred, you then proceed as you proceed to-day with the simple preferential ballot. H falls out. He has not received a quota and now cannot receive one. You then proceed to transfer H's preference votes in the order of preference amongst the various candidates until such time as each candidate has obtained his quota. But we will see that if in this poll A, B, C, D and E all received 5,002 or over, the result would be final by virtue of having received the quota on the first count, and you could count them till the day of kingdom come and could not alter the result. I have endeavoured to point out the simplest illustration known to me. As for it being a hard task for the voter, it is just as easy a task for the voter to go to the poll and record his vote under the proportional system as under the preferential. All he has to do is to vote 1, 2, 3, 4, 5, 6, 7, 8, in the order of his preference. The vote is the same as under our system of to-day. The opponents of proportional representation say that the method of counting is too intricate, but I venture to assert that the same difficulties exist in regard to our present system, and that under some circumstances the advocates of our present system could not work out the preference as I have put it down, for half a dozen candidates. The question of counting the votes does not concern either the elector or the candidate. The electoral officers would do that, and do it quite as well as do the electoral officers of Tasmania, where the system is in operation, and where it is worked out to a fraction. In that useful little book by Mr. Stenberg will be found an excellent example of an election where the system is worked right out to its fullest extremity. I think, in dealing with a matter like this, it is always well to deal with the principle contained in the question, and see how it would apply to our Federal constitutional machinery to-day. I have endeavoured to do that, and I have pointed out that the fundamental principle of proportional representation is one-vote-one-value; that is to say, you have only one vote, the others being preference votes, the idea being to get one value. Now, how would this apply to our present Constitution? I do not view this as a matter of abstract justice. I think the principle is absolutely sound. What concerns us is the endeavour to put the principle into operation. I have failed to analyse our Constitution sufficiently to find that this principle can be put into operation with any degree of justice as the Constitution exists to-day. I will endeavour to work out the representative value on the basis of one vote one value, and show how it would apply. Take for example an election in which, say, 40,000 Legislative Council electors record their votes: at the same time let 120,000 Legislative Assembly electors record their votes for the Assembly candidates. To arrive at the representative value of a vote in such a case is a very simple matter. You have merely to divide 40,000 into 120,000 and you will see that a vote cast for the Legis-

lative Council, which, as part of our Constitution, reviews the work of the Assembly, has three times the representative value of a vote cast for the Legislative Assembly; that is to say, a member of the Legislative Council has three times the voting power as against a member of the Assembly. The numerical strength of the Houses does not enter into the question. You can have 100 members in the Assembly and 50 in here, and you would arrive at the representative value by comparing the number of the electors who recorded their votes for the one House with those electors who voted in respect to the other House.

Hon. D. G. Gawler: Would you have them all on the same franchise?

Hon. J. CORNELL: I am coming to that. To logically apply, to get the fullest benefits of this principle, the State should vote as one electorate; this for various reasons, which I shall endeavour to explain. Let us suppose there are 150,000 electors on the Assembly rolls. We will say that 30 members are to be elected. Of the 150,000 let 120,000 exercise formal preference votes. You will find by dividing 31 into that 120,000 the quota will be 3,871. The benefit of the State voting as one electorate is to the minority. With the State voting as one electorate it is only necessary that 3,871 electors should be of one political thought, and vote at the election, and they must get representation.

Hon. D. G. Gawler: How would you get over the length of the ballot paper?

