

# Legislative Assembly,

Tuesday, 23rd July, 1912.

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

## QUESTION—AGRICULTURAL DEPARTMENT AND SEED POTATOES.

Mr. GEORGE asked the Minister for Agriculture : 1, In the procuring of seed potatoes did the department act as a medium between the grower and the purchasers? 2, If so, did the department guarantee payment to the grower? 3, If so, has the department suffered any pecuniary loss thereby, or has it outstanding which are believed to be doubtful, and to what extent?

The MINISTER FOR AGRICULTURE replied : 1, Yes, as regards local seed potatoes. 2, No. 3, The department has undertaken no financial liability in the transaction.

## BILL—TRAMWAYS PURCHASE.

### Message.

Message from the Governor received and read recommending the Bill.

### Second reading.

The PREMIER (Hon. J. Scaddan), in moving the second reading said : This Bill is merely ratifying an agreement entered into between the Government and the Perth Electric Tramways, Limited, to purchase the undertaking of the company; and in order that members may know the position exactly, I have, for their convenience attached the agreement to the Bill so that mem-

bers can see at once the terms upon which the Government propose, with the consent of Parliament, to nationalise the tramway system of Perth and its suburbs. I have discovered it to be a most difficult task to put into concise form the various provisional orders and agreements now existing under which the tramway company are operating in Perth. Their rights are governed by Acts of Parliament, provisional orders and agreements, covering something like 400 pages of closely printed and type-written matter. So members will see the difficulty that presents itself in attempting to explain in a concise form the position in regard to the tramway system of Perth as it affects the company at the present time. All the Acts and provisional orders operate from different dates and expire at different dates; it would need a Philadelphia lawyer to be able to say definitely just what would occur at the expiration of some of these agreements were it not for the fact that the Government propose to nationalise the trams in the interim. The agreements and provisional orders affecting the city of Perth will expire definitely by the reversion of the trams to the Perth City Council in 1939; but some of the other provisional orders and agreements will not expire until some time later, though portions of the agreements that will not expire at the same period as the agreements affecting the Perth City Council, provide that the tramway company shall continue to carry passengers to the town hall, Perth, over the lines affected by the latter agreements. Hon. members can imagine at once the position the tramway company would be in if they were called upon to comply with this portion of the agreements after 1939, when the whole of the tramway system within the City boundaries will revert to the Perth City Council. Unless they could enter into some agreement with the Perth City Council, it would be impossible for them to comply with the condition. That is only one instance of the difficulty I find in trying to explain to hon. members the position which

is likely to occur unless the trams are purchased by the Government or by the local authorities acting together.

Hon. Frank Wilson : Is that a condition of the agreements between the Government and the suburban municipalities?

The PREMIER : No. We do not propose to allow the reversionary rights to continue.

Hon. Frank Wilson : I understand that, but I want to know in what agreement that condition is found.

The PREMIER : It is in the agreements and provisional orders entered into and confirmed by Acts of Parliament between the local authorities and the tramway company; and unless we can purchase the trams on the condition that the reversionary rights shall not be continued, we will be placed in the position the tramway company would be in at the expiration of these dates. We will have to hand back to the Perth City Council the part of the tramway system within the boundaries of the City, and will have to continue to operate those portions in Subiaco, North Perth, and Leederville, and undertake, under the terms of the agreements and provisional orders entered into between the tramway company and the local authorities, to carry passengers from these suburbs to the Town Hall, Perth. If the trams were to revert to the Perth City Council it would be absolutely impossible for the Government to comply with that portion of the agreement.

Mr. Allen : Or for the company either.

The PREMIER : That is so.

Mr. Allen : And that is why you have come to their rescue.

The PREMIER : We have come to their rescue and also to the rescue of the Perth City Council, which needs it more than the company.

Hon. Frank Wilson : You come to the rescue of the public.

The PREMIER : Yes, that is better. The Acts governing the tramway system that will be taken over, subject to the Bill passing, which I do not for a

moment anticipate will not be the case, are, so far as the Perth municipality is concerned—61 Vic. No. 30, 63 Vic. No. 42, 2 Edw. VII. No. 38 and 4 Edw. VII. No. 18 (No. 43 of 1904). All these Acts have to be taken into consideration so far as the Bill affects the tramway system in the City of Perth itself. The Acts affecting the suburban local authorities are—Subiaco, 63 Vic. No. 27; Leederville, 64 Vic. No. 42; North Perth and Perth roads board, 1 and 2 Edw. VII. No. 26; municipality of North Perth, No. 46 of 1904 and No. 35 of 1909; Victoria Park, No. 50 of 1904; Subiaco and Claremont (that is the Nedlands Park line), 7 Edw. VII. No. 30. Not only is the system governed by these Acts of Parliament, it is also governed as a whole by the provisions of the Tramways Act, 1885, and its amendments, the provisions of which apply to all routes except where special provision is made under a particular and special Act. The construction of lines is provided by means of provisional orders for the construction either by a local authority or, by permission of a local authority—that is, a local authority entering into an agreement with some person or company—by a promoter; and subject to the approval of the agreement by Act of Parliament, the Governor cannot interfere except when a dispute may exist in regard to the condition of the road or track, or in regard to any other dispute which is provided for specially in the Tramways Act, 1885; but the Governor may dispense with the consent of the local authority for the construction of a tramway under special circumstances as provided, I think, in Section 4 of the principal Act. In the event of any local authority declining to give consent for a tramway to pass through or into their territory when two-thirds or more of the whole of the line traverses the territory of some other local authority, the Governor may dispense with the consent of the first local authority and grant the permission notwithstanding the opposition; but otherwise, he cannot compel a local authority to permit a promoter to construct a tramway within its borders. The provi-

sional orders provide different conditions for the different local authorities; and, briefly, I shall endeavour to outline what these conditions are as they affect the various local authorities. On the purchase of freehold the local authorities are to be notified; that is, Perth, Subiaco, Leederville, North Perth, and Perth roads board. Workmen's cars are to be provided in certain hours on the request of the same local authorities. The timetable is to be decided by the local authority, with the final decision in the Commissioner of Railways; that is for Perth only. Work is to be done to the satisfaction of the local authorities in the case of Perth, Subiaco, and Nedlands. The promoter may enter into agreement with any person, corporation, or company as to the use by such person of the said tramway and prescribing tolls and charges to be paid and the terms of user; that is in the case of Perth, Subiaco, Leederville, North Perth, Perth roads board, and Nedlands. The local authorities may require the carriage of merchandise, live stock, manure, etc., but the Commissioner of Railways can terminate within six months' notice. That refers to North Perth and the Perth roads board. At the end of ten years passengers fares are to be referred to the local authorities for reconsideration. That also refers to North Perth and the Perth roads board. The local authority may use the line at certain hours for scavenging and other trucks, road material, etc., under certain restrictions. That refers to Nedlands. Amongst other things there are special provisions in connection with the fixing of live wires within the city, but they are of little or no interest, because it would be necessary for the Government to comply with those conditions in the interests of the public, whether they are part of the provisional order or not. The provisional order also provides, in the cases of Subiaco, Leederville, and other places, for the fixing of a minimum fare, and also that the local authority may use the line during certain hours of the night for scavenging purposes, the poles for providing electric light. The promoters are to

pay to the local authority three per cent. of the gross earnings in lieu of rates. The books are to be open for inspection by the local authority. The City Council can purchase at the end of twenty-one years from the date of the completion on six months' notice, the price to be ascertained by arbitration, the lands for the actual price paid, and no goodwill. If the right of purchase be not exercised it recurs at the end of twenty-eight years on the same terms. If the right be not exercised, then at the end of thirty-five years all lines and extensions, and all works, etc., also lands, are to be handed over to the local authority free from loans, mortgages, etc. As to the lines, subject to the agreements and extensions made in ten years, at the actual price paid by the promoters for lands, and all extensions made after ten years, the amount to be fixed by arbitration. The promoter, of course, is responsible for accidents. If hon. members will turn to the second schedule they will find that we undertake to take over the liabilities of the company, to comply with the various agreements. But in undertaking that, we are doing it subject to Parliament passing this Bill, which will relieve us of some of the responsibilities. I want to be candid, and say that, so far as the present Government are concerned, they are not prepared to purchase the tramway system, if they are compelled to adhere to all the agreements which are in operation at the present time, that is, to step into the shoes of the company until the trams revert to the local authorities. If the Government are to purchase, they will purchase for the people for all time. The company must make provision in the agreement that the purchaser shall relieve them of all responsibility.

Mr. George : Quite right too.

The PREMIER : That is so, and we have entered into an agreement with them under those terms, but unless we can be relieved of some of the provisions of the agreements, we shall not be prepared to complete the purchase. That is definite, so far as the Government are concerned. In the second schedule, it

will be found that an agreement was made on the 17th April, 1897, between the mayor, councillors and citizens of Perth, of the one part and Charles Preston Dickinson of the other part. This agreement provides for fares, the use of the line, the return of three per cent. on the gross earnings, in lieu of rates, and other things. An agreement was also made on the 29th March, 1899, between the mayor, councillors and the citizens of Perth of the one part, and the Perth Electric Tramways of the other part. That provides for an amended schedule for Subiaco, Central Perth, Highgate Hill, Leederville, East Perth, Old Guildford-road, Bulwer-street, and Colin-street and it gave two years from the date of the original provisional order for the construction of  $13\frac{1}{4}$  miles and 5 years for the remaining 4 miles. The clauses in reference to purchase by the local authority were to be read as if the original provisional order mentioned in the amended agreement and the periods of 21 years, 28 years, and 35 years extended and to run from the date fixed by the amended provisional order. That meant that the date fixed in the original provisional order practically became null and void. By such further provisional order  $13\frac{1}{4}$  miles were to be completed in two years from the 16th December, 1899, and four miles within five years. The periods mentioned are therefore, for the  $13\frac{1}{4}$  miles, as follows:—December, 1899, plus two years, plus 21 years, 1922, plus 28 years, 1929, and plus 35 years, 1936, and for the four miles in the five years, plus 21 years, 1925, plus 28 years, 1932, and plus 35 years, 1939. The year 1922 is therefore the earliest date at which the Perth City Council can purchase the trams under the provisional agreement. If they do not exercise their rights then they will not be able to purchase until 1932, and if not then, they will revert to the council free of cost in 1939. There is the legal point which will have to be settled as to whether they could revert to the council thirty-five years after the completion of the four miles, which they are given five years to complete, or whether they would re-

vert to the council thirty-five years after the construction of the  $13\frac{1}{4}$  miles, which had to be completed in two years. That point has not yet been definitely settled. Our advice is that it ought to be after the completion of the 4 miles in the five years, and that would make the period for handing over 1939.

