

Legislative Assembly,

Friday, 13th December, 1907.

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The SPEAKER took the Chair at 2.30 o'clock p.m.

Prayers.

PAPERS PRESENTED.

By the *Treasurer*: Returns under Section 60 of the Life Assurance Companies Acts.

By the *Premier*: Davyhurst Public Cemetery: Statement of Receipts and Expenditure. Various Regulations under the Land Act 1898. Report on progress of Black Range and Meekatharra Districts, by the State Mining Engineer.

BILL—DISTRICT FIRE BRIGADES.*Third Reading.*

On motion by the *Premier*, the Title was amended to read, "An Act for the constitution of a Fire Brigade Board, to define the powers and duties of the Board, and for other purposes incidental thereto," this being consequential on amendments made in Committee.

Bill read a third time, and transmitted to the Legislative Council.

BILL—NEDLANDS PARK TRAMWAYS.*In Committee.*

Resumed from the 22nd November; Mr. *Daglish* in the Chair, the *Minister for Works* in charge of the Bill.

Clause 2—Confirmation of Provisional Order:

An amendment had been moved by Mr. *Daglish* that the following be added to the clause:—

Subject to an amendment as follows, namely the addition to Clause 17

thereof of the following words "If it should appear that any provisions of this order are in any respect inconsistent with the provisions of the Tramways Act, 1885, the provisions of this order shall prevail."

Mr. HOLMAN: Would the Minister explain the importance of this amendment?

The MINISTER: There was no objection to the amendment.

Mr. TAYLOR: It was understood this amendment was drafted by some legal gentleman to make something valid.

[Hon. T. F. Quinlan took the Chair.]

Mr. DAGLISH: The object of the amendment was to prevent the suspension of the running of trams on the line without the local authority having any remedy. The amendment limited the power of the promoter to the powers conferred on him by the Provisional Order. This amendment was drafted by the solicitors to the Claremont Roads Board, and the Solicitor General had agreed that it was an amendment that might well be inserted.

Mr. HOLMAN: That explanation was satisfactory, but there should be an amendment to compel the commencement of the construction of the line within a certain date. The deposit should be big enough to compel the starting of the line within a certain period, for it was possible that with a small deposit the speculator would "boost" the sale of the property, make a considerable sum of money by holding out the inducement that the tramway would be built, and then when the people had taken up the land, it would be found the line was not built. It would probably in such circumstances pay the promoter to forfeit a deposit of £400 or £500.

[Mr. Ewing took the Chair.]

Mr. DAGLISH: The hon. member could rest easy in his mind on the question of the early starting and completion of the work. It would have been started long ago but for this Chamber. If some little expedition had been shown in passing the measure the tramway would have been started before now. Already a large quantity of material was stacked

near the starting point. The line would be begun immediately the Bill was passed by both Houses. The promoter would be quite willing to put up a farther guarantee if one were required.

Mr. TAYLOR: The member for Subiaco (Mr. Daglish) had no cause for complaint about getting the Bill through, for it had only been discussed on one afternoon in Committee. It was a private Bill and yet it was placed right at the top of the Notice Paper without any justification, whereas a Bill for the North Fremantle tramway was placed below it. He would not put Colonel Bruce in front of the interests of Western Australia.

Mr. HOLMAN: Before the measure was passed, it was absolutely necessary to make provision to see that the promoter should not get an advantage over the public by inflating the value of his property on the promise of a tramline being constructed, selling the land, and then failing to build the line. He hardly approved of the passage of the measure this session. We had not received sufficient information with regard to it, and the present time, right at the end of the session, was inopportune for dealing with it.

Mr. STUART: The amendment was not clear. Why should it be presupposed that the provisional order would come into conflict with the provisions of the Tramways Act? If there were to be any conflict, surely the Act should prevail. The line should not be placed on a preferential footing.

The MINISTER FOR WORKS: There appeared to be an idea that the Government should not have brought the measure down. The Act provided however that after a Minister had given a provisional order, a Bill to confirm that order should be brought down at the earliest possible time. As to the points raised by the member for Leonora (Mr. Stuart), Clause 8 of the provisional order provided for a certain arrangement between the promoter and the tramway company for running the trams at stated intervals, etcetera. The Tramways Act said nothing about such thing, for it was merely a detail as to the running of the line which was arranged between the pro-

moter and the company. It was necessary, therefore, to introduce the amendment. Nothing had been done to which the slightest objection should be taken.

Mr. COLLIER: It was doubtful whether the amendment covered the ground sufficiently. Past experience in dealing with private concessions had been that those responsible for drafting agreements had not always safeguarded the interests of the public. In discussing the purchase of the Denmark Railway and lands the other evening it was pointed out that there was supposed to be a clause in the original concession providing that the railway and lands should in 13 years revert to the people; but it was subsequently found that there was a flaw in the concession which prevented the State from taking over the property. The same thing seemed to occur in numerous such agreements. It was generally believed in such cases that the interests of the State were safeguarded, but the flaw was discovered and the concessionaires were allowed to escape from their responsibilities. This had occurred in connection with the Perth Tramways. It was laid down that the company should construct certain lines, but it was not provided that they should run trams over them. The agreement with the Timber Combine provided that they should erect mills, but nothing was said about the working of the mills. There was always a loophole for repudiation by the concessionaire, and the public suffered. It was not clear that we could amend the provisional order.

The Minister for Works: The provisional order could be amended, being subject to the approval of Parliament.

The DEPUTY CHAIRMAN: The Provisional Order must be amended now, if at all.

Mr. ANGWIN: The local authorities were fully satisfied with the Bill; the public raised no objection; and we should therefore give effect to the wishes of those concerned.

Mr. SCADDAN: Following out the last speaker's argument we should allow roads boards to authorise the building of agricultural railways. The Subiaco council and the Claremont roads board

were concerned to the extent that they would receive three per cent. of the tramway takings. Parliament should decide on the policy of granting such concessions as this, for the public would have to pay for the tramway. Colonel Bruce was not a philanthropist.

The Minister for Works: Did the hon. member never hear of a tramway that did not pay?

Mr. SCADDAN: Here the promoter only would receive any substantial advantage from the line, whereas an agricultural railway benefited the people of the district. He would rather allow a country roads board to decide on an agricultural railway than allow these local bodies to authorise this tramway. Could we amend the Provisional Order after passing this clause?

The DEPUTY CHAIRMAN: Any new clause could be added to the Bill before we reached the Provisional Order in the schedule, whether or not the new clause affected the provisional order.

Mr. WALKER: But this clause would confirm the provisional order.

Mr. Bath : Insert "subject to the amendments therein made."

Mr. WALKER: That would be faulty drafting. Such amendments would not appear in the Act.

The PREMIER: Postpone the clause till the schedule was dealt with.

Mr. WALKER moved—

That the clause be postponed.

The approval of the local authorities was insufficient; for not only were they interested to the extent of three per cent. of the takings, but an hon. member said the tramway would so increase the Claremont land values that the roads board would receive an additional £300 or £400 a year in rates. If so, that body should be the last in the world to dictate to the House.

Mr. TAYLOR: The provisional order had been agreed to in September by Colonel Bruce and the Minister.

The Minister for Works: On the clear understanding that it could be amended by the House.

Mr. COLLIER: Why should the clause be postponed? After discussing the two other clauses, we should, perhaps fifteen

minutes hence, find ourselves in our present position.

Mr. JOHNSON: If we failed to insert any amendments in the schedule, we could not amend Clause 2. It was no use amending Clause 2 until we knew whether we could amend the schedule.

Mr. DAGLISH: On Clause 2 was the time when the Provisional Order could be amended; there was no other time when the Provisional Order could be amended. The qualification of the Provisional Order could be made now. That was the way in which the Tramways Act provided that the schedule could be amended.

Motion (postponement) put and negatived.

Mr. WALKER: This clause dealt with the confirmation of the schedule, and how could we deal with the schedule when we were dealing with the clause; we should have the schedule before us.

The MINISTER FOR WORKS: If members desired to make any amendment to the schedule it was competent to do so on Clause 2.

Mr. JOHNSON: If we started by adding a new paragraph to the schedule could we amend a previous paragraph, because he had amendments which ought come in before those of the member for Subiaco.

[Mr. Daglish took the Chair.]

Mr. WALKER: There was an amendment before the Committee referring Clause 17 of the Provisional Order, the rule was that we could not go back. We were entitled to deal with the schedule in detail, and yet we had an amendment before us dealing with Clause 2, preventing any possibility of amending the schedule previous to that. Had an error been committed in refusing to postpone the clause dealing with the schedule and confirming it, when the schedule itself was a matter for consideration of the Committee from beginning to end?

The CHAIRMAN (Mr. Daglish): As to the moving of an amendment in clause, the whole of the schedule under the discussion of Committee was not the custom to submit any

ule clause by clause or part by part; the invariable procedure was to deal with the schedule as a whole; and when this clause confirming the Provisional Order was submitted to Committee in the ordinary way, the whole of the schedule was then under discussion, because of the fact that this clause was a confirmation of the Provisional Order that formed the whole of the schedule. When a Provisional Order formed the schedule, it was somewhat different from the ordinary schedule of any other Bill; it was a document which already bore a signature. Parliament had no power to interpose above the signature of the Minister for Works, in a document bearing a specific date, at some later date certain provisions which had not been signed by the Minister at the previous date; but Parliament could undoubtedly modify, amend, or reject the Provisional Order, and in doing that the Committee would do it under Clause 2, by inserting conditions or provisos in that clause in the same way as the amendment now before the Committee contemplated. When this amendment was disposed of, it would be within the power of any member to move a farther amendment to add to the clause any farther modification.

Mr. Walker: Anterior?

The CHAIRMAN: They must be subsequent. If the member who moved the amendment was willing to withdraw it so that the hon. member might move something anterior—and no doubt the member would be willing to withdraw the amendment—it would then be possible for the member to move an anterior amendment.

BATH: When considering the Kalgoorlie Tramways Bill for an extension of the tramways to the racecourse, the Committee amended the schedule attached to the Bill containing the Provisional Order or agreement by inserting a proviso in regard to fares, and that proviso remained in the Bill at that time. The amendment by leave withdrawn.

JOHNSON moved as an amendment that the following words be added:

Subject to the omission of the words "specially chartered" in paragraph 8, and the inser-

tion of the words "specially chartered" in lieu thereof."

The promoter had no objection to the amendment. If we allowed the promoter to charge extra fares for special cars the pernicious system existing in Kalgoorlie of making all the cars special cars on gala days or holidays might be practised and double fares charged, and workmen might have to wait hours for an ordinary car to be run.

The MINISTER FOR WORKS accepted the amendment.

Mr. STUART: It might be well to specify that the ordinary service should be maintained.

Mr. Johnson: That would be provided for.

Mr. COLLIER opposed the amendment. We should strike out the words "except in the case of special cars." We should not give the promoter permission to run special cars. If the amendment of the member for Guildford were carried there would be nothing to prevent the promoter having all his cars chartered by one of his employees, and the same difficulty would crop up as occurred in Kalgoorlie. He knew the tricks these privately owned concerns resorted to on holidays and at the goldfields to fleece the public. Could he move to strike out the words "except in the case of special cars"?

The CHAIRMAN: Not unless the amendment of the member for Guildford were withdrawn.

The MINISTER FOR WORKS: It was to be hoped the member for Boulder (*Mr. Collier*) would not propose such an amendment. Clause 14 of the Provisional Order provided for the running of a certain number of cars. If the words objected to were struck out it would prohibit the residents of the locality chartering a special car to run after midnight.

Mr. Collier: It would not prevent the cars being chartered. It would merely prevent the charging of excess fares.

The MINISTER: For a car run after midnight the company should be permitted to ask for increased fares. The trouble mentioned as having occurred in Kalgoorlie had not occurred in Perth.

Mr. JOHNSON: The object of the amendment was mainly to get increased fares. If the company were guaranteed a certain number of passengers the car could be chartered at a cheap rate though no doubt after midnight the company would expect increased fares. His object was to give school children an opportunity of riding in the cars on special days at specially reduced fares.

Mr. SCADDAN: It was natural that after midnight higher fares should be charged, but our object should be to prevent the promoter running special cars and charging more than the ordinary fares provided in the Provisional Order. We should see that during the day time not more than the ordinary fare was charged. If the amendment moved by the member for Guildford were passed he would then move to add the words "and then only between half-past eleven o'clock p.m. and six o'clock a.m." This would mean that the company would only charge additional fares between the hours mentioned.

Mr. UNDERWOOD protested against tramway companies being allowed to charge what they liked. Every precaution should be taken in dealing with land-job tramway syndicates. So far as trusting to their honesty and honour was concerned, he did not think they had any as a rule. Everything we wanted to have fixed as a certainty we must put in the Bill. The member for Guildford might withdraw his amendment to allow the member for Boulder to move.

