

Mr. Patrick: I do not think that is correct.

Mr. Marshall: If you use one argument, use the lot.

The MINISTER FOR RAILWAYS: That statement is not correct.

Mr. Marshall: It is.

Mr. SPEAKER: Order!

Mr. Marshall: Do not try to put that over me.

Mr. SPEAKER: The hon. member must keep order.

Mr. Marshall: He will not put that over me.

Mr. SPEAKER: The hon. member will not put it over me, either; otherwise I shall have to take action.

The MINISTER FOR RAILWAYS: I wish to tell the hon. member—

Mr. Marshall: I know everything you can tell me.

The MINISTER FOR RAILWAYS: We are running one train per day on the Wiluna line.

Mr. Marshall: A deliberate untruth. Nothing of the sort.

The MINISTER FOR RAILWAYS: That is how rows start sometimes, and I do not want a row at this stage.

Mr. Marshall: Only three trains per week are run to Wiluna.

The MINISTER FOR RAILWAYS: That is one train a day each way.

Mr. Marshall: What a great argument that is and you a Minister of the Crown!

The MINISTER FOR RAILWAYS: I think it is right. I do not wish to discuss the project further at this stage. I have produced sufficient reasons to justify the House in passing the authorisation. A number of members have signified their support of the proposal and I shall not labour the question further. I lay the plan on the Table.

Mr. Lambert: Is that in order after the Minister has concluded his remarks?

Mr. Marshall: After everybody has spoken?

Mr. SPEAKER: The second reading cannot be put until the plan is laid on the Table.

Question put and a division taken with the following result:—

Ayes	..	..	..	29
Noes	..	..	..	10
Majority for				19

## AYES.

Mr. Brockman	Mr. Nulsen
Mr. Clothier	Mr. Patrick
Mr. Collier	Mr. Pease
Mr. Coverley	Mr. Seward
Mr. Doney	Mr. F. C. L. Smith
Mr. Ferguson	Mr. J. H. Smith
Miss Holman	Mr. Stubbs
Mr. Kenneally	Mr. Thorn
Mr. Latham	Mr. Wansbrough
Mr. McCallum	Mr. Welsh
Mr. McLarty	Mr. Willcock
Mr. J. I. Mann	Mr. Wiss
Mr. Millington	Mr. Withers
Mr. Moloney	Mr. Wilson
Mr. North	

(Teller.)

## NOES.

Mr. Cross	Mr. Rodoreda
Mr. Cunningham	Mr. Sampson
Mr. Hawke	Mr. Sireman
Mr. Lambert	Mr. Tonkin
Mr. Marshall	Mr. Raphael

(Teller.)

Question thus passed.

Bill read a second time.

*In Committee.*

Bill passed through Committee without debate, reported without amendment, and the report adopted.

*House adjourned at 10.7 p.m.*

## Legislative Council,

*Wednesday, 16th August, 1933.*

	PAGE
Assent to Bill	371
Question: Trolley buses, cost	371
Temporary Chairmen of Committees	371
Return: Ministerial travelling allowances	371
Bills: Financial Emergency Tax Assessment Act	
Amendment, 1A.	371
Yuna-Dartmoor Railway, 1B.	371
Financial Emergency Tax, 1B.	371
Government Tramways Act Amendment, Com.	371
York Cemeteries, Com. report	38
Road Districts Act Amendment (No. 1), 2B., Com.	38

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

**ASSENT TO BILL.**

Message from the Lieut.-Governor received and read, notifying assent to the Supply Bill (No. 1), £1,500,000.

**QUESTION—TROLLEY BUSES, COST.**

Hon. L. B. BOLTON asked the Chief Secretary: 1, What was the landed cost of the complete trolley bus, including the body? 2, What was the landed cost of the two chassis only? 3, What was the cost of the locally built bodies? 4, Were tenders called locally for the building of the two bodies? If not, why not? 5, Was payment made in England, and if so, what was the amount of exchange?

The CHIEF SECRETARY replied: 1, £2,421. 2, £3,025. 3, Not yet complete. 4, No. The work can be carried out efficiently in the Midland Junction Workshops. 5, Yes. Exchange, £1,663.

**TEMPORARY CHAIRMEN OF COMMITTEES.**

The PRESIDENT: In accordance with the provisions of Standing Order 31A I am required to nominate, during each session, a panel of not less than two members who shall act as temporary Chairmen of Committees. Accordingly I nominate the following members to act as temporary Chairmen of Committees during the present session:—Hon. J. Nicholson, Hon. V. Hamersley, Hon. E. H. Gray.