Mr. Taylor: Otherwise it would be 1934.

The PREMIER: Yes. Another agreement exists affecting the Perth City Council, and this was made on the 4th November, 1902. This agreement merely provides for the extension of the junction at William-street and St. George's-terrace, along William-street to Bazaar-terrace, the junction at Barrack-street and Bazaar-terrace along Barrack-street to the South Perth wharf. This agreement merely modifies the routes and the forms of road making, and does not affect the purchase of the trams by the Government. There is also an agreement made on the 11th August, 1904, between the tramway company and the mayor and councillors of the city of Perth. This agreement was passed to settle disputes as to the mode of ascertaining the year's earnings on which payment of the three per cent. is made. I would like hon. members to give this some consideration because it will be noticed that in the Bill we propose to introduce a new method in connection with the allotment of the three per cent. of the gross earnings to the various municipalities. The cause of the disputes is the extension of the trams into adjoining municipalities, etc. The settlement of the dispute was on the lines of the proportion of gross proceeds as the car mileage in Perth bears to the whole car mileage, and as to fares in proportion of length of tram line, etc. Amended arrangements were also made with regard to the sale of tickets, children's fares, buildings, etc. All claims in dispute were settled. The last agreement was made on the 21st November, 1904, between the mayor and councillors of Perth and the Perth Electric Tramways, Limited. This agreement enables certain routes to be changed and decides the percentages to be paid to the local

authorities in Perth with regard to certain lines extending into adjoining municipalities, namely, Victoria Park, and North Perth. These are all the agreements affecting Perth, and hon. members will notice that, with the exception of the portion of the agreement which gives reversionary rights to Perth, and the question as to how the three per cent. will be arrived at, we are complying wholly with the terms contained in them.

Mr. Allen: The question of reversionary rights is a big item.

The PREMIER: We recognise that, and we appreciate the position from the standpoint of the Perth City Council, that it is more to them than it is to any other local authority. I am viewing it also from the standpoint that the Government have given powers to local authorities to do certain works in the interests of the people, but they are, after all, subject to Parliament, who represent the whole of the people. The central Government are doing that which, under other circumstances, they would allow the local authorities to do.

Mr. George: The same argument might apply as between the State and the Federal Government.

The PREMIER: The position is different. We in Western Australia are a Sovereign State, within the bounds of our Constitution, and we cannot be interfered with by the Federal authorities unless by the will of the people as expressed by means of a referendum and the alteration of the Federal and State Constitutions. We are not carrying on the Government in Western Australia by virtue of the powers given to us by the Federal Government. But the local authorities, such as the city council, are carrying on functions deputed to them by a central Government, and that central Government can add to their powers, or reduce them.

Mr. Taylor: And when they cannot meet the requirements of the Municipal Act we disband them.

The PREMIER: Exactly. The State Government's powers are sovereign, and cannot be interfered with without the

consent of the people. An agreement was also made on the 15th August, 1899, between the mayor and councillors and ratepayers of the town of Subiaco, and the Tramways Syndicate, Limited. This is similar to that affecting the city of Perth. For instance, the question of fares is fixed by agreement and it contains the usual provision for the use of the line by the local authority at certain hours of the night, the use of the poles for electric lighting purposes, and the payment of three per cent. of the gross earnings. It also provides that the local authority can purchase at the end of thirty years from the date of completion on six months' notice being given, the price to be fixed by arbitration, and that if the purchase right be not exercised within thirty-five years the lines are to be handed over to the local authority. The earliest at which they could purchase would be 1930, and the period when they would revert to the local authority would be 1936. It will be seen, therefore, that the dates on which the lines are to revert to the local authorities are in every instance different, and that makes the position very complicated, if we are to be asked to take over these trams, and comply in toto with the agreements entered into with the local authorities. An agreement was entered into between the mayor and councillors and ratepayers of Leederville, and the Tramways Syndicate, Limited, on the 2nd July, 1900. They can purchase at the end of thirty years after the date of completion, on giving six months' notice, the price to be fixed by arbitration, or at the end of thirty-five years the trams are to revert to the council. Their date, it will be seen, is different from the dates of Subiaco and Perth. An agreement affecting North Perth was made on the 19th September, 1904. That agreement provides for the construction of trams, and it is between the Perth roads board and the Town Properties of W.A., Limited. This refers to the line which goes to Osborne Park. An agreement exists between the Perth Tramway Company and the Town Properties of Western Australia, Limited. We are taking over that agreement.

Mr. Allen: Have you an agreement with Nedlands as well?

The PREMIER: We are taking over the whole of the agreements. We are purchasing all the property owned by the tramway company and taking over the whole of its rights: in fact we are buying them out, lock, stock and barrel.

Mr. Allen: Nedlands as well?

The PREMIER: Yes.

Mr. Allen: With that sum of money?

The PREMIER: We are not compelled under the agreement to purchase. We will take over the agreement and have the same right as the company to purchase or not, as we choose. We have not yet decided which we will do.

Mr. Allen: The £475,000 does not include the Nedlands rights?

The PREMIER: It includes the same rights as the company had. We are taking over the agreement, and may step in and purchase, under the conditions, if we desire to do so. So far as the Perth roads board is concerned, their provisional order is with the Town Properties of Western Australia, Limited; but the Town Properties of Western Australia, Limited, have entered into an agreement with the tramway company, and that provides for the connection of the lines at the boundary, the tramway company to provide the feeder cable, operate the line, supply rolling stock and motive power, and to receive 11d. per mile run and 6d. per mile for trailers. The Town Properties of Western Australia, Limited, receives the fares, and provision is made for not less than nine cars each way per day. The tramway company pays the motor men and conductors, and repairs the overhead work and equipment, while the Town Properties of Western Australia, Limited, repairs roads and lines. There is also a special clause dealing with the land. The agreement to last as long as the Perth concession lasts, but if the Government or the local authority purchases the tramway during that period, then the agreement terminates, the tramway company, however, to endeavour to have the service continued. It will be seen, therefore,

that so far as the Osborne Park tramway is concerned, if we purchase it a new agreement will be required with the Town Properties of Western Australia, Limited, to operate their trams in the future, for the agreement will expire on the purchase by the Government. It is also provided that, in the event of a dispute, it shall be referred to arbitration in England. However, that does not affect us, because the agreement expires if the Government purchase. The Perth roads board have somewhat similar rights to those of the other local authorities, in so far as the trams would revert to them after a given period. But at the same time those rights are of so little value at present that I am sure the Perth roads board could not place a very high estimate on them. In fact, if the Government were asked to-morrow to take over the Osborne Park tramway, it would be necessary to recognise that we would have to run it at a loss. I believe it is being run at a loss at the present time, although, of course, that loss is not borne by the company. There is also an agreement entered into with the Victoria Park municipality. That was made on the 10th May, 1904. The tramways were to be constructed by the local authority from the city boundary to Mint-street, Victoria Park, and by the company from Hay-street to Adelaide-terrace. The local authority had to raise £5,232 for construction, the company to advance by way of loan without interest any extra money required. The tramways were leased to the company for a period of seven years from completion at an annual rental equal to the interest paid on the loan of £5,232, and in addition two per cent. per annum of the total amount of the loan, the latter sum to be repaid the company at the expiration of seven years, with the option to the local authority to extend the time of repayment for one year. The company have to fix and maintain cars, poles, wires and overhead works. If the company neglects to purchase the tramway within the period of seven years, the company will be required to hand over as a gift to the local authority poles, wires and overhead works, and money

advanced by the company, and the company must, if desired, continue to operate for one year upon the same terms, except that the company need pay no rent nor the additional two per cent. That, of course, will put us in the position that, having taken over this agreement, we will require to purchase that portion of the tramway system within the specified time of seven years, failing which it will revert to the Victoria Park municipality. Of course the terms of purchase are definitely laid down, so that there is no chance whatever of the Victoria Park authorities being able to operate any longer with the object of compelling the Government to pay more than a fair price. The local authority has to keep the track in order, while the company can collect the fares. Special provisions are made in respect to workmen and children and also the number of trips per day. The company forfeits all rights if it fails to run cars for seven consecutive days through its own neglect. The company, while operating, is required to pay the Government an annual rental of £120 for the upkeep of the causeway. May I say in connection with this that we have on the Notice Paper a Bill providing that this amount shall remain in the hands of the municipality instead of being paid to the Government. It was intended for the upkeep of the Causeway, but I am afraid that past Governments have not kept faith in this respect. So we provide in the Bill which has been introduced, and I may say with the concurrence of our friends on the Opposition, that this amount shall remain in the hands of the local authority instead of coming to the Government. The local authority has the right to use the lines for scavenging, road metal, etcetera. The company pays the local authority three per cent. of the gross earnings in lieu of rates, etcetera, and the company can deduct the rent paid to the Government for the Causeway. The result has been, I believe, that the Victoria Park authorities have secured very little, if anything at all, from the tramway company in lieu of rates. Thus they are in a very different position from other local authorities, hence our desire to allow