The CHAIRMAN: If the amendment of the member for Boulder were dealt with it would then be impossible for the member for Guildford to move his amendment.

Mr. SCADDAN: We could get over the difficulty if the words suggested were added.

Mr. JOHNSON: If the amendment were carried, the member for Ivanhoe (Mr. Scaddan) could then move to add the words he suggested.

Mr. WALKER: It was unwise to burden the Bill with unnecessary distinctions, such as for special cars and specially chartered cars. If this were done, loop-

holes and sources of litigation would be provided.

Mr. SCADDAN: It would be well if the member for Guildford (Mr. Johnson) withdrew his amendment altogether. There were occasions when special trams were run late at night to take people home after going to balls, etcetera. It was only right that special fares should be charged in such cases.

Amendment put and passed.

Mr. SCADDAN moved an amendment that the following words be added—

"Subject to the insertion of the words 'and then only between the hours of 11.30 o'clock p.m. and six o'clock a.m.,' between the words 'cars' and 'in' in paragraph 8."

Amendment put and passed.

Mr. WALKER: It was provided that workmen travelling on the line before eight o'clock in the morning should be allowed to use workmen's tickets at special rates. There was no provision that the trams would run before that hour.

The Minister for Works: The order set out that the time table should be mutually agreed between the promoter and the local authorities.

Mr. WALKER: It was no use putting in a clause relating to workers' tickets to be available before eight o'clock in the morning when it was not likely that the trams would be run then. All that was provided in the order was that there should be a minimum of nine trips a day. It did not say that any of these trips should be made before 8 a.m.

The MINISTER FOR WORKS: The arrangement was for the construction of a tram line through a piece of land on which at present there was not a single dwelling-house. In order that the interests of people who would live there in the future might be preserved, it was provided that there should be a minimum number of trips run every day. Provision was also made for workmen's tickets; but in face of that the hon. member wanted to know what safeguard there was of the interests of the workmen. It was evident the member had not read the Bill, for there was a fair and reasonable explanation of the question he had raised in the provisional

order. It was provided that the timetable should be arranged between the promoter and the local authorities, and in case of a difference of opinion the question should be settled by the Minister for Works, whose decision should be final. Surely that was all that was needed.

Mr. WALKER: The position was not settled because it was set out that the time table should be fixed by the promoter and the local authorities, and that in the event of a difference of opinion the Minister should decide. It would be the promoter who would fix the time table. [*The Treasurer:* The local authorities had to agree to it.] It was not likely they would do anything to injure the promoter, and they would not interfere with his arrangements in any way. Only in case of gross injustice would the local bodies interfere.

The Treasurer: The interests of the people could not be better safeguarded than by the provisional order.

Mr. WALKER: We were overloading the Bill with details. According to the Minister for Works, the tramway would run through a desert, upon which, when the millennium arrived, there might be a few huts. The provision for taking workmen there before 8 o'clock was a mere sop, for there was no work to be done. He moved an amendment that the following words be added to the clause—

"Subject to the omission of all words in paragraph 8 between 'water' in the fifth line and 'provided' in the thirteenth line."

Mr. SCADDAN: If the amendment were carried, there would be no workmen's tickets unless the promoter chose to grant them.

Mr. JOHNSON: The amendment would provide that there could not be reduced fares for workmen.

Mr. ANGWIN: The mover (Mr. Walker) was safeguarding the interests of the promoter. The local authorities, especially the Claremont Roads Board, would take care that adequate provision was made for the passenger traffic, so as to increase settlement.

Mr. COLLIER supported the amendment. This portion of paragraph 8 was

probably intended to hoodwink the public and induce them to approve of the Bill. No workman would travel on the tramway before 8 o'clock. He was a ratepayer of Subiaco, and the proposal had never been submitted to him. If, as alleged, it had been submitted to the ratepayers generally, this and similar provisions might have secured their approval to the project. The member most interested in the Bill said that the tramway would be a dead loss.

The Minister for Works: No.

Mr. COLLIER: That was the unanimous opinion. Though an advocate of the claims of the capitalist, he (Mr. Collier) did not wish to see Colonel Bruce lose all the money invested, and would therefore oppose any provision for reducing fares.

Mr. STUART opposed the amendment, the only object of which could be to prevent the issue of workmen's tickets. Though similar provisions in other Acts had not been enforced, there was no reason why this provision should not be given a chance. He had not any childlike faith in the ability of local bodies to safeguard the interests of the public; and all who had experience of the running of workmen's cars on the Golden Mile would agree with him. It was an excellent provision that workmen's tickets should be issued, and if the only reason for striking the provision out was that the condition would not be enforced, it was very flimsy.

Mr. WALKER: There would not be for many years to come, if ever, workmen's cars running down to this beach. The object of the tramway was to increase the value of Colonel Bruce's land. This provision was inserted for the purpose of securing votes. This was a land boom line: if municipal, he would stop criticising. He wanted to prevent difficulties arising in time to come. This provision would be absolutely a dead letter, for no working men were going down to the beach in the early morning.

Mr. UNDERWOOD opposed the amendment. Although there were no working men there at present there might be in the future. Working men might be employed in this locality build-

ing houses, therefore the provision would be useful.

Mr. SCADDAN : It was rather amusing to hear the arguments in favour of this clause as to the number of workmen likely to be served by the line, when the member for Subiaco the other day said that the tramway was to be constructed as an outlet to the river. Now it was urged in favour of the passage of the measure that it would be a great boon to workmen. Was there any possibility of workmen living in this locality? However, he hoped the member would not press the amendment. Such a provision as this was simply placed in the Bill to show that Parliament wished to do something for the working man. He doubted if workmen would be able to purchase land in this locality.

Mr. WALKER had sufficiently emphasised his point, therefore he asked leave to withdraw the amendment.

Amendment by leave withdrawn.

Mr. JOHNSON moved an amendment that the following be added:—

Subject to the omission of the words in paragraph 8, "so long as school children are allowed to travel on the Perth tramway lines and suburbs at reduced fares as now charged."

The provision in the clause, allowing the promoter to charge exactly the same fares as charged by the Perth Tramway Company, should be altered, for if the Perth Tramway Company increased their fares the promoter would be able to increase the fares on this line also.

The MINISTER FOR WORKS hoped the amendment would be withdrawn. The only terms the promoter could make with the tramway company were that the policy on this line should be the same as the policy on the Perth tramways. It was strange the member for Guildford should object to this seeing that the hon. member when Minister for Works had signed a Provisional Order for the Victoria Park tramways with exactly the same provision. Members should not delay this unimportant Bill.

Mr. Walker: It was important; it contained an important principle.

The MINISTER: No one was compelled to buy the land. Were we to interfere between the seller and the buyer every time?

Mr. Walker: The promoter asked the State to give him an advertisement for for the land.

The MINISTER: If hon. members had not opposed the Bill and had treated it in an ordinary manner, it would have slipped through and no one would have known about it. [Numerous interjections from Opposition members.] The discussion was on minor details. One member representing a Labour community wanted to cut down all the arrangements for workmen's tickets.

Mr. Walker: That was not true. The hon. member knew the object of the amendment.

The MINISTER: If these minor matters had not been brought up, there would not have been so much heard of the Bill or so much advertisement given.

Mr. Scaddan: Why were the Government in charge of the measure?

The MINISTER: It was provided under the Tramways Act that when a Minister signed a Provisional Order it was his business to bring down the Bill.

Mr. Walker: Why was the Provisional Order signed?

The MINISTER: Because it was a good thing for the State. The more money we could get into the State the better. That was where he differed from the hon. member.

Mr. TAYLOR: There was no comparison between this tramway and the Victoria Park tramways, because the Provisional Order in the latter case was for a municipality. The parents of the children could deal with a municipal body, whereas they could not with the owner of this concession. The amendment was perfectly in order.

The Minister: Yes; but if it passed, the whole thing fell to the ground.

Mr. TAYLOR: Was it understood that these were the conditions arrived at with the Perth Tramways Company, the

best conditions the promoter and Minister could get?

The Minister: Yes.

Mr. TAYLOR: It was unfortunate when we sought to move amendments to improve a measure that we should be confronted with the argument that if we did so we would wreck the Bill. He had no desire to wreck the Bill or delay the passage of the measure.

Amendment put, and a division taken with the following result:—

Ayes	..	..	..	11
Noes	..	..	..	21
				—
Majority against	..	..	..	10

AYES.	NOES.
Mr. Bath	Mr. Angwin
Mr. Bolton	Mr. Barnett
Mr. Collier	Mr. Brebber
Mr. Johnson	Mr. Butcher
Mr. Scaddan	Mr. Cowcher
Mr. Stuart	Mr. Draper
Mr. Taylor	Mr. Ewing
Mr. Underwood	Mr. Gordon
Mr. Walker	Mr. Gregory
Mr. Ware	Mr. Gull
Mr. Holman (Teller).	Mr. Hayward
	Mr. McLarty
	Mr. Mitchell
	Mr. Monger
	Mr. N. J. Moore
	Mr. S. F. Moore
	Mr. Price
	Mr. Smith
	Mr. Varyard
	Mr. F. Wilson
	Mr. Layman (Teller).

Amendment thus negatived.

Mr. ANGWIN moved—

That progress be reported.

Motion put and negatived.

Mr. COLLIER: Paragraph 9 provided that the restrictions as to tolls and charges should not extend to any special car. What were these restrictions?

The MINISTER FOR WORKS: Ordinary fares would be fixed. For specially chartered cars the promoter could make his own arrangement with the charterers.

Mr. JOHNSON would move that the word "special," in line 3 of the paragraph be struck out and "specially chartered" inserted.

The CHAIRMAN: That amendment would be consequential on the previous amendment.

Mr. WALKER: The paragraph if thus amended might allow the promoter to run

special cars. We had provided that he could not run special cars unless they were chartered. Even if the consequential amendment were made, the paragraph would read, "any specially chartered car other than workmen's cars"—a gross inconsistency.

The CHAIRMAN: The member for Guildford's intentions might be met by inserting between "in" and "special" the words "specially chartered car or."

Mr. SCADDAN: The committee had decided that no special chartered car should be run except between 11.30 p.m. and 6 a.m. The Chairman's suggestion would make provision for special cars other than chartered cars. He moved an amendment that the following words be added to the clause:—

Subject to the omission of the words "special car" in paragraph 9, and the insertion of "specially chartered cars" in lieu.

Mr. COLLIER: This amendment would not fully meet the case. If it were passed he would subsequently move to strike out the words "other than workmen's cars."

Mr. WALKER: The Committee should understand that we had taken away the promoter's right to run special cars of his own. Was it fair that he should not be allowed to run special cars on great occasions?

Mr. SCADDAN: The promoter would not be prevented from running special cars day or night, but he would not be allowed to charge special fares. In Kalgoorlie, so soon as a rush of traffic occurred the "special car" boards were used; and the object of the amendment was to prevent the promoter adopting similar tactics here. It was unfair that people should be penalised by higher charges on Sundays and holidays, especially as the Government railways made a concession in the way of fares on such days.

Amendment put, and a division taken with the following result:—

Ayes	..	..	..	20
Noes	..	..	..	9
				—
Majority against	..	..	..	11

AYES.
 Mr. Bolton
 Mr. Collier
 Mr. Johnson
 Mr. Scaddan
 Mr. Stuart
 Mr. Underwood
 Mr. Vervard
 Mr. Walker
 Mr. Holman (Teller).

NOES.
 Mr. Angwin
 Mr. Barnett
 Mr. Brebber
 Mr. Cowcher
 Mr. Draper
 Mr. Ewing
 Mr. Gordon
 Mr. Gregory
 Mr. Gull
 Mr. Hayward
 Mr. McLarty
 Mr. Mitchell
 Mr. Monger
 Mr. N. J. Moore
 Mr. S. F. Moore
 Mr. Price
 Mr. Smith
 Mr. Taylor
 Mr. F. Wilson
 Mr. Layman (Teller).

Amendment thus negatived.

Mr. JOHNSON desired to be informed as to the position, seeing that an amendment consequential on a prior decision of the Committee had been negatived.

The MINISTER FOR WORKS: The amendment just negatived was not consequential on the alteration made to paragraph 8, relating to the running of "special chartered" cars without limitation as to hours. The difficulty arose from the fact that members failed to give notice of amendments. To the amendment moved by the member for Guildford, substituting "specially chartered" for the word "special," he had agreed to. Thereupon what was claimed as a consequential amendment was moved to paragraph 9 by the member for Ivanhoe; but the Chairman ruled it was not consequential.

The CHAIRMAN: The amendment would have been consequential but for the deletion by the prior amendment of the word "special."

Mr. WALKER: The Committee having decided by the prior amendment not to permit "special" cars, the amendment of the member for Ivanhoe was consequential.

Mr. JOHNSON: The point after all was not worth discussion.

The MINISTER FOR WORKS: If it were found that the amendment were consequential, he would have it inserted in another place.