**RETURN—MINISTERIAL TRAVELLING ALLOWANCES.**

HON. E. H. H. HALL (Central)

[4.36]: I move—

That a return be laid on the Table showing—(1) the total amount of travelling allowances drawn by Ministers of the Crown of this State during the twelve months ended 30th June, 1928; 1929; 1931; and 1932, respectively; (2) how many visits to the Loan Council were made by the Premier during the above-mentioned respective periods.

Not many words are needed from me on this motion. I, at any rate, was surprised at the Chief Secretary's reply to my question of last week. That question was in exactly the same terms as one I put during last session, having been requested to ask

it. The people who made the request can have the credit or blame attaching to the action. It was a branch of the Wheat-growers' Union in my province, the members of which desired to ascertain the amount of money spent by Ministers of the previous Government in travelling. Thinking it hardly fair to ascertain the travelling expenses of one set of Ministers, I framed my question in such a way that a comparison might be drawn between the allowances drawn by Ministers in various Governments. In asking for the annual totals, I omitted the year 1930, in which there was a general election. The other years specified in the motion cover a period of ordinary expenditure in administration. I fully recognise that the Leader of the House was not able to secure the information for himself from the various departments; I take it he has to request that information desired by members should be furnished by the departments responsible. Therefore I acknowledge that what I consider the unsatisfactory reply given by the Chief Secretary is no fault of his. I am not concerned with the political complexion of Ministers to whose travelling allowances the motion refers; but if the records of amounts so expended have not been kept in such a manner as to enable this information to be given, it is about time that the system of keeping those records was altered. I approach the subject without any heat, and certainly without any desire to cause offence. When asking my question last session, I left the matter rather late. The session closed somewhat suddenly, and the then Leader of this Chamber said there was not time to prepare the information. A newspaper published in my province stated that I had refused to ask the question. Fortunately I had a record of the action I had taken, and furnished that record to the newspaper, thus satisfying the editor that I had done what was asked. However, I received no apology for the original misstatement. I lately received from the same branch of the Wheatgrowers' Union a communication asking me to put the question again. I did put the question, and the Chief Secretary replied in what I consider a most unsatisfactory manner. We live under a democratic system in which we take pride. Communism, Hitlerism, or Fascism may be a better system; but I am familiar only with the democratic system obtaining here, and I wish that demo-

cratic system to be given a fair opportunity. It is useless to close our eyes and then to complain that we cannot see. In other parts of the world certain events are happening; and although I think it will be long before Australians decide to dispense with democracy, yet those who occupy high and honorable positions have a responsibility to be, like Caesar's wife, above suspicion. I repeat, I have no wish to give offence. If I do give it, I am sorry. I find it necessary to make certain observations. When the present Government took office, the number of Ministers was increased as compared with the previous Government. I believe that every member of this Chamber agrees that assistance to the Leader of the House is highly necessary. However, there was an increase in the number of Ministers in another place. Now, without any heat, I wish to give hon. members and the taxpayers a brief account of something that has come under my personal notice. The week before last a Minister left Perth on Thursday at 5 p.m. to visit his farm. He was away from his office all day Friday, Saturday morning, and all day Monday. He travelled over the Midland Railway at an expense of £3 0s. 4d. to the taxpayers. When the previous Government were in power, they introduced an innovation in the interests of economy, deciding that only the three members for the Central Province and the members for Geraldton and Greenough in the Assembly should travel over the Midland Railway, and that only when those members travelled over that line would the Government pay anything to the Midland Co. The annual passes of the members in question were recalled, and those members were required to produce vouchers every time they travelled over the Midland line. During the three years that the previous Government occupied the Treasury Bench, no Minister and no member of Parliament, so far as my knowledge goes, travelled over the Midland line, with the exception of the members I have mentioned. As soon as the Labour Government have assumed office, we find a Labour Minister travelling on his private business, through a district which he does not represent—since his is a gold-fields constituency—over the Midland Railway, at the taxpayers' expense. If he had travelled over the Government railway, he would have left Perth at 8 p.m. on Thursday and, it is true, arrived at his farm a couple of hours later than he did via the

Midland route. However, he would have saved this hard-up community an amount of £3. When every member is battling to obtain work, not charity, for men with as many as five or six children, every shilling, not to say every pound, that can be saved to the taxpayers of Western Australia, should be saved. I should like to know whether that Minister, when travelling to his own farm in time that he is supposed to be giving to the affairs of State, is allowed travelling expenses in addition to his ministerial salary. The taxpayer has a right to this information.