them to retain this money in lieu of payment for the upkeep of the Causeway. Certainly the right devolves on the local authority, and not on those on the other side of the river, for the use of it. The agreement continues to provide that the local authority binds itself for 35 years from December, 1905, to give the company first right to constructions and extensions, with six months in which to decide. If the company declines to construct and the local authority constructs, the company undertakes to operate extensions at the rate of 11d. per car mile. The company has the right to purchase tramways and extensions during seven years from date of completion at a price equal to the capital expended by the local authority. Should the company purchase, it shall, for the remainder of 35 years from December, 1905, operate the lines in the terms provided. In that event, at the end of the 35 years, the local authority shall purchase from the company all plant, rights, etcetera, in the municipality, at a price to be ascertained by arbitration; all lands to be valued at actual price, and no goodwill. The company can transfer or sublet concession. Dispute to be referred to two arbitrators. The company can lay a tramway through the municipality to connect with South Perth. If a tramway be laid to an adjoining municipality or district, a proportionate amount of outgoing in respect of Causeway to be arranged. The North Perth municipality possesses an agreement entered into on the 19th September, 1904. That is under the second schedule, marked 8. It provides that the line shall be constructed in two sections, the first section to be completed within two years of confirmation of the provisional order, dated December 1904, and the second section within two years of the completion of the first section. It also makes provision for fares, workmen's, cars, scavenging, road metal, etcetera, as in the case of the city council. The local authority received 3 per cent. of the gross earnings in lieu of rates. The local authority can at the end of 30 years from completion purchase at a price to be fixed by arbitration, and in the event of that

right not being exercised all lines, works, etcetera, are to be handed to the local authority at the end of 35 years, the price to be fixed by arbitration. So the latest period when it reverts to them will be 1943; again a different date from those set out in the other agreements. The company has the power to assign its rights to any other person or company. There is another agreement dated 17th December, 1904. This was for the purpose of calculating the basis on which the three per cent. should be paid on gross earnings. An agreement dated 4th January, 1904, provides for the extensions and valuations of routes, and rearranges the basis of gross earnings. Another agreement exists between the company and the Claremont and Cottesloe local authorities, affecting the Nedlands Park line. This line was the property of Colonel Bruce, and the agreement between him and the municipalities fixes the running of the trams, fares, maintenance, etcetera. At the expiration of three years the promoters can cease running on giving the local authority three months' notice, when all lines and gear belong to the municipalities. The local authorities can use lines, subject to certain restrictions, for scavenging, etcetera. The Subiaco municipality are paid three-fifths, and the Claremont roads board two-fifths of three per cent. of the gross takings in lieu of rates. The municipality has the right to purchase, but if that right be not exercised at the end of 35 years from date of completion of line, the line and accessories shall be taken over by the municipality at a price to be fixed by arbitration, provided that if at the end of nine years the company has not exercised its option to purchase, the municipality may, within six months, do so at half cost for construction. The promoter can supply electric light until the local authority is prepared to do so, and the promoter can assign his right to the company or, subject to approval of local authority, to any other company. That is the position as it affects the local authority. But the promoter, Colonel Bruce, has an agreement with the tramway company, and that agreement has to

be taken over by the Government. The agreement provides that the company shall allow lines to connect, supply cables and work and operate the line. The proprietor receives the fares and pays the company 11d. per mile and 9d. a mile for trailers. The company pays motor men, conductors, etcetera, but only one man is needed. The company repairs overhead work and equipment at the cost of the proprietor, and the proprietor keeps track in order and supplies a block of land for a car depôt. The agreement is binding so long as the company remains in possession of the Perth and Subiaco concessions, but if either municipality exercises its option the agreement terminates. The proprietor agrees not to exercise power of discontinuing without first obtaining consent of the company. The company has the right during the first three years, and then at expiration of six or nine years, on six months' notice to purchase concession, etcetera, subject to rights of local authority, at a sum equal to one-half of the cost. If the company does not exercise that option the proprietor may, after nine years, on payment to the company of £1,000, require the company to discontinue at the expiration of six months, and the agreement will cease. But the company has the right of purchase over a section of the line on terms given above. If the municipality purchase the tramway, the proprietor pays the company £1,000 in respect of the car depôt. Any dispute is to be referred to arbitration in Western Australia. To summarise the position so far as it affects the rights of the local authority, it appears that the Perth City Council have the right on giving six months' notice, to purchase the line, rights, undertakings, etcetera, of the company at a price to be fixed by arbitration, but the lands to be taken at actual price after 21 years. But if they do not then purchase they have the right again at 28 years, while after 35 years, everything is to be handed over—the original lines and extensions made within 10 years of the beginning of the company's operation for no payment, but any



additions after that time have to be paid for. That is distinctly laid down in the agreement. They have to pay the actual cost of the land. The year in which that would happen is 1939. The Subiaco authorities have the right to purchase after 30 years, the price to be fixed by arbitration. Alternatively, the properties to be handed over at an amount to be fixed by arbitration after 35 years. That would be in 1936. Leederville is the same as Subiaco, with the difference that the property would revert in 1939. In the case of North Perth and the Perth roads board the system would revert to them in 1938.

Hon. Frank Wilson : By purchase?

The PREMIER : No, it would be handed over at a price to be fixed by arbitration. In this case nothing is provided for goodwill. Victoria Park has the right to purchase within seven years, but the tramway will revert to the municipality after 35 years. It is compulsory for them to purchase; the price is to be fixed by arbitration, and the lands are to be acquired for the actual price paid; that will happen in 1940. The North Perth municipality have a right to purchase after 30 years on giving six months' notice. The price is to be fixed by arbitration, but they must take over the trams after 35 years, in which case again the price is to be fixed by arbitration. That would be in the year 1945. In regard to Nedlands Park, the Subiaco council may exercise their rights within 30 years, and in that event they can also purchase the Nedlands line at a price to be settled by arbitration, but if the rights are not exercised and the Subiaco line is handed over at the end of 35 years, the Nedlands line must also be handed over at a price to be fixed by arbitration. If at the end of nine years the tramway company have not exercised their right, the municipality has six months option to purchase at half the cost to the promoter; that would be in 1917. The tramway company have the right to purchase the Nedlands Park trams by giving six months' notice at the end of six years or nine years, that is in 1914 or 1917, at half the cost

to the promoter. Those are the conditions as they prevail to-day and as they affect the various local authorities.

Hon. Frank Wilson : With the exception of Perth, none of them has any reversionary rights?

The PREMIER : The Perth City Council are the only authority who will be entitled to take over the trams after a period without making any payment, except the original price of the land and for any extensions made after the first ten years of the concession.

Hon. Frank Wilson : What extensions were made?

The PREMIER : So far as I am aware the ten years' term is only expiring. Certain legal questions were submitted some time ago and they with their answers were as follows :—

If local authority purchase at periods stated, or take over at periods stated, will it have to pay for statutory running rights?—Perth, No; Subiaco, yes; Leederville, yes; Victoria Park, no; North Perth, yes; North Perth and Perth roads board, no; Subiaco and Nedlands Park, yes.

Do the words "good working order and condition" impose obligation to (a) keep plant etcetera up to date, or (b) simply in good working condition? That question has not been answered except by references to the agreements that have been entered into.

Can local authority consent to construction of opposition lines?—Perth, yes; Subiaco, yes; Leederville, yes; Victoria Park, not till after December, 1940; North Perth, yes; North Perth and Perth roads board, yes.

If local authority does not purchase, is it bound to take over at end of fixed period?—Subiaco, yes; Leederville, yes; North Perth, yes.

Can promoter assign? Yes in each case.

That is the position of the tramway company in its relations with the various local authorities. Now the whole point which we have to consider, so far as the action of the Government in determining to nationalise the trams as against municipalising them is concerned, is how

much the various municipalities are losing by the transaction, and I have to readily admit that the city council are certainly the heaviest losers. The relation between the Government and the local authorities, in the event of the system being nationalised, is one that affects all local authorities to some extent, but the city council more than any of them, owing, of course, to the fact that the tramway system within their borders would revert to them without payment except for extensions made after the trams had been ten years in operation; whereas in other cases the price would have to be fixed by arbitration, in addition to which the municipalities would probably be paying a large sum for goodwill. As regards the present value of any rights accruing to local authorities under their options, the matter is one for an actuary to decide, but the position of each local authority is somewhat different. We cannot overlook the fact that the city council's recurring rights are more valuable than those of any other local authority, because, while all other lines are, at the expiration of the final period, to be handed over to the local authority at a valuation or at cost price or under some other terms carrying payment, the original Perth agreement provides that at the end of 35 years the whole of the lines, rights, plant, works, buildings, etcetera, are to be handed over to the local authority free from all encumbrances, as to all lines and extensions made in the first ten years, without payment of any sum except the actual price (notwithstanding interest) paid by the promoters for the said freehold and leasehold lands, and, as to subsequent extensions, upon payment of an amount fixed by arbitration. Another point to be considered is the fact that when the date for handing over the Perth concession arrived, the company would be in a very bad position, because their suburban undertakings outlive the Perth concessions, and under the suburban agreements they are bound to land their passengers at the town hall.

Mr. Allen: How are they going to do it?