Mr. COLLIER: If paragraph 9 were passed as printed, undoubtedly the promoter would have the right to run "special" cars without restriction as to charges, though the Committee had

already decided against such right by amending paragraph 8.

The MINISTER FOR WORKS had already undertaken, if necessary, to have the amendment to paragraph 9 inserted in another place.

Mr. COLLIER: Why leave to another place the insertion of an amendment recognised by this Committee as necessary? It should be made in this House.

Mr. SCADDAN moved an amendment that the following words be added—

Subject to the insertion of the words "run between the hours of 11.30 o'clock p.m. and 6 a.m. on the following day," between the words "car" and "other" in paragraph 9.

That would bring the paragraph into conformity with the previous one.

Mr. WALKER: It was doubtful whether the amendment would effect the purpose desired.

Amendment put and passed.

Mr. COLLIER moved an amendment that the following be added:—

Subject to the omission of the words "specially inconvenient and could be made less inconvenient without great cost to the promoter," in paragraph 12, and the insertion of "inconvenient" in lieu.

Amendment passed.

Mr. WALKER: Could the cars stop at any point they liked for the purpose of taking up and putting down passengers?

The MINISTER FOR WORKS: The paragraph provided that the trams might stop at any point on the tramways except on crossings of streets.

Mr. COLLIER: It was provided by the paragraph that for the first three years after completion of the line the promoter should continuously maintain a minimum daily service of not less than nine non-special trams each way. What was to be done if the promoter failed to comply with that condition?

The MINISTER: Penalties to meet breaches of that sort were inserted in the agreement between the promoter and the local authorities.

Mr. COLLIER: We should be given an opportunity to see that agreement in order to learn what the penalties were,

and it should not be left to the municipal council to fix the penalties.

[*Mr. Ewing took the Chair.*]

The MINISTER: Much had been said about a concession being granted by the House to the promoter. We were not granting a concession at all, but simply gave the promoter the right to run a tramway through his own property.

Mr. COLLIER: Surely it was to all intents and purposes a concession when we gave away the right to construct a tramway. The Minister should have been provided with a copy of the agreement between the promoter and the council. In an agreement there was always a loophole by which the promoter could get out of the conditions. He was not inclined to allow the clause to pass until we knew what the penalty was.

Mr. DAGLISH: The provision in Clause 14 of the Provisional Order was that nine trams be run each day, and the promoter in his agreement with the local authorities was bound to carry out that agreement; if he failed to run the trams he was required to hand the lines over to the local authorities.

Mr. COLLIER: Was there any provision by which the promoter could appeal to the local authorities to reduce the number of trams?

Mr. DAGLISH: No. The provision was that he had to run nine trams a day for three years, and at the end of that time he had the right of appeal to the local authorities. He could only appeal by showing that each car returned less than fifteenpence per mile. If the local authorities said, after the promoter had made out a case, that the trams should continue to run, then the promoter could appeal to the Minister. The promoter could cease running at any time, but the municipality could then take over the trams.

Mr. WALKER: This agreement ought to be before the Committee. He scorned to obtain information affecting a public measure through the courtesy of a private member. We had the spectacle of a Minister in charge of a Bill asking the Committee to wait for the member for Subiaco to tell the Committee from mem-

ory what was in an agreement. We ought to have the agreement printed and circulated. The only member enlightened on this clause, and on the Bill, was the member for Subiaco, and no one could verify what he said. We wanted to know what safeguards were provided. There could be no excuse for not having the agreement before the Committee now, for he (Mr. Walker) had pointed this out when the Provisional Order was before the Committee some weeks ago. And until we had the agreement we ought not to move one inch farther in the progress of the Bill. The agreement was more important than the Provisional Order itself.

The MINISTER FOR WORKS: When the Bill was first before the Committee, the member for Subiaco had the agreement in his hand, and made the offer for any member to inspect it. The agreement had been before the Crown Law authorities to see that the rights of the municipality and local authorities were safeguarded. The member had not taken the opportunity of looking at the agreement when it was offered to him. The Chief Magistrate of one of the local authorities interested was a member of the House, and gave all the information required. The member was evidently determined to use every opportunity that offered for blocking the Bill.

The Chairman: The member must withdraw that remark.

The MINISTER FOR WORKS withdrew the remark. He would say the member had such a dislike to the Bill that he did not care if the Bill was lost. The member would not look at the agreement when it was offered to him.

Mr. SCADDAN: Since the statement made by the member for Subiaco, we had every reason to see the agreement, because according to the statement of that member the agreement was in direct contravention of the Provisional Order. The member for Subiaco had told the Committee that the promoter could at any time cease to run the trams, and the municipality could take up the running.

The MINISTER FOR WORKS: If the promoter did not keep his part of the bargain the concession could be taken from him.

Mr. SCADDAN understood that £500 had been deposited by Colonel Bruce as a guarantee of his *bona fides*, and no doubt the £500 would be handed back to him when he had completed the construction of the line. He could then cease running the trams and there was not a soul living within two miles of the terminus of the line; therefore the municipality would take over what was of no use to them. We were told that the Opposition had a desire to block the measure. This Bill had been placed ahead of the North Fremantle Tramways Bill in order to compel members to support it. The member for North Fremantle would probably be one of the strongest opponents of this Bill if it were not for that fact.

The CHAIRMAN: The hon. member must not make that inference.

The Premier: These Bills were in the same order as they had been all through.

Mr. SCADDAN withdrew the inference, but regretted the member for Fremantle was not in the Chamber opposing this Bill. The Provisional Order for the North Fremantle extension was drawn up before the Provisional Order for this tramway.

The Minister: Both were signed on the same day.

The PREMIER: The North Fremantle Tramways Bill was kept back at the request of the member for East Fremantle, because there was a conference being held and it was desired to amend the measure.

Mr. SCADDAN: The North Fremantle Tramways Bill could be passed in five minutes, but it was kept back behind this measure, which was a concession granted to a private promoter. There was therefore ground for complaint and it was regretted opposition did not come from certain quarters from which it might be expected. We should be careful to safeguard the interests of the public.

Mr. DRAPER: No one could accuse him of attempting to block this Bill, but he certainly wished to see the terms of the agreement. He was not at all satisfied that the Bill, when passed, would not be in conflict with the agreement.

Mr. DAGLISH: The Attorney General had the agreement before the House when the Bill was last discussed. As a private member it was not his business to supply members with copies of an agreement he had signed by virtue of his municipal position. He now desired to move his amendment.

Mr. Walker: We had not arrived at that stage yet.

Mr. DAGLISH: The amendment was in order. The question before the Chair was that the clause, as amended, be adopted, and as this was being discussed in a general way, no one having intimated an amendment, therefore he stepped in with one that had twice previously been moved and twice previously withdrawn as an act of courtesy to members, an act of courtesy that in some respects had been abused. As no member evidently desired to move a previous amendment, he requested that his amendment be received.

Mr. WALKER: It had always been the custom where there was an intimation of an antecedent amendment to allow it to take precedence.

The CHAIRMAN: If the hon. member desired to move an antecedent amendment he could do so.

Mr. WALKER moved as an amendment—That the following be added to the clause:—

Subject to the omission of the words in paragraph 14: "Any service operated after such three years shall gross or earn not less than an annual average of fifteen-pence per car mile and."

Mr. COLLIER supported the amendment. It was an insult to the Committee to be asked to discuss this matter without the agreement.

The MINISTER: It was in the Chamber last time.

Mr. COLLIER: The agreement should be here when we put the Bill through so that we could refer to it and know what it contained, that we need not go cap in hand to any private member to ask him graciously to inform us what the agreement contained. Why could it not be here? The Minister had said he wanted to "slip this Bill through Committee."

The MINISTER objected to the statement that he had said he wished to slip the Bill through Committee.

The CHAIRMAN : The hon. member must withdraw.

Mr. COLLIER withdrew the statement. The Minister had said that but for the opposition shown to the Bill it would this afternoon have slipped through Committee, and the land owner would have had no advertisement, for people would have known nothing about it. The Committee had been deceived as to the Bill. Only a few moments ago the member for Subiaco had informed us of a certain provision in the agreement, which provision should be contained in the provisional order—that the promoter could discontinue the running of trams whenever he chose. It was admitted that Colonel Bruce would build the tramway for the sole purpose of selling his land. After the land was sold it might pay him to discontinue the running of trams. True, the local bodies could take over the tramway, but if it did not pay the promoter it was not likely to pay the local bodies.

The Minister : The agreement was read out to the Committee.

Mr. COLLIER : Only extracts, which members could not be expected to understand without seeing the agreement. We were told on the last occasion that the agreement was in the municipal offices at Subiaco. Why should we have to go to a private member for information to which we had a right ?

Mr. Foulkes : The member for Subiaco had shown it to the hon. member.

Mr. COLLIER : Certainly not.

The DEPUTY CHAIRMAN : The hon. member must confine himself to the amendment.

Mr. COLLIER : The amendment was highly necessary in the event of the service not returning 1s. 3d. per car mile. That it would not return that sum was almost certain.

Mr. WALKER : Before we could judge of the wisdom of the amendment we must see the agreement, which he had never had a chance of perusing. Even the Minister for Works and the Attorney General had neglected to read the agreement. No member had read it except the

member for Subiaco. The amendment would make it compulsory that trams should be run for the next three years, whether or not they earned 1s. 3d. per car mile. But this and every amendment of the provisional order might conflict with the agreement. It was unlikely that the cars would earn 1s. 3d. per mile until after many years ; so the agreement might be used to set aside all the restrictions in the provisional order. We were giving the promoter everything, without any safeguard. Within six months he could discontinue the service, and meanwhile the State had given him a big advertisement, resulting in a land boom.

Mr. Foulkes : He would have paid for the tramway.

Mr. WALKER : The hon. member knew how much land owners were willing to spend in advertising land sales. Was there any reason to believe that the agreement would be altered in conformity with the provisional order as amended ?

The Treasurer : It must be altered.

Mr. WALKER : Why ? In bigger concessions than this such conflicting provisions had led to almost endless litigation.

The Treasurer : The agreement could not override the Act.

Mr. WALKER : To understand the provisional order we must have the agreement before us.

At 6.15, the Deputy Chairman left the Chair.

At 7.30, Chair resumed.

Mr. WALKER (continuing) : To show the effect of this amendment, he had obtained (during the adjournment) information regarding the earnings per car-mile of the Fremantle tramways. The average was 11.19d. The details were—Canning road service, 12¾d. ; South Fremantle, 13d. ; Beaconsfield, 9½d. ; Marmion Street section, 8d. two-thirds. Hence not one section of the Fremantle system reached the 15d. mark proposed in this Bill as the figure at which the promoter could be penalised for a cessation of the service. Since the Fremantle tramways were well-established and operated in a populous district it was

reasonable to assume that the earnings of this service for the first three years would not be anything approaching the stipulated limit. Therefore the Provisional Order, unless the position was safeguarded in the agreement, was useless, and the promoter could run the trams just so long as suited him. If the amendment were carried, the elimination of the words proposed to be struck out would give some control as to continuance of the system after three years.

The MINISTER: The promoter must give two months' notice of intention to discontinue the service; and farther must sacrifice the posts, rails, sleepers, and overhead gear. If he were successful in the sale of lands, there must be a considerable business built up for the tramway; while if he were not successful, it would be unreasonable to insist that he continue the service after three years.

Mr. COLLIER: If the promoter discontinued the service as unremunerative, of what use would be the acquisition of the system by the municipality? The amendment was proved to be necessary by the figures quoted by the member for Kanowna, showing that an established system in a populous district could not earn the amount stipulated in the Bill as justifying a penalty for non-continuance of the service.

The ATTORNEY GENERAL: Members showed a very small knowledge of what the earnings per car mile meant when they compared the earnings of a big system with those of what must be a very small one. Take the systems running all day long, where a large number of car miles were traversed, and a return of 9d. per car mile would show a very good profit as the cost would be comparatively small. On the other hand, when a tram was run into a district such as this where there could only be nine trips a day, all the expenses must be paid on the earnings of those trips. The comparison made by the member for Kanowna (Mr. Walker) was absolutely misleading. The promoter was compelled to run the trams for three years, and if after the expiration of that period he could show that the system was not earning 1s. 3d. per car mile, he would not be compelled to con-

tinue the service. In that case he would lose his property. When the Bill was before the House previously the member for Subiaco (Mr. Daglish) alluded to the agreement and described what would happen in the event of the promoter not performing his portion of the contract. The hon. member mentioned that if the service were not continued the property of the promoter would be forfeited to the council.

Mr. Collier: Was it in the agreement that the promoter could discontinue the line at any time after the opening?