Hon. T. Moore: Do you know that he works overtime in the office at night?

Hon. E. H. H. HALL: I do not know whether it is against the principles of a Labour Minister to work overtime. When a member of Parliament is elevated to ministerial rank he should work—

Hon. Sir Charles Nathan: On Sundays too.

Hon. E. H. H. HALL: Yes, on Sundays too. It is only right that I should allude to this, because the Chief Secretary when replying to my question mentioned my name. I have enjoyed the hospitality of the Leader of the House when he has been out visiting agricultural shows in the Central Province, and I have also enjoyed the hospitality of the ex-Minister for Lands when attending similar functions. I was at the Dalwallinu agricultural show when the ex-Minister for Agriculture opened that function. He travelled to the show in a motor car but I, like other members, travelled on my ordinary railway pass and put up at an hotel. When the Chief Secretary, who has given years of faithful service to the State makes a long trip through country districts, it would ill become any man to deny him the comfort of travelling in a ministerial car. However, I did admire the ex-Minister for Agriculture, who showed that he was desirous of saving the taxpayers of the State the expense of taking a ministerial car when he could do the journey by motor car at much less expense. The public are continually complaining about ministerial travelling costs. Only yesterday I got off the train to hear a business man of Perth say, "Well Hall, amongst the dead-heads again." I was then with the Minister returning from his farm, while I had come from my home to fulfil my duties in Parliament. I kept my temper, but frequently one has to exercise considerable restraint in putting up with the jibes one

continually hears about dead-heads and gold passes. This is largely attributable to the practice of Ministers and members using their gold passes in travelling about the country transacting their own private business. The average taxpayer, probably, would have no complaint against members travelling on their passes between their homes and Parliament House, but the existing practice brings us all into public contempt. The information I ask for is due to the taxpayer, who has to find the money, since the man who pays the piper has the right to call the tune. I have not canvassed members about this motion; each and every member is free to exercise his own judgment in voting for or against it.

On motion by Chief Secretary, debate adjourned.

### BILLS (3)—FIRST READING.

- 1, Financial Emergency Tax Assessment Act Amendment.
- 2, Yuna-Dartmoor Railway.
- 3, Financial Emergency Tax.

Received from the Assembly and read a first time.

### BILL—GOVERNMENT TRAMWAYS ACT AMENDMENT.

*In Committee.*

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 to 4—agreed to.

New clause:

Hon. J. T. FRANKLIN: I move—

That a new clause be inserted to stand as Clause 3, as follows:—“Notwithstanding anything to the contrary contained in the principal Act, the Commissioner shall pay to the local authority in whose district the trolley buses shall run or operate, the annual license fee for omnibuses prescribed under the Traffic Act for each trolley bus so running or operating in its district: Provided that, if trolley buses shall run or operate in the districts of more than one local authority, the above-mentioned license fee shall be apportioned between the local authorities in whose districts such trolley buses shall run, in such proportions as shall be represented by the length of the route of such trolley bus in the respective districts of such local authorities, and, in the event of the local authorities failing to agree as to such apportionment, the license fee shall be divided by the Treasurer, whose decision shall be final.

I do this with a view to securing from the Government some fees for the local authorities. Any private individual running a motor bus service has to pay a motor license, and it is only fair to the local authorities that this should apply to the trolley buses introduced by the Government. Under the Tramways Act the Government maintain the road to the extent of 18 inches outside the rails, and also pay to the local authorities a certain amount out of the traffic fees. It is only fair to the local authorities, who represent the ratepayers, that when the trolley buses are running, a certain proportion should be paid by the Government for the maintenance of the road used by the buses.

The CHAIRMAN: I am of the opinion that Mr. Franklin is labouring under a misapprehension with respect to the powers of this House, or even regarding the power of Parliament. It is usual for the Crown to impose taxes through Parliament on someone else, but the purpose of the amendment is that the Crown, through Parliament, shall impose a tax on itself. The effect of the amendment is that the Crown, having the right to run trolley buses, must pay £120 or £130 per annum as a license fee, and that that amount shall be apportioned between the local authorities in whose districts the buses will run. Unless Mr. Franklin can advance a more substantial argument in favour of the new clause, I suggest the best course will be to withdraw it.