The PREMIER: They could not do it. After the Perth concession ends, that would be absolutely impracticable, unless, of course, the company entered into some arrangement with the Perth City Council for operating the trams in their behalf; but that position is not likely to arise. If Parliament approves of the purchase by the Government, it will not be necessary for the Government to comply with that portion of the agreement, because we particularly provide that the trams shall not revert to the local authority at the end of a term of years; but we have provided that the Government shall pay to the local authority 3 per cent. of the gross takings for so long as Parliament agrees.

Mr. S. Stubbs: For all time?

The PREMIER: Until Parliament otherwise provides.

Mr. Allen: You did not say that at first.

The PREMIER: I admit that at first I thought it would be a fair thing to pay them 3 per cent. during the term of the agreements, but, as time went on, we became more liberal in our views and we are now prepared to pay them 3 per cent. so long as Parliament decides.

Mr. Allen: You will become more liberal before long.

The PREMIER: I would remind the member for West Perth that Parliament may decide that this payment shall not continue any longer; it may cease five years hence, but, on the other hand, it may be for all time. That is a matter for Parliament to decide in the future. However, I believe that Parliament will decide that 3 per cent., the amount now being paid by the company, is a fair charge to pay for the use of the streets, especially in view of the heavy losses which the municipalities would be incurring otherwise, through the Government taking over the concession. At this stage I would like to give hon. members some idea of the amounts that have been paid by the tramway company by way of a 3 per cent. charge on the gross takings. The highest amount paid to the local authorities was £2,272, paid by the company in 1904.

Mr. Allen: To all the local authorities?

The PREMIER: Yes, but it must be remembered that the bulk of that amount went to the municipality of Perth. The latest return I have here is for the year 1910, when the company paid £1,914, but the amount has generally been something just over £2,000. On last year's takings the 3 per cent. return to the municipalities would represent something like £2,500. The other provisions of the agreement we are prepared to comply with. I want to make it perfectly clear to Parliament that we are prepared as a Government—and I think Parliament will agree with us—to carry on the tramway system just as the company are carrying it on, so far as it affects the local authorities, in the matter of watering the tracks, keeping the streets in repair and accepting liability in regard to live wires.

Mr. S. Stubbs: And reducing fares?

The PREMIER: That is a matter for future consideration.

Mr. Allen: The watering of the tracks is unsatisfactory.

The PREMIER: We are compelled to take over the agreement made by the company with the city of Perth. I understand the company have entered into an agreement with the Perth municipality and other municipal authorities undertaking to make a contribution towards the cost of watering certain streets.

Mr. Allen: Last summer they did.

The PREMIER: I am not sure whether it was for last summer only, but we are taking over that agreement as well as the others. I want members to understand that it is our intention to treat the city council fairly in this matter. We appreciate very much the need of mitigating the dust nuisance, and when we have the opportunity, such as we will have in operating the trams, we will not be niggardly in attending to this matter. But I am sure Parliament will not expect me at this stage to intimate how we propose to make extensions or provide for reduction of fares, because that is a matter which will need to be gone into very closely by whoever may be controlling the system for the Government, whether it be the Commissioner for Railways or a manager appointed for the time being;

but I can say that we are satisfied that we can operate the trams successfully and give greater facilities, if not by reducing the fares at once, at least by a re-arrangement of fares, by running the trams more frequently, and by making extensions of the system. That brings me to the point as to whether we are not justified in nationalising the system instead of allowing the company to continue; and, if I know anything of the feeling of Parliament, it is that they would not tolerate an extension of the system, even for a mile, so long as the trams remain in the hands of the company. There is a strong public feeling that such undertakings should be either nationalised or municipalised, and I do not think that we as a Parliament are prepared to consider any further concessions in this direction, and that therefore the time has arrived to consider either the nationalisation or the municipalisation of the tramways system. That, of course, does not affect the fact that we were a little more keen than the municipal authorities and so obtained rights that were accruing to them; but I want it to be understood that we did not step in for the sake of preventing the municipalities from acquiring the trams. It was part of the policy of our party when in Opposition that the trams should belong to the people, and immediately on assuming office we entered into negotiations with the company, through the Agent General, for the nationalisation of these trams.

Mr. Allen: Are you going to nationalise all other tramway systems—Kalgoorlie and Fremantle?

The PREMIER: We are dealing with one system at a time, and I think it will be well to complete this deal, and then we can consider the purchase of the others, if necessary. I add the words "if necessary" because they were very convenient to our friends opposite in connection with the purchase of steamships, and they may be convenient to us some day if we are asked why we did not nationalise the services at Fremantle and Kalgoorlie. I was pointing out that when we entered into negotiations with the tramway company they submitted the same offer as they previously submitted to the muni-

cial authorities, and, I believe, to the leader of the Opposition when he was Premier: that they were prepared to enter into an agreement to sell for a price of £500,000. This amount was fixed at the annual meeting.

Hon. Frank Wilson: They never made any offer; there was an informal discussion and £500,000 was mentioned.

Mr. Allen: When you have two parties eager to buy, it firms the seller up a bit.

The PREMIER: In this case the seller was in a very different position from that of a seller of property which is not encumbered and not restricted in any way, and two buyers in the field would not materially affect the position under the circumstances surrounding the Perth Tramway Company's operations, because they appreciated the fact that it was useless for them to carry on under the conditions prevailing. These conditions were that their system was not going to be what they desired it should be, unless they could make considerable extensions, and they could not raise the necessary money to do that unless the municipal authorities were prepared to give them an extension of time under their agreement.

Mr. Allen: At the last annual meeting they said they could put up another £50,000.

The PREMIER: No. At their last annual meeting they decided that the value, that is the price to them, was £500,000, only because they recognised that they were up against a dead end.

Mr. Allen: They said they were prepared to expend another £50,000.

The PREMIER: As far as the proposition is concerned, the *West Australian* published a statement by Mr. Somerset at the time the mayor of Perth made a certain statement. It was as follows:—

I do not wish at this juncture to say anything about this report, but there is one point which I must touch on, and that is the allegation made by the mayor that the company increased their price to £500,000 as a direct result of the intervention of the Hon. Frank Wilson and Sir Winthrop Hackett in

the "conversations." As I understood emphatically this was not the case, and that the directors offered to sell the trams to the Government at the same price as offered to Mr. Molloy, I cabled London for confirmation, and have here a reply just received from London. The cables speak for themselves—Sent: "Mayor has made report. In it says you agreed with him £475,000; further, also agreed to recommend shareholders £450,000 providing firm offer made. Alleges that interference Hon. Frank Wilson, Sir Winthrop Hackett increased price £50,000. Telegraph immediately."

I think that is as the member for West Perth is putting it. The following is the cable which was received in reply—

Mayor mistaken, agreed to recommend £475,000 in June if he made firm offer. Then mayor proposed £450,000. Agreed to submit, but we were confident that would be refused. Stated that £475,000 minimum price might be considered by shareholders. Mayor's proposal was not supported by council. He could not get authority to make firm offer. Nothing done. Hon. Frank Wilson, Sir Winthrop Hackett suggested price same as mayor. Gave them same reply. Nothing done. Since then position greatly improved. Shareholders fully aware of this. Anticipate that it will be difficult to get £500,000 accepted now. Cannot buy shares.

Mr. Allen: They went up as soon as you got that option.

The PREMIER: That is not the case.

Mr. S. Stubbs: Was that before you assumed office?

The PREMIER: Not that cablegram; that was sent, I believe, after we assumed office, on the 27th October, but we had done nothing up to that date.

Mr. Allen: After you took the option the shares went up.

Mr. S. Stubbs: When did you enter into negotiations?

The PREMIER: Not until January of this year.

Mr. Allen: The shares went up afterwards.

The PREMIER: No, not after the time of the annual meeting—not until a certain cablegram was sent recently by someone who was ignorant of the price under which they were offered to the Government, that we were paying £500,000. The cablegram was sent to the *Standard of Empire* by their correspondent in Perth. I am not sure who the correspondent is, but I believe he is connected with the *West Australian*, and I can only say I am sorry that he sent it without a knowledge of the facts. Shares undoubtedly did change hands, and the cablegram has had an effect on getting the consent of the shareholders to the price actually offered. I am assured by Mr. Stoneham that difficulties do exist in the way of getting the consent of the shareholders, owing to that cablegram, and that it will require all the persuasion he can bring to get them to consent to the offer of £475,000.

Mr. Allen: Do not you believe it?

The PREMIER: As far as Parliament is concerned, the company will not have an opportunity to make extensions, and they will have to comply with the provisional orders and agreements in the future as in the past, so far as we can legally compel them to do so. As far as the price is concerned, I believe everybody was agreeably surprised when it was announced that we had secured the option for £475,000. May I explain that at the annual meeting the shareholders agreed to sell for a minimum sum of £500,000, and since that date the company have expended something like £13,000—that is capital expenditure—by way of additions which they have made. That £13,000 has to be added to the £500,000, and it makes the actual price £513,000 as the minimum fixed by the shareholders. After negotiations on the part of the Agent General on our behalf, we arrived at an agreement that the price should be £475,000 with the inclusion of that £13,000 I have mentioned. Judging by articles in the newspaper known as the official organ of the Liberal party—I refer to the *Sunday Times*—

Hon. Frank Wilson: What does the *Worker* say about it?

The PREMIER: I have not read that yet. I am referring to the official organ of our opponents. The *Sunday Times* and the *West Australian* thought that £500,000 or more would have to be paid. The mayor of Perth said it was rumoured that we were paying £530,000, and quite a number of people seem to have imagined that we would have done good business if we had paid from £500,000 to £530,000.

Mr. Allen: Good business for the company.