The ATTORNEY GENERAL: The agreement was subservient to the conditional order which said that the service must be kept running for three years. [Mr. Scaddan: Where was there provision for a penalty?] That was in the agreement. Altogether the conditions against the promoter were exceedingly harsh. Either the sale of the land would be successful, there would be settlement and it would pay to run a tram service, or the reverse would happen, and if so there would be no sale of land and no settlement and the tram service would for three years have to go through merely to scratch up the dust along the line. Members were seeking not for reasonable conditions but prohibitive ones so that the project might be abandoned.

Mr. SCADDAN: The paragraph provided that the promoter should run the line for three years and if he did not he should forfeit his tramline. Supposing he did forfeit through the line being useless to him, it would be equally useless to the Subiaco Municipal Council. In addition, the trams would be the property of the Perth Tramway Company and in all likelihood the rails as well; consequently there would be nothing for the Subiaco Council to get as forfeited property. The penalty was insufficient. The subdivision of the property was already prepared and the promoter hoped to dispose of much of it in order to pay the initial expenses of laying the tramline.

The Attorney General: If this land were sold, would there not be settlement and a paying tram service.

Mr. SCADDAN: There need not be settlement if the land were sold, for pro-

bably speculators would purchase. If at the end of three years it was found that 1s. 3d. per car mile was not earned, the promoter could stop the service without forfeiting the property. The provisional order distinctly stated if after three years running 1s. 3d. per car mile was not earned, the promoter need not continue running the trams. If at Fremantle the trams could not earn 1s. 3d. per car mile, what hope was there of these trams earning that amount, therefore the promoter would be able to withdraw his trams.

MR DRAPER: It was a pity the agreement was not before the House; if it had been the member for Ivanhoe would perhaps be satisfied there was provision made to protect the rights of the public. Assuming what the Attorney General had told the Committee was correct, that if the promoter discontinued running the trams, then the tramlines and sleepers belonged to the municipality or roads board, if that were so, clearly there would be sufficient penalty provided. The interpretation he (Mr. Draper) put on the clause was that the promoter had to run the trams for three years irrespective of what the earnings were; after that time if the earnings were less than 1s. 3d. per car mile, the promoter could discontinue to run the trams. Assuming the earnings were less than 1s. 3d. per car mile, all we had to see was that there was sufficient penalty in the agreement to prevent the promoter stopping the running of the trams. If when he threw it up he lost his property in the rails and sleepers, that was sufficient for him to continue running the trams unless he were forced to give the line up. The agreement according to the Attorney General, provided more protection than was provided by the Tramways Act. In paragraph 7 it was provided that the agreement was not prejudiced by the Tramways Act or this order. That meant that if there was any penalty which the promoter was liable for under the agreement, he still remained liable to that in addition to any penalty imposed by the Tramways Act; and by the Tramways Act a penalty was provided to ensure the performance of the contract. The Minister for Works had stated that he would insert in the Provisional Order the penal-

ties that were provided in the agreement. That would be more satisfactory.

MR. WALKER: What was the nature of the amendment the Minister intended to propose? This Provisional Order would override any agreement. There was an amendment on the Notice Paper which declared that when there was any variance between the Bill and the Tramways Act, the provisions of the order should prevail. If that amendment were passed whatever was in the Provisional Order became the ruling act as regards the tramway.

THE MINISTER FOR WORKS: Some of the penalties imposed on the promoter by the agreement were more severe than the penalties in the Tramways Act.

MR. WALKER: Was there a saving clause? If there was any escape in the clause from all the stringent conditions, then the conditions were worth nothing. As the clause stood, at the end of three years the promoter could walk out and stick to his stock; the council could not touch him. The performance of the conditions that implied penalties were subject to the condition that the promoter should earn at least 1s. 3d. per car mile. If he ceased to run the cars he must forfeit to the local authorities; if he did not make the amount specified he need not make any sacrifice. Before the amendment was passed or voted on we should know what was the proposal the Minister would submit. If the agreement were placed before members on Tuesday the Bill would take no time. The absence of the agreement created suspicion.

MR. T. L. BROWN moved—

That progress be reported.

Motion negatived.

THE MINISTER FOR WORKS: Were it not at such a late stage of the session he would gladly fall in with the proposal to report progress, but it was absolutely necessary for the Government to push on with their business.

MR. STUART: Was this Government business?

THE MINISTER: It was already explained that once a Provisional Order was granted by the Minister the obliga-

tion was imposed on the Minister to see it confirmed by the passage of a Bill through Parliament. The Attorney General had assured us that anything in the Provisional Order overrode anything in the agreement; but in order to make sure that Colonel Bruce would suffer real hardship if he ceased to run this tram, he was prepared to have inserted in the Provisional Order the following words:—

“Provided farther that if the promoter shall discontinue after the said term of three years the working of the line as hereinbefore provided, the posts, rails, sleepers, fastenings and overhead running gear shall belong to the municipality or roads board in which municipality or roads districts they are laid or erected, and thereupon the liability of the promoter shall cease and determine.”

This was one of the reasons why the member for Subiaco had intended to move to amend the Bill to ensure that the terms of the Provisional Order should override the Tramways Act if the two came into conflict. Under the Tramways Act, if after the expiration of two months the tramway ceased to run, the local authority could take up the rails and take down the overhead gear, sell it, and, after deducting expenses, hand the balance to the proprietor. The amendment suggested was much more stringent. The promoter would surrender everything to the local authority. In the agreement the local authorities took every precaution and one was inclined to think they had acted very strictly. The hon. member should withdraw his amendment and let this be substituted.

Mr. WALKER: It was impossible to grasp the essentials of the amendment. We should report progress so that members could study it.

The Minister regretted he could not consent to report progress.

Mr. WALKER: In spite of this penalty suggested, the promoter could discontinue once he had sold his land and at good value. The tram had done its work and advertised the land and was no longer any good.

The Treasurer: It was good to the municipality and the rateable values would be increased.

Mr. WALKER: This looked like a bargain between the municipal bodies and the speculator, the former being avaricious of getting increased rates and the latter of creating a boom, advertising himself by means of this tramway and selling his land. Afterwards compared with the price realised for the land, the money spent on the tramway would be as nothing. The promoter could easily afford to lose it.

The Minister: It would cost several thousands of pounds.

Mr. Gordon: Did the hon. member wish to block the sale of the land?

Mr. WALKER: We should block the country encouraging speculation at the expense of the people. We should protect the people. By the amendment the position would not be altered one iota. The penalty would not prevent the promoter from ceasing to run the trams after he sold his land. What provision was there to secure the continuous running of the line? He protested against making a law for the benefit of the speculator. Even if the tramway would benefit the public, we must have a definite proviso that the promoter should be under a penalty if he discontinued the service.

Mr. GULL moved—

That the Committee do now divide.

Motion put, and a division taken with the following result:—

Ayes	..	..	..	18
Noes	..	..	..	12

Majority for 6

AYES.	NOES.
Mr. Barnett	Mr. Angwin
Mr. Brebber	Mr. Bolton
Mr. Cowcher	Mr. T. L. Brown
Mr. Draper	Mr. Collier
Mr. Foulkes	Mr. Holman
Mr. Gordon	Mr. Horan
Mr. Gregory	Mr. Scaddan
Mr. Gull	Mr. Taylor
Mr. Hayward	Mr. Underwood
Mr. Mitchell	Mr. Walker
Mr. Monger	Mr. Ware
Mr. N. J. Moore	Mr. Stuart (Teller).
Mr. S. F. Moore	
Mr. Price	
Mr. Smith	
Mr. Verrard	
Mr. F. Wilson	
Mr. Layman (Teller).	

Closure motion thus passed.

Amendment put accordingly, and passed.

Mr. SCADDAN moved as an amendment that the following words be added to the clause :—

Subject to the addition of the following words to paragraph 14: "The promoter shall deposit with the Colonial Treasurer the sum of one thousand pounds as a guarantee that the conditions set out in this paragraph will be complied with; and farther, should these conditions not be complied with, or the promoter cease to run nine non-special trams each way for a period of ten years from the date of completion of the work, the said one thousand pounds shall be forfeited."

Practically no penalty was provided for non-compliance with the paragraph, and apparently the Minister for Works had decided not to move the amendment of which he had given notice, and which, even if passed, would not have the desired effect. The Treasurer said that if the promoter ceased running trams at the expiration of three years because he was not earning 1s. 3d. per mile, the municipality would take over the tramway. What would be the value of that privilege?

The Treasurer: The land, if sold, would be populated.

Mr. SCADDAN: Not necessarily. It had already been sold, and was not populated. After the rumour circulated, progress should be reported to permit of a search at the Titles Office.

The Treasurer: What rumour?

Mr. Walker: That certain legislators, not necessarily of this House, had bought property which this tramway would serve.

Mr. SCADDAN: According to the member for West Perth (Mr. Draper) the provisional order in this special Bill could not override the Tramways Act of 1885; and while the Bill provided that the tramway should be forfeited if the promoter ceased to run after three years had expired, the forfeiture meant only that by Section 27 of the Tramways Act the tramway could be sold by the local authority, and after deducting cost of sale the balance must go to the promoter. Of what benefit would that be to the ratepayers of Subiaco, who were led to believe that they

would in a few years' time acquire for nothing a splendid asset?

Mr. DRAPER must have been misunderstood. He had intended to convey that the Tramways Act would override any agreement between the parties; not that the Act would override the provisional order passed by this House.

Mr. SCADDAN: The hon. member had evidently been misunderstood, and in view of what he said the Committee would doubtless agree to the amendment. There must be a penalty to ensure compliance with the conditions. If Colonel Bruce was in earnest, he would not object to depositing £1,000 with the Treasurer.

The MINISTER could not accept the amendment. The members on the Government side of the House regarded this as a legitimate affair.

Mr. Walker: This was not a part question.

The MINISTER: It was to this extent: that members on the other side objected to private enterprise while we believed that the country had been developed by private enterprise. We believed that if we could get fair safeguards for the running of the line we ought to assist the promoter in developing his property. One would think after listening to members that Colonel Bruce was a plunderer; as a matter of fact he was taking a very big business risk in the present state of land values in and around Perth and Fremantle. The anticipation of huge sales and enormous profits would not be realised. Colonel Bruce might make profit out of his land, but he might find that at the end of three years he would be a loser by the transaction.

Mr. FOULKES: Colonel Bruce was not the only person interested in having the tramway constructed. Some members would be surprised to learn that there were no less than 297 owners of land who would be accommodated if the work were constructed. There were the trustees of the University endowment fund. Colonel Bruce had approached these trustees and asked them to contribute a portion towards the cost of making the tramway; he had asked all the other land owners, but not

single person came forward to bear a share in the construction of the line. It was all very well to abuse this man, saying that he was an absentee, but he had more enterprise than our own people had. The trustees of the University endowment held a large area of land, but they refused to contribute. Still they said, "we will assist you in every possible way." He (Mr. Foulkes) believed the Leader of the Opposition was one of the trustees, and had been requested to ask the House to forward this work. The area of land held by other owners outside Colonel Bruce amounted to 1,300 or 1,400 acres of land, while Colonel Bruce held 200 acres. Take the Claremont roads board, they were materially interested. If the work were carried out they anticipated an additional amount of £400 in rates, which if capitalised at 4 per cent. meant £10,000.

Mr. T. L. Brown: What would it cost to make the roads?

Mr. FOULKES: It would cost a certain amount; he could not inform members how many roads it would be necessary to make. The denser the population the greater amount of road would have to be made, and it followed that the greater amount of road the more rates the board would receive. He wished to disabuse the minds of members that only one person was interested in the carrying out of the scheme.

Mr. Taylor: Mention some of the others.

Mr. FOULKES: There were 297.

Mr. Taylor: Were there any members of Parliament or members of another place?

Mr. FOULKES could not say what property members of another place held. We could not shut our eyes to the fact that the trustees of the university endowment would not take the risk, but a man in England was prepared to come forward and spend £10,000 on this work.

Mr. COLLIER: The member for Claremont had not disabused the minds of members as to the ownership of the land. It was rumoured that there were one or two influential gentlemen interested in some of this property.

The Treasurer: In Colonel Bruce's estate?

Mr. COLLIER: Yes.

The Treasurer: He had not the estate now then?

Mr. WALKER: It was divided amongst a little group. There were some prominent individuals.

Mr. COLLIER: The Government might well agree to report progress considering the ugly rumours that were afloat.

The Attorney General: Why not say what they were?

Mr. COLLIER would exercise his judgment as to how far he would go in this matter. The member for Claremont said he wished to give information as to who owned this property, but he only told members about the University endowment trustees and the Claremont roads board, and he stated that there were 297 other owners interested. He carefully refrained from mentioning names. The member did not give the Committee all the information he could have given. It was not unreasonable for members to ask Colonel Bruce to put up a deposit of £1,000, for it was our duty to protect the public. It was quite possible after the Bill passed and when the aims of this gentleman and others had been accomplished, and the necessary advertisement given to the land, that the work would not be gone on with, for the promoter need not commence work for nine months, and then had another nine months, subject to extension by the Minister, to complete the work. In the meantime Colonel Bruce was getting rid of the land at an enhanced value.