Hon. J. T. FRANKLIN: I prefer not to withdraw the proposed new clause unless I am forced to do so. You, Mr. Chairman, consider that I am introducing an innovation by asking the Government to tax themselves, but I would point out that under the existing Tramways Act the Government keep in good order the roads along which the trams run to the extent of 18 inches outside the rails. There is nothing in the Bill before us to say that the Government intend to maintain the roads over which the trolley buses will run. I am anxious to see that the ratepayers are reimbursed for any damage that may be done to roads that are being or have been constructed. Other places besides Perth may be affected, and it is only fair that the Government should pay a proportion of the upkeep of the roads along which the buses will run.

The CHAIRMAN: The hon. member is usurping the powers of Ministers when introducing taxing Bills; those Bills are al-

ways introduced by Message from the Governor.

Hon. J. T. FRANKLIN: Do I understand that the proposed new clause is out of order? If it is, I have no wish to go against the rules of the House, or, as you Sir, suggest, do anything which will mean imposing a tax on the Crown. My sole desire is to protect the interests of the rate-payers and I should like a promise from the Leader of the House that where the trolley buses will be running the roads will be maintained.

Hon. J. M. MACFARLANE: Before you, Mr. Chairman, rule the motion out of order—

The CHAIRMAN: I have not ruled the motion out of order.

Hon. J. M. MACFARLANE: I consider the Leader of the House would be acting generously towards Mr. Franklin if he gave the hon. member another 24 hours to look into the position. It might then be possible to submit a proposal which would be in accordance with the rules of the House. I support Mr. Franklin's desire to see that the roads are maintained. The Government are not treating the municipalities properly when they introduce a new system of locomotion without contributing their quota towards the upkeep of the roads, just as the owners of other vehicles are compelled to do.

Hon. J. J. HOLMES: I understand that under the Tramways Act the Government are bound to keep in repair a certain part of the road over which the trams run. Further, I understand that the trolley buses are very heavy—I believe a special appliance had to be requisitioned to lift one of the vehicles from the steamer. The roads over which the buses will run are not in a condition to carry such heavy traffic. Surely it is not the wish of the Government—especially as this system has been introduced without parliamentary authority, for which the present Government are not responsible—to penalise one section of the community in this matter. I suggest that the Bill be withdrawn and introduced in another place with an amendment that might be considered fair to all parties concerned. In that way the difficulty could be overcome.

The CHAIRMAN: The question is whether this is an amendment that can properly be moved in this House.

The CHIEF SECRETARY: I contend that it is not an amendment that can be moved in this House, or even another place, except it is preceded by a Message from the Governor. I consulted the Crown Solicitor as soon as I read the amendment on the Notice Paper. The Crown Solicitor advises—

1. The Bill itself has for its sole object the making of provision in the principal Act for the use of trolley buses as part of the Government Tramways as carried on under the principal Act.

It seems to me therefore that the proposed amendment is quite outside the scope of the Bill, and entirely foreign or irrelevant to the subject matter of the Bill.

2. The amendment is contrary to the provisions of Section 46 of the Constitutions Act, 1899, as amended by Sections 8 of No. 34 of 1921, page 132.

The Government Tramways are the property of the State, and the Commissioner is merely the manager.

Section 16 of the Government Tramways Act, 1912, provides that all revenue from the tramways shall be paid into the Public Account and form part of the Consolidated Revenue Fund; and that all expenditure incurred in the running and management of the tramways (of which trolley buses will form part) shall be defrayed out of moneys appropriated by Parliament to the purposes of this Act.

Consequently the payments to be made by the Commissioner under Mr. Franklin's amendment will have to be paid out of public moneys which will have to be appropriated by Parliament for the purpose.

As Mr. Franklin's amendment involves an expenditure of public moneys by the Government, I submit it is not in order.

If the proposed new clause were in order, it would be possible for a majority of private members in either House to make grants of money to private individuals. It is specifically set out, however, that that cannot be done. Where revenue in any form is appropriated, it can only be appropriated after the receipt of a Message from the Governor. In 1905 the Daghish Government introduced a simple motion seeking the authority of the House to approve of the expenditure of a certain sum of money for the purchase of the Midland railway. That motion was not preceded by a Message from the Governor, although it was introduced by the Premier himself, and it was ruled out of order because it constituted an appropriation of money. Mr. Holmes has referred to certain revenue derived by the local authorities under the Tramways Purchase Act. That is correct; they get 3 per cent of the gross earnings.