The PREMIER: I am satisfied that the price we have agreed upon is one that will be beneficial to the purchasers.

Mr. Allen: Have you had the undertaking valued?

The PREMIER: Yes. I will come to that presently. I will give the whole of the figures. I would like to explain that one who should be able to speak with authority said if we purchased the cars for £600,000, judging by last year's profits, they would pay four per cent. and still leave a net surplus of £6,161 on the transaction.

Mr. Allen: How do they make it up?

The PREMIER: It is made up by competent persons, and, under the circumstances, I am satisfied that the bargain is a really good one. For a time there will be demands made on the Government, when they are operating the trams, for a reduction of fares, and perhaps for better conditions for the men employed in the service. We shall have to face these demands and also the need for extensions. Anyone who knows the news about Perth will appreciate the fact that there are, I venture to say, thousands of people who to-day walk from the suburbs into the City, and who would ride if they were given reasonable facilities to do so. Between Thomas-street and Perth hundreds of people regularly walk rather than wait on the street corner until a tram comes along, because in 99 cases out of a hundred they wait only to find that the car is full.

Mr. S. Stubbs: The threepenny fare is extortionate, too.

The PREMIER: They are prepared to pay the threepenny fare, and I say, notwithstanding that, they refuse to wait on the street corner and see tram after tram pass them by until they eventually have to walk. They have to get into town by a certain time, and they find that by starting in time they can walk in and be sure of arriving in time to keep their engagements. That is a condition of affairs which should not exist.

Mr. Allen: That is where the company should be made to come up to its agreement.

The PREMIER: I do not know that the company could be compelled, under their agreement, to meet such cases, but when the Government operate the trams they will give special attention to provide sufficient rolling stock to carry the people who desire to ride rather than foot the journey to the city. The Government want the surplus cash of these people, and I think it would be good business to provide reasonable facilities for them. The company, under the provisional agreement into which they have entered, cannot expend money in the way of extensions, or add to the present stock without our concurrence. Mr. Somerset was authorised to confer with us with a view to providing further rolling stock for the tramway system, and we have decided to introduce a new car, known as the new centre-entrance Brill car, made in America, for the purpose of trying to overcome the difficulty which presents itself in our central thoroughfare, Hay-street. Members will appreciate the position under existing conditions, that the cars can have only one entrance—at one end or the other. It is impossible to use cars having entrances along the side because they require footboards or sideboards, and the streets are so narrow that if the cars had sideboards they could not pass a vehicle which happened to be on the same side of the street. There would even be a danger of the sideboard striking a vehicle which was standing in the gutter. Therefore, we are compelled to have a class of car with an entrance only at the end; and members know how the traffic is held up

while passengers step out at one end and other people step in at the same end. If we had to carry anything like the traffic that they have in Sydney it would be absolutely impossible to do so. We are now facing the position, that we must find some other system of allowing people to enter and leave the cars quickly, and we are going to try to do that by introducing the Brill car with the centre entrance. Eventually, we shall find it necessary—this is my private opinion and that also of people who are in a position to know—to remove one line from Hay street and lay it along one of the other streets, one to carry the traffic up and the other to carry it down. Then we will be able to have the same system of side-entrance cars that they have in Sydney in place of the end-entrance cars that we have to use now and, in that way, we will be able to cope with the traffic where we cannot do so at the present time. This, however, is a matter for future action, unless the city council decide to widen Hay-street, and I believe this would be even better, but the question is one for the city council themselves to decide. The longer they leave it the further they get away from it, and the greater the cost will be. The member for West Perth asked if we had a valuation of the undertaking made. We did not enter into negotiations without having first got expert officers to advise us in connection with the value of the plant. We asked the Commissioner for Railways to make this valuation, and of course the Commissioner entrusted a lot of the work to his expert officers. I am sure the member for West Perth will not ask me to name the officers; it is sufficient to say that they are in a position to give such advice.

Mr. Taylor: Competent men.

The PREMIER: Yes, competent men. They advise that we have to view the property from the point of view whether we are going to allow the system to revert to the local authorities or take possession of it, and the figures have been put under these different headings. They say that the value to the Government by purchasing now would be £375,000, if the

trams were to be repurchased by the Perth city council in 1925. If we had to dispose of them in 1925 they would be worth only £375,000 to us, basing it on the assumption that the profits were not going to increase or decrease, and that we were not to make any extensions; and the annual net profit required for interest and sinking fund would be £25,000, interest at 4 per cent. absorbing £15,000, with an annual sinking fund contribution of £10,000, so that in 1925 we would get back our capital invested by disposing of the system to the Perth City Council for £200,000, the realisable value at that date.

Mr. Allen: What about renewals?

The PREMIER: We have allowed more for depreciation than any company operating a tramway system in any part of the world. The depreciation has been based upon McColl's standard work on the keeping of tramway accounts. That is the latest publication.

Mr. Allen: Are there any figures available regarding the depreciation allowed?

The PREMIER: During the last ten years there has been very little allowed by the company for depreciation, but we have made provision in our calculations that it will be a heavy charge on the system for a number of years.

Mr. Allen: What is the amount allowed for depreciation?

The PREMIER: It is the difference between the £200,000 and £375,000. In the event of a transfer to the Perth City Council in 1939, that is handing the system back free under the agreement, a fair price to pay, according to the experts I have mentioned, would be £400,000. On this a net profit of 25 per cent. would be sufficient to pay the interest, £16,000 per annum, calculated at 4 per cent., and sinking fund, £9,000 per annum, which would cover the suggested price of £400,000 in 1939.

Mr. Allan: What about the annual depreciation?

The PREMIER: We allow for that. We have based the profits at £25,000 as against £41,000, because the £41,000 was made when the company were making

hardly any allowance for depreciation. In truth £25,000 is nearer what ought to be the net profits earned by the tramway system than £41,000, if we follow McColl. We can rest assured that we can make £25,000 profit after the annual allowance for depreciation.

Mr. Allen: And interest and sinking fund.

The PREMIER: No; after allowing for depreciation we anticipate that we can make a profit of £25,000, which will be sufficient to pay interest at 4 per cent. on £400,000, and provide a sinking fund of £9,000 per annum, which would, by 1939, cover the suggested price of £400,000, so that we would not lose on the transaction, but there would be no profit.

Mr. Lewis: The profits will increase.

The PREMIER: This is viewing it with the idea of handing over the tramways in 1939, and having no increase in the meantime. If that were to be the position, that we were to hand over the system in 1939, it would not be advisable for us to consider the purchase at this stage. If we are not to retain possession of the tramway system it would be better for the country not to undertake the purchase at this stage.

Mr. Allen: Hear, hear!

The PREMIER: There would be no advantage in going to the trouble and expense of finding the money and organising a department to control the system and, at the end of the period, be no better off—not a single penny, adding to our public indebtedness without any compensating advantages. In these circumstances the Government are not prepared, and I do not think Parliament is prepared, to approve of the purchase, unless at the same time we can take from the local authorities their reversionary rights. If we were taking the tramway system out of Perth, to some other part of the State, and operating it, of course the Perth City Council might have something to complain about; but the system operated by the Government will be operated by the representatives of the people in the interests of the people along the tramway routes; and at the

same time it will be operated in the interests of the whole of the people of the State; because the capital city belongs not only to the ratepayers of the city but to the people of the State as a whole. It is not the ratepayers of Perth who make the capital city and give the tramway system its value, it is the people in all parts of the country.

Mr. Allen: They have to pay the local rates.

The PREMIER: Can the hon. member explain to me how the business people of Perth could pay rates if it were not for the wealth produced outside Perth? Is it not the distribution of the wealth produced in agricultural and mining districts that, finding its way to Perth, enables the people of Perth to pay rates. The population of Perth and improvement of Perth were very little before our mining and agricultural districts were opened up. It is that which has given the people of Perth their valuable tramway system, and it is due to the people of the State as a whole that they should have some interest in the future extensions of that tramway system. That being the case, let me point out furthermore, that a tramway system should be a feeder to a railway system. Whoever controls the railway system in the capital should also control the tramway system. The best evidence of a tramway system when nationalised as against a municipalised system, is to be found in Sydney; and, notwithstanding the smiles of the member for West Perth, I venture to say there is no tramway system in Australasia that is controlled and worked for the benefit of the people of the city that is at the same time of such advantage to the people of the State as that in Sydney. In fact, it is the second system in the world so far as I can learn from reading; and it is because there is no opposition between the tramway system and the railway system. If a tramway system is owned by municipal authorities, the latter will be so jealous about their interests and about the possibility of the railway system owned by the State doing something to their detriment, that there will always be antagonism

between the two; it cannot be avoided: but where the railway system and the tramway system are owned by the same people, it does not matter whether people are carried on the trams or on the railways, as the two work in unison. What is the position in Perth to-day? Our tramway system is not operating in the interests of the people, because it does not serve the railway system. Beyond the people who live just on the tramway routes and want to do business in the centre of Perth, the trams are no convenience whatever; they merely operate for the purpose of carrying persons living on the tramway lines to the business centre of Perth, and that alone. A tramway system should be something different. It should enable people to get about the metropolitan district, and it should feed the railways, and also give the people who use the railways the opportunity of moving, per medium of the tram system, to any point of the metropolitan area. The position is very different from that in Perth to-day, but I believe that when the trams are operating for a few years under Government control, even the municipality of Perth will appreciate the value of having the Government owners of the system as against a municipally-owned system. I am sure the people of the State are practically unanimous on this point, that the trams should be nationalised as against municipalised. I made reference to the Sydney system. May I explain the huge system operated there? The latest figures available are those for 1909-10. In that period the Sydney trams carried 201,000,000 passengers, ran 22,000,000 car miles, earned £1,185,000, generated 56,500,000 units of electricity, owned 1,270 vehicles and 244½ miles of track, and employed 6,217 men. Eventually Perth on the western side of Australia is going to be just as important as Sydney, if it is not a greater city; and viewing it from that standpoint, I believe the time has arrived when the State should undertake the operating of our tramway system in the capital city, and view the further extension and further improvement of that system from the standpoint of



how the system will operate in fifty years' time. Unless we do that we will have a tramway system that will not be beneficial to the people, but as a matter of fact will be a continual eye-sore, and one that will cause considerable grumbling. A great many improvements must be made, which will entail a huge expenditure, and it is the Government that can best find the money to make those essential improvements and keep the tramway system up to the standard we will require in the future for the city of Perth.