Mr. FOULKES: Some member asked whether any member of Parliament had bought any land from Colonel Bruce. Since previously speaking he could inform members, and he had authority for saying so, that not a single member of Parliament had bought any land at all from Colonel Bruce's estate.

Mr. Scaddan: Who was the authority?

Mr. FOULKES: It was sufficient for him to say he had the best authority for saying so.

Mr. Walker: Since when?

Mr. Taylor: He had found out since he last spoke.

Mr. WALKER: The manner in which the member for Claremont had spoken in itself made one doubtful as to plunging into this matter. The statement had been made with the utmost precision as if some agent of this scheme was in the neighbourhood of this building at the present time, for members ran out and got information and came back. They went and consulted the agent and came back to give some information.

The Treasurer: Quite right, too, if members made such charges.

Mr. WALKER would undertake to prove that there were distinguished personages of the State not holding Colonel Bruce's estate, but who were interested and whose property would be immediately benefited by the construction of the line.

The Treasurer: The member for Claremont forgot to make it clear.

Mr. WALKER: Did the Treasurer desire him (Mr. Walker) to make charges? Did the Treasurer want other Illingworth affairs or cases of that kind?

The Treasurer: The hon. member could make as many charges as he liked.

Mr. WALKER: No; he would not be so foolish.

The Chairman: Order! The discussion was far beyond the bounds of the amendment.

Mr. WALKER: Personal matters having been introduced he felt it more or less incumbent on him to reply. The amendment of the member for Ivanhoe was that there should be some guarantee. The Minister tried to make it a party question, but there were members on the Opposition side of the House who would like to see this line built for various reasons. The principle asserted by the Opposition was that the Committee should not lend its assistance by the laws of the land to a monopoly and to the granting of advantages to private speculators over other people. The Opposition did not object to private enterprise, but objected to giving a private individual an advantage over other people. They objected to the land speculator coming to Parliament and asking for Legislative enactment to put up the

value of his land, and to create a boom. The amendment would test whether it was a genuine scheme, by asking the promoter to deposit with the Treasurer £1,000 as a guarantee that the work would be proceeded with.

Mr. ANGWIN: No doubt the local authorities had weighed the matter of the deposit carefully to see whether it was sufficient to warrant their giving the right to use their roads for the tramway. It was realised the promoter wanted to build this line to sell some land, but it would also be beneficial to the people on neighbouring land. This line would provide a means of conveyance to the river for the inhabitants of Subiaco, and by the terms of the agreement they would also get a recreation ground. The local authorities had considered the advantages gained by the districts, but the Bill went farther. For some years to come there would be no profit from the tramway, but eventually it might be a paying concern, and under the terms of the agreement the local bodies interested could purchase the tramway at half the cost of construction. That was where it ceased to be a monopoly. It was regrettable that the Minister for Works should say this was a party question.

The Minister for Works: It was not said.

Mr. ANGWIN: This was no party question. He hoped the districts would be benefited by the construction of this tramway.

Mr. TAYLOR regretted the amendment could not be accepted by the Minister. It was really only a guarantee, though there might be some argument as to the amount. When a Minister was so resolute that he would not inflict any more hardship on the promoter, to use the Minister's own words, and when the Minister took the bit in his mouth and said he was determined to make this a party question and to put the Bill through by force of numbers, then members should take exception to that attitude and should at once endeavour to protect the country against monopolists. This could only be a monopoly.

The Minister: There was a penalty already imposed.

Mr. TAYLOR: It was too light. He could not be accused of delaying the measure, not having spoken since early in the debate, nor was there any desire on the part of the Opposition to delay the passage of the Bill. Members simply desired to see that if the Bill passed, in a few years time it would not bring a blush to their cheeks. He deprecated the attitude of the Minister, and hoped there would be a compromise in regard to the amount of the guarantee.

The MINISTER was prepared to meet hon. members; but £1,000 was rather heavy. The cost of the tramway would only be £6,000 or £7,000.

Mr. Scaddan: That only meant £50 a year, and there would be interest paid on the deposit.

The MINISTER: Had not the hon. member undertaken to meet him half way?

Mr. Scaddan: Nothing of the sort was said. The sum of £1,000 was a fair thing.

The PREMIER: Members opposite evidently desired some evidence of the *bona fides* of the promoter. It did not seem necessary to waste valuable time at the present stage of the session in arguing whether £1,000 or £500 should be put up. No doubt certain financial arrangements would be made, and possibly if the sum was fixed at £1,000 it would only cause temporary inconvenience to the promoter. It was necessary to recognise that it was a matter for compromise, and if it was the wish of the Committee that £1,000 should be put up, the Government could only show that they had done their duty in endeavouring to adhere to the Provisional Order and must ask the promoter to abide by the decision of the Committee. But Colonel Bruce was not the bloated capitalist members tried to make out; the old gentleman was a half-pay, retired army officer who had served his King and country for many years, and all he had in the world was a pension, an invalid wife, and a small area of land in the neighbourhood of Nedlands. So members need not think that by allowing the tramway to be constructed they were assisting a very wealthy man. They would merely assist one who in the early days of the State had acquired land, which certainly had not

been of great value to the holder, and out of which one could say he was going to make very much. In the circumstances and so that we might get on with more important business the Government would be prepared to accept the amendment.

Amendment put and passed.

Mr. TAYLOR moved an amendment that the following words be added:—

Subject to an amendment as follows, namely the addition to Clause 17 thereof of the following words: "If it should appear that any provisions of this order are in any respect inconsistent with the provisions of the Tramways Act 1885, the provisions of this order shall prevail."

Amendment put and passed, clause as amended agreed to.

Clauses 3 to 5—agreed to.

New Clause:

Mr. TAYLOR moved to add the following new clause:—

The said road board of the Claremont road district shall have the power and are hereby authorised to borrow, under the provisions of Part VII. of the Roads Act 1902, any moneys that may be required by the board for the construction of the road along the line of route of the said tramway, provided that the provisions of Sections 161 to 164 inclusive of the said Act shall not apply to any loan raised under the authority of this Act.

The object was to enable the road board of Claremont to borrow money in order to construct the road.

Mr. T. L. BROWN: When the Bill was previously discussed, he took exception to the measure because it was provided that the roads boards and municipality should make the roads simultaneously to the promoter laying the line. Seeing the difference of opinion that existed among members as to the Bill generally, it would be wise to report progress so that farther consideration could be paid to it. It was inadvisable to give the powers to the Claremont roads board that were suggested by the proposed new clause.

Mr. STUART: The member for Mount Margaret said it was not possible

to take a poll of the ratepayers, because so many of them were absentees. Was there any reason to believe that the ratepayers approved of borrowing money for road-making?

Mr. TAYLOR: On good authority he was informed that the majority of the ratepayers in the Claremont road district were desirous of raising the loan, but could not borrow under the Roads Act, owing to a large number of ratepayers being absentees. This amendment, he believed, was suggested by the board, to enable roads to be constructed.

Mr. T. L. BROWN: The last speaker assured us that the ratepayers desired to raise a loan. When was the poll taken, or how was the desire expressed?

Motion put and passed, the clause added.

New Clause—Members of Parliament to travel free of charge:

Mr. TAYLOR moved that the following new clause be added:—

Every member of the Parliament of Western Australia during the time that he continues to act as such member shall be entitled to travel free of all charge on all cars, special or non-special, on any journey over any part or the whole of the tramway constructed under the provisions of this Act; and the provisional order in the annexed schedule shall be held to have been made and entered into subject to the above provision.

The Premier: What about the wives of members of Parliament?

Mr. TAYLOR: They could not travel free on Government railways. When anything went wrong with such a concession, and the public or the employees felt aggrieved, members of Parliament were immediately asked to visit the scene, and should therefore be allowed to travel free.

Mr. SCADDAN supported the motion; but owing to the state of the mover's health the words "every member" should be struck out, and "the member for Mount Margaret" inserted.

Motion passed; the clause added.

Schedule, Title—agreed to.

Bill reported with amendments; the report adopted.

BILL—NORTH FREMANTLE MUNICIPAL TRAMWAYS.

In Committee.

Mr. Daglish in the Chair, the Minister for Works in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Confirmation of Provisional Order:

The MINISTER FOR WORKS moved an amendment that the following be added to the clause:—

Subject to the following amendment to paragraph 1 of the Provisional Order "That the words 'and the municipality of Fremantle' be inserted after 'North Fremantle' in line 3; and that the words 'in so far as the said municipality of North Fremantle is concerned,' be inserted after 'hereto,' in line 4."

Amendment passed.

The MINISTER FOR WORKS moved a farther amendment that the following be added to the clause:—

But this clause shall not be deemed to affect the following contracts for the supply of electricity between the Fremantle Tramway Board and the Fremantle Harbour Trust and the West Australian Government Railways dated January 17th, 1906, and between the Fremantle Tramway Board and the North Fremantle Municipal Council dated November 10, 1905, and for the lease of tramways between the Fremantle Tramway Board and the North Fremantle Municipal Council dated June 27th, 1907.

Mr. ANGWIN: Since he placed amendments on the Notice Paper, the councils interested had discussed the question and agreed to the amendments, but as the Minister had substituted others which effected the same purpose, he did not intend to move his amendments.

Amendment passed; the clause as amended agreed to.

Clauses 4 to 21—agreed to.

Clause 22—Exemption from rates :

The MINISTER FOR WORKS moved
an amendment—

That all the words after "roads board" in line 21 be struck out, and the following inserted in lieu: "With any rate, tax, or payment in respect of any work that may be constructed under the authority of this Act within the boundaries of any municipality or roads board."

The object was to exempt the North Fremantle council from the payment of rates on any works constructed by them within any other municipality.

Amendment passed: the clause as amended agreed to.

Clauses 23 and 24—agreed to.

Schedule—agreed to.

Bill reported with amendments: the report adopted.

BILL—WONNERUP-NANNUP RAILWAY.

Second Reading.

Debate resumed from the previous day.

Mr. T. H. BATH (Brown Hill): So far as this railway is concerned I admit on the information supplied by the Premier there is a great deal to be said in favour of the construction of a railway in this particular district. I recognise if ever the dairying industry is to be successfully established in Western Australia, in such a way as to compete with the favoured districts of the Eastern States, that it will be in such a district as this, where a number of settlers can be settled within a comparatively small area and given cheap facilities for supplying their cream in order to be converted into butter. I say that much for the railway proposal, but that in no way detracts from my views, which were urged in regard to the other proposition which we were discussing last night. In respect to that matter I wish to take exception to the appallingly rash statements uttered by the Treasurer in view of more substantial arguments. In the first place we were informed of the remarkable increase in the revenue which was being derived from agricultural produce, and we were

told this was compensating for the falling off in the freight, or revenue derived from freight, on the goldfields line. I want to point out the Treasurer stated it had increased—

The Treasurer: No.

Mr. BATH: I want to point out to that gentleman, in the report for the last financial year we find the Commissioner pointing out that the decrease in rates amounted to £97,000, and setting forth the headings under which these decreases took place. And we find under agricultural produce it amounted to £20,000, and none of the other items referred to other than ore traffic to the Fremantle Smelting Works, referred to the goldfields traffic at all, unless it may be included under the heading of "Passenger and other traffic generally £8,500," only a portion of which can be credited to the goldfields line. When I spoke of the disasters which had fallen on the indiscriminate and ill-advised railway policy of Victoria, the Treasurer referred me to the fact that there could have been no permanently bad result in view of the fact that two railway propositions were before the Victorian Parliament at the present time. They have a provision in Victoria which places their railway propositions on an altogether different basis from those in Western Australia. This is a provision from an Act called the Mildura and Yelta Railway Construction, which is inserted in all Victorian Railway Acts, and it says:—

"The construction of the said line shall not be commenced until after the Shire Council of Mildura shall have entered into a bond (which bond the said council is hereby authorised to enter into on behalf of the said shire) to the satisfaction of the Treasurer binding the said shire for a period of ten years from the opening of the said line of railway for traffic, in the event of the revenue from the said line being insufficient to cover the cost of working such line and three pounds and ten shillings per centum per annum interest on the cost of construction and of rolling-stock, to pay the Treasurer of Victoria from time to time on demand the amount of any such insufficiency

in any year as certified by the Commissioner of Audit, but not to any greater extent in any year than such a sum as represents the amount which would be raised by a one shilling rate imposed on all the rateable property in such shire, and such amount may be raised if necessary (and notwithstanding any statutory limit of rates) by the council increasing the annual or general rate) by such a sum in the pound but not exceeding one shilling as shall be sufficient to provide the amount thereof, and such increased rate shall for all purposes be deemed to be and be recoverable by the said council as general rates. If the shire council makes default in paying any such amount on demand the said Treasurer shall deduct such amount from any moneys in his hands that may at any time be or become payable by him to such council either out of the consolidated revenue or on account of any fees, fines, penalties, or equivalent of license fees whether pursuant to any Act or vote of Parliament or otherwise."