Hon. J. M. Macfarlane: Under the old agreement.

The CHIEF SECRETARY: When that Bill was introduced, it was in order because it was preceded by a Message from the Governor. It is not possible for an amendment such as that proposed by Mr. Franklin to be moved here or in another place, even by a Minister of the Crown, unless the conditions laid down by Section 46 of the Constitution Act are observed.

Hon. J. T. FRANKLIN: Do I understand the Minister to say that this Bill is a continuation of the Tramways Act?

The Chief Secretary: No.

Hon. J. T. FRANKLIN: Because in the Tramways Act there is provision for the Government to maintain a portion of the road on each side of the tramline. My sole desire is to see that the ratepayers are reimbursed. When the roads were originally constructed, we did not take into consideration the possible use of such heavy traffic. The roads are as good as it is possible to make them, and they will carry the traffic, but the ratepayers are entitled to be recompensed by the Government for any damage that is likely to be done to the roads by the trolley buses.

Hon. J. J. HOLMES: I am not interested in this matter apart from the standpoint of equity. Unintentionally, I hope, this House has been forced into an invidious position because the measure should not have been introduced in this Chamber. It should have been dealt with first in another place. A Message from His Excellency the Lieutenant-Governor could have been obtained to put it in order and then, when the Bill was before us, we could have sought to have incorporated some provision regarding compensation for the local authorities affected. I understand the heavy trolley buses will seriously damage roads over which they will travel, with the result that presently the question will arise as to who is responsible for repair work. Should a bus develop a hole in the road into which someone may fall, who will be liable? From the standpoint of equity, those owning the bus should be called upon to pay.

Hon. Sir CHARLES NATHAN: If it is in order to discuss a matter that is clearly out of order, I wish to add a few remarks along the same lines as those of Mr. Holmes. I shall be sorry indeed if the Minister persists in the attitude he has taken up, and,

unless he can find some way out of the difficulty, I shall certainly be forced to vote against the Bill. From a technical point of view, the Minister is probably quite correct in his attitude, but from the standpoint of equity, there is much to be said against it. One of the main points made by the Minister when moving the second reading of the Bill was that the operating costs of the trolley buses were made so much cheaper because of the expense avoided regarding maintenance. Equity is safeguarded in the Tramways Act by the provisions relating to the maintenance of the road close to the rails. Now the Government apparently take the stand that the municipality or road board through which the trolley buses will proceed will have to accept the responsibility of maintaining the roadway in good condition. Apart from the actual weight of the buses, vehicles of that description take heavy toll of the roadways over which they operate. I trust the Government will not contemplate any extension of the trolley bus system without close investigation because I, for one, am sceptical of its advantages at the present juncture. However, the principle to be determined now concerns the responsibility for the heavy road maintenance that will be involved. I hope the Chief Secretary will find some way of assisting the House; otherwise he will throw some of us into the unpleasant position of having to vote against the Bill, although we have no desire to do so. That would create a rather embarrassing position because the buses have been secured without Parliamentary sanction, the overhead gear is being provided, and the buses are practically ready to commence operations.

Hon. L. B. BOLTON: I support the contention raised by Mr. Franklin that if it is the intention of the Government to substitute trolley buses for trams and tram rails, the local authorities affected are entitled to compensation from the Government with respect to road maintenance. The Tramways Act provides that the Government shall maintain the roadway for 18 inches on either side of a tram track, but it will be a much more serious matter with regard to the trolley buses, which will operate over the whole width of the road. The maintenance involved will, therefore, be tremendous compared with that which the Government at present undertake regarding the existing tram tracks.

The CHIEF SECRETARY: I am rather surprised at the development the discussion has taken. I introduced the Bill with a view to legalising the running of trolley buses in the metropolitan area. It is remarkable that no steps have been taken by the local authorities concerned, so far as I am aware, to place their views before the Government. I have not seen anything to that effect in the Press although it is months since it was known that trolley buses were to be run in parts of the city. So far as I am aware, the local authorities have not entered into negotiations with the Government, nor placed their views before them. One would have thought that some such steps would have been taken long before this with a view to ascertaining what compensation would be payable in respect of any damage done to the roads. Apparently nothing has been done until now, when the Bill is before Parliament.

Hon. J. J. Holmes: The local authorities might have assumed that the Government had the power to carry this scheme out without additional legislation.