Mr. Allen: We need money for the further development of the State.

The PREMIER: That is true; but the hon. member and his fellow-councillors do not say that when they ask the Government to find further moneys by way of subsidy to the City. They do not tell us then that the money could be better expended in the further development of the State. They are continually pointing out that if we are going to develop the interior we must expend more money in the capital in appreciation of the fact that it is the capital of the State, and not a local town, and that it is a city owned by the whole of the people and therefore should be kept up to the standard a capital city should be kept up to. The Government view the matter from that point of view and agree that sums of money have to be expended in the capital city of any State, and that money must be spent from the point of view of the future of the State and the future of the city. Furthermore, I do not think that any company, restricted by the terms of these agreements, whereby the rights revert to the Perth City Council and the suburban local authorities in the years provided, could raise the necessary money for the purpose of carrying on the tramway system as is desired, and as the people would require: and the time has arrived when we think the tramway system can be better owned by the Government and the necessary steps taken by them to provide for the people in the metropolitan area and those who from time to time visit the capital the further facilities and improvements that are re-

quired in connection with the tramway system.

Hon. Frank Wilson: Have you the mileage?

The PREMIER: This is a summary of the mileage:—City of Perth 17 miles 55 chains; Subiaco, suburban extension, 2 miles 60 chains; Leederville, suburban extension, 1 mile 40 chains; Victoria Park suburban extension, 2 miles 12 chains; North Perth suburban extension, 1 mile 22 chains; Osborne Park (operated under contract) 2 miles 30 chains; Nedlands Park (operated under contract) 2 miles 30 chains. The company own and operate 30 miles 11 chains under Parliamentary enactment. The time has arrived when the people require an extension of the system and further facilities, but Parliament is not in the temper to permit the company to do it; and thus, in fairness to the interests of the people who require tramway facilities, if we are not prepared to allow the company to operate and extend their system, we ought to step in and say we are prepared to do it.

Mr. Allen: The municipalities are prepared to do it.

The PREMIER: I am not so sure that they are. It is all right from the standpoint of the City of Perth, because all lines necessary in the City have already been constructed, but it is outside the boundaries of the City where extensions are needed. For instance, they need an extension to Maylands very badly, and they want an extension to different parts of Leederville, and extensions to, in the near future, Claremont and to other districts. I could mention several places where the people outside Perth require extensions of the system, and they are not in that position of being able to find the money to carry out the extensions at once. We have undertaken the responsibility of assuring those people that, subject to the approval of Parliament being obtained, to the purchase of the system, we shall be prepared to make the extensions wherever the population will warrant them being made.

Mr. Taylor: The system will stand it.

The PREMIER: Undoubtedly. There is nothing further that I need say.

Hon. Frank Wilson: Before you sit down, will you tell us what municipalities have agreed to what has been done?

The PREMIER: The Perth City Council are opposed to the nationalisation of the system, Subiaco supports it, the Claremont roads board and the Claremont council support it, and North Perth municipality support it and the Perth roads board support it subject to the rights of the municipality or the local authority, whatever they may mean by that, being conserved. I suppose they refer to the reversionary rights in connection with the Osborne Park tramway. Victoria Park support nationalisation, Belmont roads board support it, in fact all the local authorities, with the exception of the Perth City Council, support the proposals of the Government, and they all gave their support before they knew anything of the price to be paid. I want to make it clear to hon. members that unless we can purchase and remove those reversionary rights contained in the agreement, the Government will not be prepared to conclude their negotiations. It would be useless for the Government to do so, and it would be unfair to the people whose credit we have pledged for the purpose of repaying the loans. We will have to raise a large sum of money, and there would be nothing to be gained by doing that if the trams had to revert to the local authorities after a comparatively short period. In lieu of that we guarantee the local authorities of Perth three per cent. of the gross takings. I would like to point out that rates cannot be levied by local authorities against the central Government; we propose to do what I think we have no right to do and the question arises as to whether we are not establishing a bad precedent in paying that three per cent. to the local authorities. I am satisfied that before many months have elapsed we will have a claim from the local authorities to levy rates on Government properties, and they will urge as a reason the payment of the three per cent. of the gross takings to the municipality of Perth.

Hon. Frank Wilson: Will you grant it?

The PREMIER: I am afraid not, and I may say now, in case they should make up their minds to approach us on the matter, that we are not likely to agree to anything of the kind. I trust that Parliament will see the wisdom of passing the measure in order to complete this purchase. I believe as the years roll on, the people, including those in the municipality of Perth, will appreciate the action of the Government in having stepped in on this occasion to purchase the trams at what is considered to be a reasonable figure. I have much pleasure in moving—

*That the Bill be now read a second time.*

On motion by Hon. Frank Wilson debate adjourned.

## BILL—METHODIST CHURCH PROPERTY TRUST.

### *Second Reading.*

The ATTORNEY GENERAL (Hon. T. Walker) in moving the second reading said: This is a Bill which has a precedent inasmuch as an example has already been set by enabling other churches to deal with their own properties in the manner that is proposed in the measure before members. The object of the Bill is to enable the Methodist Church in this State to deal with its own property. I may state that, up to the present time, the Methodist Church in Western Australia has been working under the Western Australian Wesleyan Methodist Act of 1895. That Act this present measure will remove. The Act of 1895 was passed at a time when the Methodist Church of Western Australia was practically managed from Adelaide, that is to say, it formed a portion of and was controlled by the Methodist Church in South Australia. The old Act was accordingly drawn so as to make this part of Western Australia, so far as the Methodist Church was concerned, a province of South Australia. This State was then only a district of South Australia, so far as the government of the Church was concerned. I may inform the House that the Methodist Church throughout Australia is gov-

erned by a General Conference, which Conference comprises representatives from all the States and from New Zealand and it meets every three years to discuss the business connected with the Church. In addition to that each State has its own separate Conference for the purpose of looking after local affairs, whilst, of course, the general affairs affecting the Church as a whole, are controlled by the General Conference. In 1900 the Methodist Church in Western Australia was granted, for the first time in its history, an independent conference, and was in that year separated from South Australia, but, of course, it has had no Act of Parliament justifying its existence as a Church capable of looking after all its affairs in this State since then. In 1902 there took place a union of what is known as the Wesleyan Methodist Church, the Primitive Methodist Church and the Bible Christian Church. These were consolidated and became known throughout Australasia by the one term, namely, the Methodist Church of Australasia. The Bill before the House endorses that action on the part of the various Conferences and validates that union of the Churches. But from the date when the Methodist Church in Western Australia began to practise autonomy, so far as being a State Church that is to say, a Church having its own local Conference, from that date to this there have been no steps taken to afford statutory authority to the Methodist body in this State so as to make it conform to the organisation of the Church throughout Australasia. That is to say, there has not been anything done to enable it to deal uniformly with its laws, or to deal with it by any other means than those afforded in a legal sense, since the time the Methodist Church of Western Australia was a district of the Church of South Australia. The present Bill is for the purpose of consolidating all the laws relating to the Methodist Church, and for the purpose of bringing the Church up-to-date and making a law parallel with the laws of the other States.

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

The ATTORNEY GENERAL: Before tea I was dealing with the necessity for the Bill, occasioned by the attitude of New Zealand. Originally, as I have said, the Methodist Church was governed as one body throughout Australasia, and part of that body was the then Colony or State, now the Dominion, of New Zealand. Two years ago New Zealand applied to the Australasian Conference for autonomy, to have her own conference and manage her own affairs, and that privilege or right was granted by the Australasian Conference. In other States they have passed the necessary measures validating that course, and giving to New Zealand independent government of the Church. This State is the only State that has not passed a Bill of a like purpose. The measure now before the Chamber brings Western Australia into line with the other States in that respect.

Mr. Underwood: Do you believe in composite churches?