That has been a provision inserted in all their Railway Acts.

The Treasurer: Not all: just of late.

Mr. BATH: What I mean is since they had the disastrous years and since they gradually recovered their position and found that if they are to embark on railway propositions they cannot pursue the policy which they pursued in the past, but they must have some reasonable guarantee that if the line did not pay it would not be a burden that would cripple the taxpayers of the State, but that those directly affected by the line must make up the loss sustained on the working of the railway until such time as an increase in settlement made it a payable proposition. Precisely the same condition of affairs arose in New South Wales. They had exactly the same experience as in Victoria, and I find there, in an old report, no less number of lines than 20 on which a total loss of £500,000 was sustained on railway propositions, which were entered into in the boom and burst days of New South Wales. And in New South Wales the very same experience compelled them to adopt, not the same expedient, but a means of

causing the people benefited by the line to make up any difference in the working. In Victoria they compelled the shire councils to give a guarantee and bond. The member for Swan is not here, but I may point out to him the have a very simple but very effective condition to enforce the bond, because the people enter into a guarantee, and if they refuse to pay it the Government turn round and refuse to run the railway. If they want railway facilities and if there is any deficiency, they have to make it up under the bond they enter into. In New South Wales they have a betterment tax of a certain rate on the unimproved value of the land, which makes up any deficiency in the running of these railways in New South Wales so that under such conditions they enter into their railway propositions with more security and wisdom than in Western Australia where we merely adopt the expedient of passing the burden on to the taxpayers. As it is now we are paying for the loss sustained on the small railways constructed last year—we are being compelled to make up an amount of £4,000, and if we multiply that amount with the number of lines to be constructed now it will be a very substantial item indeed. And that takes no cognisance of interest and sinking fund, that is, it is apart from the interest and sinking fund we pay on the construction of these railways. It is all very well to dismiss these difficulties or these arguments with a waive of the hand and say we will be all right, but the position is this: It is estimated even by the most ardent supporters of these railways placed before us that we are going to have a loss on them for many years to come: and apart from that loss on the working of the railways we will have to find for the total railway works under construction and contemplated a sum of £150,000 per annum. The Treasurer has found it very difficult to raise £80,000. He has had to humiliate himself, to go on his knees to the Legislative Council. [The Treasurer: Oh, no]—and he has had to amend his proposals from time to time and to practically grovel in the dust in order to secure an increased revenue

of £80,000. I would like to know from the Treasurer how he is going to find this additional £150,000 that will be required.

The Treasurer: How do you make it £150,000?

Mr. BATH: I am reckoning $4\frac{1}{2}$ per cent. on the total cost of these works. I may say I am including the dock. At least the interest and sinking fund at $4\frac{1}{2}$ per cent. will be £100,000, and I am adding £50,000 as a moderate estimate of the deficiency between revenue and working expenses per annum on these railways. That makes a total of £150,000. These are difficulties altogether in getting £80,000. It has taken since the first session of 1906 to accomplish it; and it is not very certain that when the Bill is finally adopted we will raise £80,000 from that taxation measure. If all these checks are experienced in getting £80,000 it will be interesting to hear from the Treasurer how he is going to secure by taxation the other £150,000. These are difficulties altogether apart from the merits of any individual line. This proposal undoubtedly has merits. I regard that extreme south-western portion of the State as one of the most promising portions of Western Australia, especially from the point of view of closer settlement and more intense culture than we may hope to have in other areas of Western Australia. Therefore, the opening up of such a country by railways is a policy that must be pursued: but even admitting that, the difficulties which are presented to us by a policy involving us in such a heavy burden on the taxpayers every year, in addition to what they have to pay now, are such as should give us pause and make it essential for us to examine ways and means before we embark on such a policy. I recognise that if we can adopt such a policy as is adopted in Victoria or New South Wales the whole thing would be much simplified; because it would then mean that those who derived a benefit from the railway—and undoubtedly they do—would have to pay for it if the proposition did not turn out a profitable one. As it is now the whole of the population

are called upon to contribute, and the burden will undoubtedly be a big one to some of them. And what have they to contribute for? They have to contribute to enhance the property of people served by the railway, to put something into their pockets. That is not a proposition that is fair or reasonable. And though I was prevented last year by reason of its being a contravention of the Standing Orders from moving in the direction of a betterment tax in connection with our railway system, I think it is a system that should commend itself to the attention of the Government. If such a policy were adopted it would very much simplify the carrying out of a developmental railway policy in Western Australia.

The TREASURER (Hon. F. Wilson): I am glad to hear the remarks of the Leader of the Opposition in regard to this railway and more especially in regard to the possibilities of dairying in the South-Western District. I agree with him that this line is one of the most important of the whole batch that we have brought down for the consideration of Parliament this session. The Premier gave a brief outline of the possibilities in connection with the construction of this railway and enumerated the quantity of land already settled in the Blackwood district and that open for selection; so that it will be unnecessary for me to go into figures in that respect; but I want to point out briefly that in this Blackwood Valley we have one of the most fertile portions of our State, we have an immense territory which to the present has never been appreciated by the Parliaments of this State, nor has it had that assistance which other more favoured portions of the State have received at the hands of the Legislature.

Mr. Bath: They have been a bit slow about getting a hustle on.

The TREASURER: I agree with the hon. member. The settlers of this part of our State have been somewhat slow in the past, but during the last three years, since they have had a somewhat live member representing them, require-

ments of the district have been energetically placed before those in power.

Mr. Bath: They do not appreciate the hon. member.

The TREASURER: They do, and the hon. member will find it out if he accompanies me through my district at any time. We have a vast territory which for climatic conditions is unexcelled in the whole of the Commonwealth, where drought is practically unknown, and where the early pioneers have shown their judgment of what is good soil and a good climate by settling 50, 60 and 70 years ago. There is no doubt their judgment was sound; and that it was far-seeing is also evidenced by what they have done without those ordinary facilities of transit which I am asking the House to grant this evening. The old pioneers who settled in that district 50 and 60 years ago have clung tenaciously to their holdings, and notwithstanding all their drawbacks they have been able to get along and make a living, if nothing more. They have suffered a good deal from neglect, as I have said; but that I hope will be rectified to some extent by the passage of this Bill; and I trust that the advent of this little railway to the Nannup district on the Blackwood River right in the centre of this fertile valley will mean a great impetus to the output not only of cereals but also of root crops, especially potatoes, and that it will be the inception—I cannot say the inception, because it is already established in the district—but that it will be a great impetus to the dairying industry which we are all so anxious to see established in our State. We have realised for some time past that so far as potato crops are concerned our growers have not done what is necessary. With a demand in Western Australia of some £109,000 per annum for potatoes alone, even without going beyond our own boundaries we have a vast market to be availed of that will bring profit to our settlers in this district. There is any amount of room for this culture to extend. I assure members that there is sufficient potato-growing land in that district alone to supply all the requirements of Western Australia fourfold. That is only one line to which we look. I want

to emphasise the fact that as the people of Victoria, New South Wales and Queensland of late years have made fortunes and have reached affluence from the progress of the dairying industry, that as their exports have increased by leaps and bounds, so we have the same opportunities here if we only grasp them and make the best use of them.

Mr. Bath: You must remember that they can run two cows to the acre up there.

The TREASURER: Where?

Mr. Bath: In the Richmond and Tweed River districts of New South Wales.

The TREASURER: There is a possibility of doing it in this district. I do not know from personal experience whether the hon. member is right, but whatever can be done in that district I guarantee can be done in Blackwood district with proper culture. The possibilities are so enormous that one can only say that if we do not give some assistance to the establishing of this dairying industry we will be missing one of the great avenues of commerce that has made the other States great in this respect and that is certainly available to us. We have such an enormous demand within our own borders. The consumption of butter in Western Australia reaches almost £1,000 value per day; and not only have we this vast market to supply within our own boundaries, but we have the home market to tap and a fair share of the enormous consumption of Great Britain, reaching something like £20,000,000 worth per annum, speaking from memory, to gain. We have a chance to get in and supply that market when we have overtaken our demand, which will take some years to do; and not only that, but South Africa is taking butter from the Eastern States, and the Far East I have referred to on several occasions in this House is also now drawing considerable supplies of butter and other produce from the Eastern States. So I venture to think anything we may do or anything we can possibly do to put our settlers in the position to take advantage of these markets, to enable them to produce so that they can compete with our neighbours in friendly rivalry, and so that they can get

some portion of this very remunerative trade, should be done very generously by this House. Up to the present there has been something done—I believe it was referred to rather slightly by one member the other night—with regard to butter production in this district. I want to point out to members that something is being done down there, and that some of the settlers are not quite so slow as the Leader of the Opposition would lead the House to think. I have had a note from Macfarlane & Co., Limited, the people who are running the Busselton butter factory. They tell me that in November of the year they started (1902) they only turned out 12 cwt. of butter, in addition to certain milk supplies to the factory which were turned into table cream. The amount paid to suppliers was just under £100. Each succeeding year they have shown a small increase. In November of this year they turned out 130 cwt. of butter, together with table cream, and they paid to the suppliers just over £500. For the beginning of a small factory starting a new industry that must be considered satisfactory, and when I remind the House that they draw their supplies from this very district we hope to tap with a railway, namely Nannup, which is 40 miles away by road, it must convince members that the settlers there are alive and are prepared to do their part. Notwithstanding the fact that they have to cart cream 40 miles into Busselton in cold and hot weather, and perhaps lose a good deal in transit, they have tackled this industry and are determined to make a start, and some are enabled just to hold their own and supply their cream to the factory. Such people are entitled to our consideration and assistance. The people who have the lease of the factory at Busselton also have a factory in Perth, and they draw their supplies from all portions of the State. They get supplies from as far down as Collie and also from Brunswick, along the Eastern railway as far as Nangeenan, a distance of 173 miles; on the Southern railway they get supplies from Beverley, and on the Northern line from Gingin. Taking these facts into consideration members will see what an enor-

mous future there is once we can establish the industry on a firm and sound basis.

Mr. Underwood: How far in the future is it before these natural resources will be developed?

The TREASURER: If the hon. member had listened carefully—perhaps he was not in the Chamber at the time—he would have heard me tell of the small beginnings made in this direction. Within a very few years Queensland—to my knowledge within the last 15 years—has established her butter industry. Last year her output was worth over £750,000. What has been done in that State can certainly be done in Western Australia, with all the natural advantages we have in the South-Western district. I do not wish to go into details in connection with this railway project, but I want to point out this. Not only have we a great possibility of serving the settlers who are already on the Lower Blackwood, but we shall also largely increase settlement in that district within a serviceable distance of the line, and we shall open up the large virgin forests of jarrah and karri which exist there. These forests extend from the Blackwood River South almost to the Southern coast; first there comes jarrah and then karri. With these forests to draw upon, with the enormous possibilities of the timber trade, we have before us in this small proposition one which contrary to what the Leader of the Opposition has been relating, will, when once we get it into full working order, be a payable proposition from the commencement. So much do I think of this line as a commercial proposition, so much enamoured am I of it, that I would readily undertake the purchase of the line and the construction to Nannup, and work it as a railway merely for the traffic I could get over it. I am satisfied with the large timber areas which have been taken up by the Kirrup people in the neighbourhood of St. John's Brook, with the reserve for sleeper hewers for the railway system, and with a farther reserve under consideration, but not yet arranged, for the Timber Hewers' Association. With all these factors and the certainty of the virgin forests this line will tap being

taken full advantage of, we must in a very short time after the completion of the line have a heavy traffic over it. Let me say that the Blackwood Valley, which extends for some 200 miles, is one of the richest valleys, and is really absolutely the best in our State. Without going into the Nelson district we have between Balingrup Brook and Darradup a distance of 28 miles, not as the river winds, for that goes in and out and gives a river frontage of double that distance. Then from Darradup to the mouth of the Blackwood is a distance of another 37 miles, which might readily be doubled as far as the river frontage is concerned. The whole of this valley is rich alluvial soil, which can bear intense cultivation and bring a very handsome return to those who put their capital and energy into its cultivation. In addition I have mentioned the timber, and I think there cannot be the slightest doubt that the success which has followed the Eastern States will come to us in this great South-Western district, not only for crop culture but also for dairying, which we hope to see firmly established within the next five years in this fertile portion of the State. I have nothing farther to add, for the district is so well known to members, some of whom have visited it. The member for Subiaco went through with me and the hon. Mr. Drew; they saw it for themselves and realised its great possibilities; they saw the beautiful jarrah forests untouched and were perfectly satisfied, at least so I gather from what they said and from their public utterances, that if there is any district that deserves tapping by a railway, this is the one. I have very much pleasure in supporting the second reading of this Bill.