The CHIEF SECRETARY: We had not that power, and I do not see how it could be assumed, as the hon. member suggests, by anyone having the experience possessed by those representing the City of Perth.

Hon. J. T. FRANKLIN: How could the local authorities have negotiated with the Government before they knew what the Bill would provide for? It is unfortunate that the Minister concerned did not invite representatives of the local authorities to discuss the matter with him. I am merely anxious to protect the interests of those concerned.

The CHAIRMAN: I have allowed plenty of latitude to enable Mr. Franklin to express his views, but I must rule that his amendment is not one that can be moved in this Chamber.

Hon. J. M. MACFARLANE: I agree that your ruling, Mr. Chairman, is sound, but I again ask the Minister to report progress so that further consideration may be given to the point that has been raised, with a view to equity being provided for.

Hon. G. W. Miles: Otherwise we cannot agree to the Bill.

Hon. J. M. MACFARLANE: As to the Minister's argument that the local authorities have not approached the Government regarding the point raised, surely they can

rely on their Parliamentary representatives in this House to safeguard their interests. The Lord Mayor of Perth is a member of this Chamber, and he has placed the views of the local authorities before the House. While the amendment may be out of order, it is only right that further consideration should be given to this phase, and I ask that progress be reported.

The Chief Secretary: What is the position now?

The CHAIRMAN: I have ruled that the amendment is out of order, as it cannot properly be moved in this House.

Hon. J. T. Franklin: What about my other amendment. Is that out of order, too?

The CHAIRMAN: We will take that hurdle when we come to it.

Progress reported.

## BILL—YORK CEMETERIES.

*In Committee.*

Resumed from the previous day. Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clause 2—Lands revested in His Majesty:

The CHAIRMAN: The clause has been partly considered.

Clause put and passed.

Clause 3—agreed to.

Schedule, Title—agreed to.

Bill reported without amendment, and the report adopted.

## BILL—ROAD DISTRICTS ACT AMENDMENT (No. 1).

*Second Reading*

Debate resumed from the previous day.

HON. A. THOMSON (South-East) [5.30]: I have considered the proposals contained in the Bill. Most of them are consequential or are designed to remedy errors in or omissions from the measure of last year. I am not enamoured of the proposal to do away with the casting vote, a system that has worked satisfactorily for many years. I commend to the consideration of members an amendment of which I have given notice. As the Act stands, it is possible for a Government auditor to insist upon surcharging the members of a road board with the amount not debited against individual rate-

payers for the construction of a footpath. However, I will explain the matter fully in Committee. I support the second reading.

Question put and passed.

Bill read a second time.

*In Committee*

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Amendment of Section 13:

Hon. J. J. HOLMES: The Minister, when moving the second reading, said the Government intended that when wards were altered, only the members affected by the alteration should retire from office. The proposed new subsection appears to give the Minister general power to retire one or all the members, and that would be undesirable. I have two amendments which will bring the clause into line with the Government's intention, as stated by the Minister. I move an amendment—

That in line 2 of the proposed new subsection (2), the words "members of the board or such of the" be struck out.

The HONORARY MINISTER: Under the Act, in the event of a district being redivided, all the members of the board must retire, but would be eligible for re-election. It is undesirable that all should retire if only two wards are affected by a redivision. Only the members whose wards are affected should retire. However, there might be other circumstances that might not come within the scope of the new subsection as Mr. Holmes proposes to amend it, and therefore it would be wise to retain the clause as printed.

Hon. J. J. HOLMES: I cannot see that any other circumstances would arise. The provision would operate only in the event of a district being redivided. My desire is to give effect to the intention expressed by the Minister.

Amendment put and passed.

Hon. J. J. HOLMES: I move an amendment—

That in line 3 of the proposed new subsection (2) the words "as the Minister may think fit and determine" be struck out, and the words "representing the ward or wards affected" inserted in lieu.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 5 to 14—agreed to.

New clause:

Hon. C. F. BAXTER: I move—

That a new clause be inserted to stand as Clause 10, as follows:—"Section seventy of the principal Act is amended by deleting from subsection (2) all the words after the words 'such declaration shall be made'" (inserted by the Act No. 35 of 1932, section twelve (b)), and inserting in lieu thereof the words "on the nomination day, but in the case of an annual election the person then declared to be elected shall not take office until after the day appointed for the annual election."