The ATTORNEY GENERAL: I would not if the hon. member got amongst them. The Bill now before us will grant, so far as this part of the Commonwealth is concerned, the same privileges as the New Zealand Church has been granted by measures passed in other States. Moreover, one of the main objects of the Bill is to simplify the management of trust property within the State. As I have intimated, the trusts that exist are chiefly those formed before 1895, and the management of those trusts under the present law has been found very cumbersome. It will be known, perhaps, to some members, though not to all, that the properties of the Church in this State are held in the various localities or districts into which the Church is divided, and in each district trustees have been appointed for all the properties that were in the possession of the Church before 1895. We will say there were in one district 24 trustees holding that trust. Let us suppose that a number of them since that time have died or left the State. The difficulty now in dealing with that property would be the hunting up of the trustees or their successors, and each of the trustees, being responsible, would have to go to the Titles

Office to deal with the property, while separate deeds for each trustee would have to be prepared and duly registered etcetera. Therefore it will be seen that the existing method is very cumbersome, besides which it must be recollected that since 1895 the expansion of the country has given to the Church other properties that are not included in the original deed or trust. These, of course, require to be brought into line. The Bill proposes to simplify matters in this way: there will be appointed a registrar who will act for the whole of the Church, and will keep a register of all the trusts and all the trustees. The Bill provides that his certificate shall be a sufficient warrant to the Registrar of Titles in the Titles Office as to who are the trustees, and the state of the trusts generally. I am sure that improvement will commend itself to hon. members. I may say this method has been working since 1887 in New South Wales and Queensland, and no hitch has occurred in connection with it, rather has it proved most satisfactory. The measure has not been prepared in haste. In this State it has been under consideration for many years. It has received the endorsement of several conferences and, in fact, it has been prepared by the Conference of the Church and has received the imprimatur of the president of the Conference. Furthermore, it has been submitted to the president of the Australasian Conference. Briefly, therefore, I may say the Bill validates the union of the churches mentioned, namely, the Methodist, the Primitive Methodist, and the Bible Christian Church, and puts them all under one management. It gives independence to the Church. It gives an independent conference to the Methodist Church in the State of Western Australia, and it simplifies the general management of their property. I think if hon. members will take the trouble to read the preamble of the Bill they will there get all the information necessary to the understanding of it. Therefore, I need not weary members any further, except to state that, owing to the fact that the Bill was prepared by the Conference of 1911, and has not been introduced until

this date, there will be a few amendments required to bring it right up to the present moment. For the purpose of making these necessary amendments I propose to ask the indulgence of hon. members when we get into Committee. I move—

*That the Bill be now read a second time.*

Hon. FRANK WILSON (Sussex): This is one of those measures which come before Parliament from time to time in connection with Church matters. We passed a Bill some two years ago to enable the Roman Catholic Church to get its affairs put on a sound basis, and I remember several occasions on which we have had measures of this description introduced by Ministers in order that churches might manage their affairs properly. The Attorney General has very lucidly explained the contents and principles of the measure, and I do not know that any hon. member would wish to wade through the preamble, as he suggests, covering four or five pages and dealing with the names of trustees and others. But I think the fact he has stated, namely, that this Bill has passed every other State Parliament of Australia will be, perhaps, quite sufficient for hon. members to come to the conclusion that it is a proper measure to pass. The particular trouble, I understand, with the churches at the present time is that some two years ago New Zealand received permission to separate entirely from the Conference of Australasia, and to set up a conference of her own. But a condition to that action was that each State in Australia should legislate in the direction provided for by this measure, and confirming and approving of the severance of New Zealand from the Conference of Australasia. This has not been done, and if this measure be not passed through our Parliament it will mean that New Zealand will find herself in an illegal position. I understand also from what has been said in introducing the measure, and from what I have heard from those interested, that the Bill does not give the West Australian Conference any powers of legislation. The sole powers of legislation lie with the General Con-

ference of Australasia, and the West Australian Conference merely manages its own local affairs. So it will be seen that we are not doing anything in passing this measure which could be detrimental in any way to any branch of the Church in other States. I think members will be satisfied from the speech of the Attorney General that the measure is essential in order to give the combined churches here the necessary powers to control their own affairs, and, in order to put New Zealand, which separated from the Australasian Conference two years ago, on a proper legal footing; and, further, that the trusts in connection with the several churches may be put on a satisfactory footing for the future management of church properties. It is unnecessary for me to labour the question any further, or to go over the facts which the Attorney General has so explicitly put before us. I merely say that, viewing the measure as a necessary one, it has my support, and I hope hon. members will permit it to pass into law.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Mr. Holman in the Chair; the Attorney General in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation :

On motions by the ATTORNEY GENERAL, clause amended by inserting after "Western Australia" in line 10 the words "now or any time hereafter;" also, by inserting in line 19 after "upon" the words "any of;" also, by striking out of line 19 the words "Model Deed for the Wesleyan Methodists of Western Australia" and inserting in lieu the words "Wesleyan Methodist Model Deed of South Australia 1887 or the said Methodist Church Model Deed of Western Australia 1912;" also, by striking out of line 63, "1911" and inserting "1912" in lieu.

Clause as amended put and passed.

Clause 3—agreed to.

Clause 4—Name of united Church, modification of Model Deed :

On motion by the ATTORNEY GENERAL, clause amended by striking out "1911" in line 12, and inserting "1912" in lieu.

Clause as amended put and passed.

The CHAIRMAN : The alteration of "1911" to "1912," wherever it relates to the Model Deed will be a consequential amendment throughout the Bill.

Clause 5—agreed to.

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

On motions by the ATTORNEY GENERAL, clause amended by inserting in line 28 after "Transfer of Land Act, 1893" the words "or the Land Act, 1898, or the amendments thereof respectively;" also, by inserting in line 30 after "title" the words "lease or leases."

Clause as amended put and passed.

Clauses 7 to 18—agreed to.

Clause 19—Acts of conferences of Australasian Wesleyan Methodist Church and of Methodist Church of Australasia confirmed :

On motion by the ATTORNEY GENERAL, clause amended by inserting after "ten," in line 11, the words, "One thousand nine hundred and eleven and One thousand nine hundred and twelve."

Clause as amended put and passed.

Clauses 20 to 25—agreed to.

Schedules—agreed to.

Preamble :

On motions by the ATTORNEY GENERAL, preamble amended by striking out of line 63 "December" and inserting "July" in lieu; also by inserting in line 70 the word "Samuel" before "Benjamin" and striking out the words, "the Reverend William Burridge"; also by striking out of line 75 "Theophilus Rodda Lowe"; also by inserting in line 79 after "attested" the word "and," and after "and" the words "will be duly"; also by striking out of line 81 the words "has" and "been"; also by inserting in line 159 after "eleven" the words "and One thousand nine hundred and twelve."

Preamble as amended put and passed.

Title—agreed to.

Bill reported with amendments.

## BILL—PREVENTION OF CRUELTY TO ANIMALS.

### *Second Reading.*

The ATTORNEY GENERAL (Hon. T. Walker) in moving the second reading said: I make no apology for bringing this measure forward. I rather consider it somewhat a disgrace that we should stand so far behind the rest of the States of the Commonwealth in our consideration of this subject, which touches so near to our humanity. It would be incorrect to say that we have nothing dealing with the prevention of cruelty to animals upon our statute-book; but when I inform members that the only provisions we have of a statutory character regulating a subject so near to our civilisation are nothing beyond what is dealt with in a Police Act, and a Police Act so old as 1892, then it will be readily admitted that there is no necessity whatsoever to apologise for bringing this measure forward. In England the example has been set long ago of humane treatment to our dumb animals. In the other States provision has been made for dealing with those brutal natures who cannot understand that there is something in nature that makes all animal life akin, even when that animal life assumes the human form. I think that the measure speaks for itself. It is not a long measure, and I can very briefly state what it deals with. First of all, in Clause 4, it provides certain punishment for the ill-treatment of animals, which includes wounding, mutilation, over-driving, worrying, tormenting, over-loading or over-crowding, beating, or causing unnecessary pain to animals. It also makes provision for the punishment of those who wantonly or negligently fail to supply an animal with proper or with sufficient food or water, or with proper shelter. It also makes provision for the punishment of those who keep animals for fighting. So far we have not gone any further than our Police Act of 1892 goes.

Mr. Heitmann: What about those who keep human beings for fighting?

The ATTORNEY GENERAL: There are special provisions in our laws for those who keep human beings for fighting.

Mr. Heitmann: They can speak for themselves.

The ATTORNEY GENERAL: The Bill deals with the punishment for conveying or packing any animal for conveyance in such a way as to cause unnecessary pain, or for slaughtering any animal so as to cause unnecessary pain, or for wilfully driving any animal or carrying or packing any animal which is unfit for such use or treatment. It not only provides a penalty for violating these provisions, but the measure also enables the owner of an animal who has suffered loss or damage in consequence of ill-treatment of this kind to recover damages to the extent of £20. There is one exception made in the Bill of what might otherwise be thought to be cruelty, and that is in the case of dehorning cattle; but even in this instance the operation must be performed with the minimum of suffering to the animal. There is another exception, perhaps, to which I should draw attention, and that is that there is no offence for the slaughtering of an animal in such a way as may be necessary to comply with the Jewish religion or with the rights of any other religion. Having gone so far generally, the Bill goes on to make what I may call special provisions which are new to the legislation of the State. We provide that no animal brought to a place for slaughter is to be used or worked in any way, and we also enable the constable who has himself seen any wrong done to an animal, with the approval of a justice, to prohibit the working of an animal. This prohibition may be renewed from time to time, but any person thinking himself aggrieved by the action of the constable may apply to a court of summary jurisdiction to have the prohibition annulled. By the Bill constables are given power to enter and inspect saleyards to find out what treatment the animals are receiving there. On a complaint for an offence against the Act the justice may issue his warrant for the apprehension of the offender in the first instance if he thinks fit. When a person in charge of a vehicle or animal is arrested for an offence against the measure, the vehicle and animal may be seized

and kept as security for the payment of any penalty that may be inflicted on the person, and, if necessary, may be sold to pay the fine. It is provided that any magistrate or two justices may appoint any officer of a society for the prevention of cruelty to animals to be a special constable for the purposes of the Act. In fact, there is ample provision for having such special constables, limited of course to the carrying out of the statute, appointed in any portion of the State. Any justice also is enabled by the measure to order the destruction of any animal which is found in a pound or elsewhere, and which appears to be in a weak, disabled, or diseased state; and a similar power is conferred on the constable when an animal is so injured in an accident that its recovery appears impossible. Constables and others are granted power to make searches wherever animals are kept if they have a suspicion that an animal is being ill-treated; a warrant may be obtained, the premises inspected, and the punishment inflicted. There is a provision here to which I wish to draw the attention of the House. When a complaint is made against a driver or conductor of a vehicle, a justice may require the owner of the vehicle to produce before him the driver or conductor by whom the offence charged was committed; and any owner failing without reasonable excuse to produce such driver or conductor may be fined to the extent of 40s.; and if so fined, if he still continues contumacious he may be summoned again and again fined; and so the process can be kept on. But, of course, if the master has to pay the fine and the servant is guilty, the driver or whoever is responsible, of the act complained of, the Bill gives the owner the power to recover. One humane provision of the Bill is that if in any place animals are kept without nourishment or without proper water supply, anyone seeing the state of the animals may supply the animals with food and water and charge the owner of the animals with the cost of doing it. There is one exception which I ought, in fairness, to draw attention to, and that is, we do not make provision in the Bill for sup-

plying animals with food and water when they are being carried in our railway trucks, but we trust to the Government management of this traffic to see that the animals are properly cared for during transit.