Hon. J. CORNELL: We get over it in the case of selection ballots, which are often pretty long. One thing proportional representation may be relied upon to do is to eliminate the parish pump politician. I venture to assert that under a system of proportional representation with the State voting as one electorate you would not have as many candidates as one would think. You might possibly find a number of fools on the first occasion, but not nearly so many on the second. I do not think the length of the ballot paper would in any way affect the question. It has been asserted that the electors would not be intelligent enough to exercise their franchise. I say that unless they get advantages to use their intelligence, then that intelligence will remain at a standstill. In my experience, however, any apparent lack of intelligence among the voters has been fully accounted for by want of information. To pass on to the next step: it has been recognised that the size of our State would be too great to allow of it voting as one electorate, but I am endeavouring to point out that the merit of the one electorate plan is that, provided it gets a quota, every class will have representation under that plan. Now, divide the State into six and put 20,000 electors into each. The quota would be 3,333. The smaller you make the electorate the smaller the quota. Although it was possible for 3,871 of one political turn of thought to get representation with the State voting as one electorate, it is impossible for them to get representation with the State divided into six electorates. They may in each of these six electorates have, say, 3,000 votes which in the aggregate would give them 18,000 votes. But they have not a representative. That is why the advocates of proportional representation urge that the system is devised to give the fullest confirmation of the principle that with the State voting as one electorate you, as far as you possibly can, give representation to all shades of political thought. This example would apply equally well to the Legislative Council. We will say there are 60,000 on the roll and that 40,000 vote. I am still dealing with 30 members, and the only difference would be that the relative representation value of the vote would be increased three times. There is one feature of this motion upon which no member has touched. In England, where this system is largely advocated, there is a difference in the constitution of Parliament. To adopt it in Western Australia it would have to be applied to both Houses. In Great Britain we know that, to a certain extent, membership of the House of Lords is a fortune of birth and a creation of peers. If in Great Britain proportional representation were in vogue, the electors would return the Commons on that basis

and the Commons would then recommend the King, as they did on the Veto Bill, to create new peers to make a section of the House of Lords amenable to reason or reform. That does not apply here, and that is a feature which members have not touched upon. It is possible in Great Britain, with the system of proportional representation, that the people could return sufficient members to the Commons pledged that the House of Lords should be abolished, provided that the King's consent could be obtained and that the Government desired such a step. Here, however, things are different. If we adopt proportional representation, we must of necessity apply it to the electoral machinery of both Houses. If we work on the franchise on which we are now working the relative value of a vote in the Council would be three times as great as one in the Assembly. I have said very nearly all that there is to say on the motion. I will vote for the motion, but in voting for it I will ask members to take into consideration, as I have done, the possibility of giving effect to it. It is all very well for this Chamber or any other to carry a motion, but I think any motion on an abstract principle like this, worthy of being discussed and agreed to, should involve the duty on those who support it to advocate that effect should be given to it.

On motion by Hon. H. P. Colebatch, debate adjourned.

House adjourned at 9.5 p.m.

Legislative Assembly,

Tuesday, 13th August, 1912.

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

QUESTIONS (2)—STATE BATTERIES.

Cyaniding at Youanmi.

Mr. HEITMANN asked the Minister for Mines: 1, What is the cost of cyaniding sands at the Youanmi State Battery? 2, What is the average cost of cyaniding in connection with the State batteries throughout the State? 3, What is the value and tonnage of the slimes accumulated at the Youanmi State battery? 4, What percentage of gold is won from the sands treated at the Youanmi State battery and what percentage of such gold won is paid to the owners of the sands?

The MINISTER FOR MINES replied: 1, Year 1911, 5/10.96. 2, Year 1911, 6/5.92. 3, To 30th June, 1912, 5,161 tons, assay value 2dwts. 20 grs. per ton. 4, 82 per cent.: 51.3 per cent. (For year 1911.)

Accumulated Slimes.

Mr. HEITMANN asked the Minister for Mines: 1, What is the tonnage and approximate value of slimes accumulated at the State batteries throughout the State? 2, In the annual return of the operations of the State batteries is the value of the accumulated slimes included and credited to the State Batteries Department?

The MINISTER FOR MINES replied: 1, 46,608 tons, having a net value after treatment of £17,114. The accumulations at several plants having been sold are not included in these figures. 2, No.

BILL: FREMANTLE RESERVES SURRENDER.

Introduced by the Premier and read a first time.