The PREMIER (in reply as mover) : Last night, although there was not a very large attendance, I endeavoured to place before members all the facts in connection with this proposition. I stated then in regard to the early transactions in connection with the line that the original holders of the concession had laid down the line on very favourable terms. Had it not been that they were not financially strong, undoubtedly they would now

be one of the richest corporations in Western Australia. Fortunately for us they went into liquidation, and the Government were able to acquire the land. I stated that by acquiring it for £14,000, instead of having to construct a line from Busselton to Jarrahwood at a cost of £30,000, we were very fortunate. The Treasurer has pointed out that the line opens up a very large area of timber country. An area of 100,000 acres has been taken up under a timber permit, and as I pointed out in connection with the Marrinup line, there are great advantages in taking up a timber permit as against a lease. Under the latter the area was taken up for two years at an expenditure of £20 per square mile, and under the then land regulations it was not necessary to do anything extensive in the way of cutting. Under the new conditions it is absolutely essential that the miller puts down a saw-mill plant capable of cutting at least 60 per cent. of the amount of timber laid down under the permit. There will be allowed to the holder sufficient timber to cut for ten years in proportion to the capacity of the saw-milling plant. In the event of the holder neglecting to cut this amount the permit becomes forfeited.

Mr. Underwood: It is a pity you could not bring that in force against the Combine.

The PREMIER: It is only a question of a few years when the leases will fall in. Those of us on the Timber Commission realised that it was essential that some new form of tenure should be introduced. It may be news to the hon. member to hear that I was responsible for this innovation as regards the tenure of timber land. The Treasurer has supplemented the remarks I made in introducing this Bill, and he has given evidence that there is every likelihood of a great dairying future for the district. Messrs. Bartrum and Sons, the proprietors of the Kिरrup Company, who did a great deal in the way of assisting dairying in Victoria, and were responsible for the introduction of the milking machines there, have at the present time made application for certain grass areas in the vicinity of the Blackwood River, with the idea of establishing a dairy farm. I have every confidence in

recommending this proposition to members, and trust the second reading will be carried.

Question put and passed, the Bill read a second time.

In Committee, etc.

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

Read a third time, and transmitted to the Legislative Council.

BILL—BUNBURY HARBOUR TRUST.

Second Reading.

Resumed from the 5th December.

Mr. G. TAYLOR (Mount Margaret): I am pleased that even at this late hour of the session Parliament should have an opportunity of passing a measure which, in my opinion, will place the harbour at Bunbury under the control of a board that will materially assist the people of this State. I am not altogether in favour of the Government of a country placing too much responsibility beyond Ministerial control; yet seeing the success of the Fremantle Trust since its inception, and knowing as I do the difficulties experienced in the past at Bunbury; difficulties which Ministers who have hitherto controlled that harbour had little or no power to remove, I am strongly in favour of the Bill, so that the harbour may be managed satisfactorily to the Bunbury people, and especially to those employed as lumpers on the wharves. When I as Colonial Secretary controlled the Harbour and Light Department, I found the Government had been appealed to for many years to make the working conditions more suitable for the wharf lumpers, but owing, perhaps, to lack of interest and also to lack of power, the subject was neglected, and the dissatisfaction continued for a long period. But with the co-operation of the Premier, then as now member for Bunbury, the present member for Wellington (Mr. Hayward), and a representative of the wharf lumpers, I visited that centre, heard the statements of all concerned, and had regulations drawn up which, notwithstanding some strong com-

ments, were acceptable to the employers and other business people at Bunbury, and I am pleased to say to the shipping companies also; and no great trouble between the shipping companies and their employees the wharf lumpers has since come under my notice. The Bill seeks to place the control of the harbour in the hands of three commissioners. I think it would be better to increase the membership to five. As the Premier has pointed out, the harbour is now under divided control—I may say under triple control, and I am possibly within the mark; and this is one of the strongest reasons for placing the harbour under the control of a board.

Mr. Underwood: There is no harbour.

Mr. TAYLOR: The member for Pilbarra naturally thinks little of the harbour at Bunbury, comparing it with his ideal harbour at Port Hedland, that natural harbour on our Northern coast which I have never had the pleasure of visiting. But I have seen the harbour at Bunbury; and while it may not compare favourably with the hon. member's ideal of what a harbour should be, still, there is a lot of shipping at Bunbury, which is a very busy centre. The figures quoted by the Premier prove that notwithstanding its small size, and perhaps its incompleteness, the Bunbury harbour does work equal to one-third of that performed by the Fremantle harbour, the great port of this State. As I was saying when interrupted, the control of the Bunbury harbour is so divided that it is impossible to make the harbour a success; and moreover, the Railway Department control the transit portion of the jetty, though the capital cost of the jetty has not been included in the capital cost of the railways; and while the Railway Department have been receiving a handsome revenue from the jetty, the Harbours and Lights Department have been charged with the capital expenditure. It is the intention to place that harbour under the control of a trust which will pay interest on the capital—in round figures, some £200,000. I would suggest to the Premier that he alter the title of the Bill by substituting "board" for "trust" giving the board all the powers proposed to be given to the trust. [*Mr. Bath:*

What's in a name?] While I read in the morning papers, as I have been reading for months past, of the doings of trusts in America, such as the Oil Trust, the Steel Trust, the Tobacco Trust, and Knickerbocker Trust—a banking trust of the same character—which proceedings do not enhance the stability of the United States I have to conclude that people abroad reading of our legislation may form the opinion that such trusts as we are constituting by Bills like this consist of private people. To obviate any misunderstanding, it would be wise to change the word “trust” to “board.” I would suggest also that the membership be five. The members will not be salaried officers, for the chairman is to receive only £100 a year and the two other members £50; so they cannot be expected to devote their whole time to the harbour. I would suggest five members, and the total salaries need not exceed £300 a year. With five members a meeting will always be possible. With only three, one or two may be away, and important business may be hung up in their absence. Five will have more frequent opportunities of meeting, and will give us an opportunity of enlarging the representation. I think it necessary that on a board which so directly concerns a large section of the people of Bunbury—the men known as the lumpers—those lumpers should have adequate representation. The Premier knows these men. When he was first elected member for Bunbury and I was Colonial Secretary, he placed the whole of their requirements before me as clearly as if he had been an energetic secretary of their association, and he could not have done that without being thoroughly conversant with their affairs. He knows it is possible for a man to be selected from their ranks to represent them and the people generally. I hope my suggestions will bear fruit during the passage of this measure. Moreover, by increasing the number of members, there may be a possibility of giving representation to the ratepayers of Bunbury, as well as to the Government and to the shipping companies. We shall thus have a more workable board, on which all interests at Bun-

bury will be well and faithfully represented, so as to prevent friction. I do not wish to suggest anything that would jeopardise the passage of the Bill at this stage of the session, but I believe it would be wise if we disregarded the constitution of the Fremantle Harbour Trust, and made this not a nominee but an elective board. I will not labour that question now. I have every sympathy with the measure, and I hope members will give support to it on the second reading. If any alterations are necessary in the Bill they can be dealt with in Committee. At this late stage I do not want to delay the measure in any way; but if a board is appointed under the Bill, and the Premier will accept my suggestion—and I believe he will—it will make the board more workable and it will not take away from the Harbour and Light Department any of the duties they now perform. They will have the maintenance of all lights, buoys, and beacons, and all sea works which are now controlled by them, and which I say are outside the functions of a harbour trust. If they were not kept apart from the trust it would only duplicate the service. The Harbour and Light Department are quite capable of dealing with this portion of the harbour, which is outside the provisions of the Bill. I hope the measure will receive the support of members. I have read the measure and gone into it carefully, and as I have already pointed out I have had a lot to do in helping the people of Bunbury and helping the lumpers, by framing regulations which have made the working of the Bunbury harbour more smooth. I have much pleasure in recommending the suggestions I have made to the Premier and the House, and I have pleasure in supporting the second reading.

Mr. W. C. ANGWIN (East Fremantle): I regret very much it is thought necessary to place any more of the property which belongs to the Government of the State under the control of Commissioners and boards. In my opinion, this country is being run by boards and commissioners, and the time has arrived when the Government should realise they are paid to manage the concerns of the State.

Therefore it is necessary they should retain the duties that the State pays them to perform and not hand over in almost every part of the State everything they can to boards and commissioners. I am not now referring solely to the Bunbury Harbour Trust, but my remarks apply to every board appointed throughout the State. I have tried to inform members of the disabilities that a large number of residents are put to owing to the existence of the Harbour Trust at Fremantle. When the Government have been appealed to for the purpose of removing these disabilities, the people have been told very definitely that, "We have no power; it is vested in the Harbour Trust, and consequently we cannot move in the matter." Therefore I think members should be wary in handing over the property of the State to commissioners or boards. I hope members will not agree to pass this Bill. I would go farther, and if I had my way I would repeal every Act that appoints boards to control the departments of the State. It is surprising to me, seeing the opinions that have been expressed very freely within the last week or two in regard to placing a large department under a commissioner, that we find members are not willing to allow another department to be placed under the control of a commissioner, they are willing to allow this department to be placed under a board.

The Premier: Why are not municipalities run by the Government?

Mr. Angwin: The municipalities are run by persons elected by those who pay for the upkeep of the municipalities. In this case, the persons who run the boards do not pay for the upkeep of the departments; they are nominated by the Government, who wish to relieve themselves of their responsibilities. There has been no expression of opinion that the affairs of the State should be run by private boards. I do not wish to labour the question, but I have felt that by handing over departments to be controlled by boards the Government are handing over their responsibilities. We are removing from Government officers and Ministers responsibilities which they should retain. It is

very convenient for the Government to tell the people of the State "We cannot assist you; Parliament has done such and such a thing; we cannot remedy any grievance because Parliament has removed the power from us; we would help you if we possibly could." I hope members will look at the matter from that point of view and bear in mind that we are handing over to an irresponsible body a very large work which has cost a large amount of money, while the people wish the State should keep supreme control of such works. I oppose the Bill and I hope members will not vote for it.

The PREMIER (in reply as mover): I have listened with some interest to the remarks of the member who has just sat down in regard to his opposition to the control of the harbour being given over to a harbour trust.

Mr. Angwin: I do not refer to Bunbury only.

The PREMIER: No; I believe the member would abolish the Fremantle Harbour Trust if he had an opportunity. But I think it is generally recognised by most people in the State that the Harbour Trust in Fremantle is managed by men who have a good knowledge of business and who are carrying out the duties appertaining to the office with satisfaction to the people of Fremantle and the people of the State generally.

Mr. Bath: It is not admitted, but generally disputed.

The PREMIER: If it is disputed I have not heard any complaints other than the complaint made by the member for East Fremantle that some regulations have not been introduced to allow the baggage agents at Fremantle to go aboard steamers. That is the only complaint the member has made, and he has been to see me on several occasions in regard to it. The member said their was no expression of opinion in favour of this board. I have pointed out that before I became a Minister and before I was in Parliament at all, on more than one occasion was on a deputation that asked that the control of the harbour at Bunbury should be handed over to a board, first because the harbour at the present time is under, as the member for Mount Margaret pointed

out, triple control, inasmuch as the Railway Department, the Public Works Department, and the Harbour and Light Department all, to a certain extent, have a finger in the pie, while the shore and the jetty are vested in the municipal council. On many occasions, owing to the diversity of interests, there has been clashing in the working of the harbour. It is sought by bringing the whole under the control of one responsible body having a knowledge of the trade of the port that this difficulty will be overcome. I stated that it is the desire of the people generally, more especially the workers in that locality, to have this board, and I have a letter here from Mr. Bolden, the secretary of the Lumpers' Union, in regard to this matter. He says:—

"Dear Sir,—Please accept our congratulations and thanks for introducing the Harbour Trust Bill. We trust when you are appointing Commissioners that the interests of Labour will be represented on the board.—Yours faithfully, J. Bolden, Secretary Lumpers' Union."

Mr. Johnson: Did you reply stating that their request would be complied with?