There is an anomaly associated with Section 70 of the parent Act that requires to be put right. Very often when road board bi-elections are held, only the required number of candidates offer themselves for election. The returning officer is not in a position to declare the result until election day, although in such a case, there being no opposition, there is no need for election. Quite recently a returning officer had to make a journey of 20 miles to receive the nomination, and had to go back later in order to declare elected the only candidate who was offering. My amendment will remove that anomaly. If it is adopted, the returning officer may declare the candidate elected on nomination day, but such candidate cannot take his seat on the board until after the day set apart for the election.

The HONORARY MINISTER: I fail to see much difference between the amendment and the amending Act of last year. The amendment provides that in the case of an extraordinary election the only candidate offering may be declared elected on nomination day instead of on election day. With regard to an annual election, the Act provides that a declaration shall be made on the day appointed for the election, but the hon. member wants it to be made on nomination day.

Hon. C. F. Baxter: My amendment provides that the declaration shall be made on nomination day, but that in the case of annual elections the persons elected shall not take office until after the day set apart for the election.

The HONORARY MINISTER: The amendment is so indefinite that one cannot say when the new member should take his seat. I do not know what is meant by "the day after the annual election." Is the successful candidate to take his seat a month afterwards or immediately afterwards?



Hon. C. F. Baxter: The Act provides that he shall take his seat within 14 days after the election.

The HONORARY MINISTER: The amendment will leave the position absolutely indefinite. On that ground alone the Committee should decline to accept it.

Hon. C. F. BAXTER: There is no necessity to provide any particular date, because that is controlled by the Act itself. It would perhaps simplify matters if I amended the amendment as suggested by the Honorary Minister.

The CHAIRMAN: I suggest that the hon. member word his amendment to include an annual or extraordinary election. It appears that the nominations do not refer particularly to extraordinary or general elections. If there is only a sufficient number of candidates offering they could then be declared elected on nomination day whether it was an extraordinary or a general election. If more candidates had nominated than there were vacancies, the declaration would be made the day after the elections. If the hon. member would alter his amendment to include both kinds of elections it would then apply to both cases.

The HONORARY MINISTER: In view of the position which has been reached, I move—

That the consideration of the new clause be postponed.

Hon. A. THOMSON: After an extraordinary election which is not contested, the member elected should take his seat on the board at once; and the same thing should apply in the case of an annual election, instead of the elected candidate waiting for 14 days. What are called the town members of a road board meet frequently, their decisions being ratified subsequently by the full board.

The CHAIRMAN: The Honorary Minister has moved that the new clause be postponed.

Motion put and passed; the new clause postponed.

New clause:

Hon. A. THOMSON: I move—

That the following be inserted to stand as Clause 12:—‘Section 161 of the principal Act is amended by adding a proviso, as follows:—Provided further, that this section shall not apply to footpaths made of, or paved with, gravel only, nor shall it apply to the kerbing

of any footpath in any street or road in such townsite or area where such kerbing is, in the opinion of the board, necessary for the proper making of such street or road, unless the board by resolution otherwise orders.’

Last year's amendment Act provided that once a footpath had been permanently constructed, no further charge would be made on adjacent owners, but that any additional expense incurred should be borne by the ratepayers generally. In a certain road board area it has been found necessary to alter the alignment of a road and raise the footpath in order that flood waters may get away. This was done by the road board without any intention of charging the cost upon adjacent owners, as the work was for the benefit of the district as a whole. During a discussion of the subject at a meeting of the road board, a member drew attention to the fact that under Section 161 a charge must be made on adjacent owners, and that failure to make the charge might mean that the Government auditor would impose a surcharge upon members of the board personally. Local authorities can be trusted to act justly if the new clause is accepted.

The CHAIRMAN: I have no desire to prevent discussion, but I understand that the full scope of this Bill is the correction of anomalies created in the parent Act by amendment measures. The new clause does not touch any amendment made in the parent Act of 1919.

Hon. A. Thomson: Yes, Mr. Chairman. Section 29 of last session's Act amends Section 161 of the principal Act.

The CHAIRMAN: In a certain direction only; and Mr. Thomson's new clause will not operate in that direction. If his amendment is allowed in a Bill of this character, which merely aims at consolidation, I do not know where we shall end; any hon. member might move any amendment whatsoever in the parent Act. However, I leave this new clause to the good sense of the Committee; I do not feel inclined to rule it out.

Progress reported.

House adjourned at 6.13 p.m.