The PREMIER: They know it will be complied with. I have spoken to the member for Mount Margaret, and his suggestion as to making the number of commissioners five will be adopted, so that an opportunity can be given to the lumpers to have a representative on the board. I intend in Committee to accept his amendment. So far as anything that appertains to the jetty is concerned I have always been willing to work harmoniously with the lumpers; and as the member for Mount Margaret pointed out I was responsible with him for seeing that the shore labour on the Bunbury jetty should be used instead of allowing the trade of the port to be carried on by foreign crews. I may farther point out to the member for East Fremantle that Mr. Price, the present Premier of South Australia, considers the work done by the Fremantle Harbour Trust so satisfactory that he has written over asking for a copy of our Act, as it is intended to place the control of their outer harbour

scheme at Largs Bay under a trust; and when I was over there I spent an hour or two with him dealing with the scheme, and I took an opportunity then of inspecting their works. New Zealand, which is considered a progressive country, has no less than 16 harbour boards throughout the State. The member for Mount Margaret suggested that some alteration should be made in the title of the Bill. He rather takes exception to the name harbour trust, although as was pointed out by the Leader of the Opposition, what's in a name?—a rose by any other name would smell as sweet. If it is any satisfaction to the hon. member, I have no objection to substitute the word "board" for "trust." In New Zealand I think they call them boards, but in most of our sister States they are called harbour trusts. I have pointed out the importance of the timber trade at Bunbury. Last Sunday I went down to Bunbury and made inquiries as to the anticipated trade, and I find that Millars alone are cutting 3,000 loads a week, exclusive of 500 loads which the hewers are cutting in the forests in that locality. It is expected that out of this, approximately 2,000 loads a week will go from Bunbury, these, representing about 3,500 tons a week will be sent from Bunbury. I pointed out in introducing the measure the gross tonnage that would go from the port of Bunbury, amounting practically to half-a-million, and I also emphasised the fact that the trade of the port had gone up by leaps and bounds from £182,478 in 1901 to last year when the total trade represented £576,408. In regard to the capital cost referred to by the member (Mr. Bath), portion of it is made up of revenue and portion of it is loan. Out of the total expenditure on the breakwater at Bunbury, £86,404 was from revenue and £72,435 from loan. A little over £30,000 has been spent on the jetty from loan and £9,000 from revenue, totalling something like £220,000 capital expended. It is provided in the Bill that the Harbour Trust Commissioners shall return to the State interest on the amount of capital expended as well as interest.

Mr. Foulkes: What about sinking fund?

The PREMIER: I have not included that for the reason that I hardly think it is fair, inasmuch as a good deal of this money was from revenue and if we get interest on that amount which was £86,000 and provide for maintenance that is all we can reasonably expect, unless the amount to be allotted from sinking fund is made a very small percentage indeed, because it will be realised when a mole like that at Bunbury is put down it is going to last for hundreds of years, and it is not fair that the commissioners should have to return sinking fund on the outlay in 30 years. [*Mr. Foulkes:* The general revenue has to pay the sinking fund.] The interest on revenue expenditure would more than compensate for that, because £86,000 has been contributed to revenue towards the work, and in ordinary circumstances the board should not be expected to pay interest on that. However, I thought it would be better to lump the whole of the capital and to call on the board to provide interest on that as well as maintenance. I may say that if the revenue that we have at the present time is maintained there is no reason why £5,000 or £6,000 should not be paid into revenue over working expenses and interest. The revenue is about £16,000 per annum from wharfbages and about £4,000 per annum from harbour dues, or a total of £20,000. I will not detain hon. members at greater length except to express my thanks to members for the reception this measure has had, and particularly the member for Mount Margaret for his promise of support.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Daglish in the Chair, *the Premier* in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation:

The PREMIER: A promise was given that the title of the Bill would be altered to the "Bunbury Harbour Board Bill." If the title were amended would the Bill

be consequentially amended right through?

The CHAIRMAN: The hon. member could achieve his purpose by amending Clause 3, and that would necessitate an alteration in the title.

Clause passed.

Clause 3—Bunbury Harbour Trust Commissioners:

On motion by *Mr. Taylor* the clause was amended by striking out "three" before Commissioners and inserting "five" in lieu, and by striking out "Trust Commissioners," and inserting "Board," in lieu, and the clause as amended was agreed to.

Clauses 4 to 12—agreed to.

Clause 13—Quorum:

The PREMIER moved an amendment—

That the word "two" be struck out, and "three" be inserted in lieu.

Amendment passed; clause as amended agreed to.

Clauses 14 to 17—agreed to.

Clause 18—Office of Commissioner not to be deemed an office of profit.

Mr. FOULKES: The Bill was practically a copy of the Fremantle Harbour Trust Act, and apparently this clause was inserted by a mistake. It should not be passed. The reason it was inserted in the Fremantle Harbour Trust Act was to secure the election as a member of the Trust of Captain Laurie, M.L.C. The Government of the day were most anxious on account of that gentleman's experience to secure his services on the board. There were certain disadvantages in connection with this, and Captain Laurie had found this to be so on one or two occasions. For instance, a man appointed to the position might attempt to advocate as a member of Parliament certain matters which were not approved of by the board as a whole; he was also liable to be biassed and influenced by local considerations which were prejudicial to the operations of the harbour. It must be remembered that these harbours were not for the benefit of the particular district in which they were situated, but for the whole of the country.

The PREMIER: There was a good deal in the contention of the hon. member, but at the same time it often happened that suitable men were excluded from positions on boards such as this. The member for Wellington would not look for an appointment on the Bunbury Board, but up to a few years ago he took an active interest as a shipping agent in Bunbury, and would have been an excellent member of the board. Why should he have been excluded? There was his (the Premier's) own case with regard to the Forestry Board. He was interested in forestry matters, and the Daglish Government honoured him by appointing him chairman; that was all very well, but it cost him about £80 to attend the meetings. He was out of pocket because he would not take the risk of accepting an allowance as fees. However, he was not keen on the retention of the clause.

Mr. TAYLOR: When the Fremantle Harbour Trust Bill was under consideration he had opposed a similar clause to this one on the ground that it was the object of the Government to pass the clause so that Captain Laurie should be appointed on the Trust. The then Premier practically denied that Captain Laurie was appointed at that time. He (Mr. Taylor) thought that the clause was inserted for political purposes. Subsequently, on being placed in charge of the department, he ascertained that Captain Laurie filled the position admirably. Perhaps it would not be wise to prevent the Government from being able to take advantage of the services of a member of Parliament for special work; there were times when such services could be of great value to the State, but it was impossible for a member of Parliament to accept office at present if there were any remuneration. The Constitution Act prevented him from holding an office of profit under the Crown. In view of our experience of the Fremantle Harbour Trust, and as the Premier said there was no intention to put a member of Parliament on the Bunbury trust, it would be wise not to press the amendment.

Mr. FOULKES was pressing the amendment on principle, and not with an eye to the Government or to any

present-day member of Parliament. The Bill would probably be law for years, and might give rise to abuses by creating a body of men who were at once civil servants and members of Parliament. The Premier of the day would thus have patronage which would secure him political support. Many members had opposed a similar clause in the Fremantle Harbour Trust Bill. Once we sanctioned such appointments for members of Parliament, the practice might be extended in many directions.

The MINISTER FOR WORKS: The hon. member's remarks, in spite of his disclaimer, might be taken as a reflection of Captain Laurie's work at Fremantle. But for the corresponding section in the Fremantle Harbour Trust Act it would have been impossible for Captain Laurie to be chairman of the trust and a member of the Legislative Council. It was not undesirable that the chairman of an important board should have a seat in the Legislature.

Mr. Foulkes: Then the Commissioner of Railways should have a seat.

The MINISTER FOR WORKS: He was represented by the Minister for Railways. The hon. member had not shown that the provision in the Fremantle Harbour Trust Act had worked badly or done any injustice. Again, at Bunbury, the number of qualified men would not be great, and an opportunity of appointing a suitable member of Parliament ought to be availed of.

Mr. Taylor: Victoria had eagerly seized such opportunities.

Mr. ANGWIN: Would the Attorney General say whether by this Bill we should amend the Constitution Act? It was unwise to appoint members of Parliament to such positions. Captain Laurie had done good work at Fremantle; but the clause would give the Government an opportunity of conferring an office of profit on any member they chose. This was virtually repealing the Constitution Act. A future Premier might be glad to buy supporters.

The Premier: They would be cheap at £50 a year, with the duty of attending all board meetings.

Mr. Angwin: To some men £50 was a large sum.

The PREMIER: Being an exact copy of the clause in the Fremantle Harbour Trust Act, this clause did not amend the Constitution. Some members of Parliament now received fees as members of boards—The Karrakatta Cemetery Board for instance. Without the clause we might lose the services of qualified men who were members of Parliament.

Mr. Foulkes: With the clause we ran the risk of losing the services of good men, and of having incompetent men appointed by political influence.

The PREMIER: It was not likely that incompetent men would be appointed to such positions.

Mr. ANGWIN: It was strange the Attorney General who was the legal adviser of the Government should leave the Chamber after the question had been asked him. It had been argued in the past that the Attorney General should be a member of the Lower Chamber, so that he could advise members. He understood the present Attorney General held his position in the Cabinet through being a member of this Chamber, and he should have remained to answer the question. This clause did amend the Constitution Act, because it allowed a member of Parliament to accept an office of profit under the Crown without resigning his seat.

Clause put and passed.

Clauses 19 to 52—agreed to.

Clause 53—Minister to declare value of property vested in Commissioners:

Mr. BATH: In connection with the property to be vested in the Commissioners, would the whole amount covered by the Bunbury Harbour Works be vested in the Commission? Because in connection with the Fremantle Harbour Trust there was a good deal of credit given to the Commissioners which was not their due. They pointed out how well they had managed the trust. The country had invested £1,700,000 in the harbour, and the only amount vested in the Harbour Trust was £1,300,000. They had all the remunerative property vested in them and they showed what good return they had made. But they had not

the whole of the capital represented by loan moneys vested in them. On the loan money we had invested in the harbour we had to pay interest and sinking fund. It was all very well for the harbour trust to say they were showing such good results; but we had to find the balance from somewhere. The trust should be debited with the whole of the cost of the harbour works.

The PREMIER: It was proposed to charge up all loan moneys. Some portion of the amount, £80,000, was provided from revenue, but his idea was to charge up the whole amount both revenue and loan, for it seemed to him it was nothing to do with the Harbour Trust whether the money came from revenue or loan; they should provide interest on it, and they were bound to find interest on the maintenance.

Clause put and passed.

Clauses 54 to end—agreed to.

Schedule—agreed to.

Title:

The PREMIER moved—

That the words "Trust Commission" be struck out, and "Board" inserted in lieu.

This would make the title read, "An Act to constitute the Bunbury Harbour Board."

Amendment passed; the title as amended agreed to.

Bill reported with amendments, also amendment of the title.

The PREMIER moved—

That the report be adopted.

Mr. ANGWIN: Would Mr. Speaker give a ruling on a point that had been raised? Clause 18 of the Bill provided:—

"The office of commissioner, and the office of any person employed or retained by the commissioners otherwise than at a salary, shall not be deemed an office of profit within the meaning of the Constitution Act, 1889, or any amendment thereof."

Section 73 of the Constitution Act, 1889, provided:—

"The Legislature of the Colony shall have full power and authority from time to time, by any Act, to repeal or

alter any of the provisions of this Act. Provided always, that it shall not be lawful to present to the Governor for Her Majesty's assent any Bill by which any change in the Constitution of the Legislative Council or of the Assembly shall be effected, unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly respectively."

Then Section 37 of the Constitution Act Amendment Act 1899 provided:—

"If any person while holding an office of profit under the Crown, other than that of an officer of Her Majesty's sea or land forces on full, half, or retired pay, be elected a member of the Legislative Council or of the Legislative Assembly, he shall, if he takes the oath or makes the affirmation hereinbefore prescribed, be held by so doing to vacate his said office."

Clause 18 made a change in the Constitution Act by permitting a member of the Legislative Council or Legislative Assembly to hold an office of profit under the Crown. Would Mr. Speaker rule that this Bill was in accordance with Section 37 of the Constitution Act Amendment Act, 1899?

Mr. SPEAKER: The question raised by the hon. member did not apply in this instance. This clause was merely defining the Constitution Act, and was not amending it.

Mr. Angwin: Then this clause did not amend Section 37 of the Constitution Act 1899?

Mr. SPEAKER: No; it merely defined it.

Question passed; the report adopted.

ADJOURNMENT.

The House adjourned at twelve minutes to 12 o'clock (midnight), until the next Tuesday.

Legislative Council.

Tuesday, 17th December, 1907

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The PRESIDENT took the Chair at 2.30 o'clock p.m.

Prayers.

PAPERS PRESENTED.

By the Colonial Secretary: Reports from State Mining Engineer on Black Range District.

QUESTION—FREMANTLE DOCK SITES, REPORTS.

Hon. C. SOMMERS asked the Colonial Secretary: 1, Have any reports been made by the Engineer-in-Chief on the sites suitable for a dock both above and below the bridges at Fremantle? 2, If so, will the Colonial Secretary lay the same on the table of the House?

The COLONIAL SECRETARY replied: 1, Yes. 2, Yes.

STANDING ORDERS SUSPENSION.

To expedite Business.

The COLONIAL SECRETARY (Hon. J. D. Connolly) moved—

That in order to expedite business the Standing Orders relating to Public Bills and the consideration of Messages from the Legislative Assembly be suspended during the remainder of the session, so far as is necessary, to enable Bills to pass through all their stages in one sitting and Messages to be taken into immediate consideration.

This was the usual motion to suspend the Standing Orders so that we could deal promptly with Bills and Messages. It did not follow that each Bill would be