Mr. Dooley: The railway regulations provide for that.

The ATTORNEY GENERAL: Of course we trust to the strict carrying out of those regulations.

Hon. Frank Wilson: They do not water them.

Hon. J. Mitchell: Is the Commissioner of Railways exempt under this measure?

The ATTORNEY GENERAL: That of course can be discussed in Committee. But that is how the measure is drawn. The Bill also makes provision for the conducting of vivisections. These will be permitted to practitioners or duly qualified men. For the purpose of science, scientific men may be permitted to make vivisections. The Bill provides that this shall be done without infliction of pain to the animals. The animal has to be under anaesthetics; and if injured while the operation is being performed so as to entail long suffering afterwards, the animal has to be destroyed. The Governor is given power to make regulations so as to restrict the operations in the nature of vivisection to those who can be entrusted to undertake such works, which of necessity are of a cruel character. I do not think I need labour the measure. It must commend itself to the humane feelings of the members of the Chamber, and, without therefore detaining the House longer, I move—

*That the Bill be now read a second time.*

On motion by Hon. J. Mitchell debate adjourned.

## BILL—NEDLANDS PARK TRAMWAYS ACT AMENDMENT.

### *Second Reading.*

The MINISTER FOR WORKS (Hon. W. D. Johnson), in moving the second reading, said: This is merely a measure introduced for the purpose of releasing a deposit put up by the tramways com-

pany as a result of an amendment which was placed in a Bill which was before this Chamber in 1907. The Chamber by a majority at that time, thought that the company should give some guarantee of good faith on their part to construct the line and operate it according to the promises made at the time the Bill was introduced. The deposit was lodged and the company have carried out their part of the contract up to date, and they have since made representations to this Government, as well as to the previous Government that the £1,000 should be released, and that they should enter into a joint and several guarantee signed by persons of repute to carry out the remaining portion of their contract, as requested by Parliament.

Hon. Frank Wilson: What is the remaining portion?

The MINISTER FOR WORKS: I think the term was eighteen years; I am wrong, it was ten years. The joint and several guarantee has been signed and the Government are satisfied about the bona fides of the signatories, and now we are asking Parliament to give us the necessary authority to return the £1,000 deposit. I would also point out that this money is held by the Government and does not bear interest. The Treasurer informs me that we have not paid interest up to date, and that no interest can be claimed. That, too, influences us in asking the House to release the money. It is an injustice to keep the money in the Treasury and not pay interest on it. The better way will be to hold a joint and several guarantee. With this explanation, I desire to move—

*That the Bill be now read second time.*

Hon. FRANK WILSON (Sussex): I have no intention whatever of opposing this measure because the matter was under our consideration before we went out of office. It seems to me to be a reasonable request that the £1,000 should be returned to these people, because they have fully carried out all that they undertook to do in the construction of this particular tramline. I do not know why the money should have been lying in the

Treasury without bearing interest. To my mind all these deposits should bear a reasonable rate of interest which should be paid to those who make the deposit. A bond with two approved sureties is all that this House can now ask to see that the remainder of the contract is duly carried out. I am sure that Ministers have satisfied themselves that proper sureties have been forthcoming, and I think the House will be perfectly justified in agreeing to the return of this deposit.

Mr. LANDER (East Perth): May I ask the Minister for Works before the second reading is carried, whether this is the same company that holds a link of land between the water and the shore at Nedlands. I believe there is a link reserve there, and I think we ought to find out whether this is the company that holds it. If they are trying to play any little trick in holding this link to prevent the public from getting to the baths, I shall oppose the Bill.

Hon. Frank Wilson: I do not think they are likely to stop the people from getting to the baths.

The MINISTER FOR WORKS (in reply): I am not aware whether this company hold the link reserve referred to by the hon. member, but I would point out that there is no connection between this measure and that matter. If there is anything wrong about that link reserve, the wrong has been done under another measure which gave them the right to do as they liked with it. If a wrong was done under some other Act, we should not commit another wrong by holding this money when we have a joint and several guarantee to meet the position. Moreover two wrongs do not make a right. I do not think it would be fair to penalise the company through this measure for some wrong that may have been done under another measure.

Hon. Frank Wilson: They gave the whole of the foreshore to the local authorities.

The Premier: They gave a fair quantity of it, at any rate.

Question put and passed.

Bill read a second time.



*In Committee.*

Mr. Holman in the Chair; the Minister for Works in charge of the Bill.

Clause 1—Amendment of Act No. 30 of 1907, s. 2:

Mr. HUDSON: Was the Minister for Works accepting the guarantee of the individuals to whom he had referred extending over a period of eighteen years?

The Premier: For a balance of five years.

Mr. HUDSON: The Minister for Works had stated that the period was eighteen years.

The Premier: Ten years was the aggregate and five years had now expired.

The MINISTER FOR WORKS: The mistake was his. He had mentioned eighteen years, but corrected himself immediately afterwards and gave the period as ten years.

Clause put and passed.

Title—agreed to.

Bill reported without amendment, and the report adopted.

# **BILL—NORTH FREMANTLE MUNICIPAL TRAMWAYS ACT AMENDMENT.**

## *Second Reading.*

Hon. W. C. ANGWIN (Honorary Minister), in moving the second reading, said: I do not think it is necessary for me to take very much time in connection with this measure because there is only one clause in it and it speaks for itself. It is found necessary occasionally where municipalities are running trading concerns, such as the supply of electricity, to carry out certain works from municipal funds, and they should have the power to repay their capital account whenever money is borrowed for such undertakings. So far as the North Fremantle municipality is concerned, they have expended a considerable sum in distributing electricity throughout their district and up to the present time they have borrowed money only for the purpose of laying down tramlines. They have in the bank the balance of that loan, some £600 or £700, and they wish now

to recoup the council in respect to the outlay they have already made from municipal funds in distributing electricity. This power is given to other municipalities and unless it is given to North Fremantle also they will not be able to repay the municipal fund the amount they have expended from their capital account.

Hon. Frank Wilson: How much have they expended?

Hon. W. C. ANGWIN (Honorary Minister: I cannot tell exactly, but I know they have spent a considerable sum. The council might spend £500 out of their municipal funds and it might at that particular time not be convenient to go on the market, and they might raise their loan a few months later when they would repay the amount which had been expended from that fund. It is necessary that municipalities should keep their capital accounts on a proper basis. Hon. members will agree that municipalities to-day are not in a position financially to pay from their rates any capital expenditure on trading concerns. For that reason I trust that hon. members will agree to the Bill. A similar clause appears in the Fremantle Tramways Act, and it was necessary there to enable them to carry out their undertakings. I move—

*That the Bill be now read a second time.*

Hon. FRANK WILSON (Sussex): I was rather anxious to see the North Fremantle Municipal Tramways Act to ascertain the purpose for which they were empowered to borrow. Section 7 permits them to borrow any sums for the purpose of carrying out these undertakings—tramways and lighting—and that the sum so borrowed should not come under the ordinary powers of borrowing provided under the Municipalities Act. The only fear I have in passing this measure is, we may permit the council to reimburse itself the expenditure which, perhaps, at the time was legitimately taken from its revenue. We know there are a hundred and one small items of expenditure, even in connection with undertakings such as these, which would, in the ordinary course of business, be covered out of revenue; and then, if

subsequently the municipality found itself in difficulties it might go back some considerable period, rake up all these items of expenditure and reimburse itself from loan. I agree with the Minister that if legislative expenditure has been made of a permanent nature from revenue for capital purposes, as, for instance, in the installation of electric light or a tramway, pending a loan, we should not refrain from giving the municipality power to reimburse its revenue account. I am sorry the Minister has not some particulars or details of the expenditure which it is proposed to reimburse under the Bill; if he had, then hon. members would be able to judge for themselves as to whether or not it was legitimate expenditure to be charged up to loan moneys. I suppose the Minister knows himself what was the nature of the expenditure.

Hon. W. C. Angwin (Honorary Minister): The whole of the installation has been charged up.

Hon. FRANK WILSON: Is that for street lighting?

Hon. W. C. Angwin (Honorary Minister): Yes, and for private houses as well.

Hon. FRANK WILSON: Then that is the sum it is proposed to reimburse. It has been charged to revenue and they want to take it from loan; I have no opposition whatever to offer to that.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

## BILL — WHITE PHOSPHORUS MATCHES PROHIBITION.

*Second Reading.*

The MINISTER FOR LANDS (Hon. T. H. BATH), in moving the second reading, said: In submitting this measure to the House I must admit that it is a matter of reproach to this Legislature, as well as to the Legislatures of other States

of the Commonwealth, that such legislation has not been placed upon the statute book at an earlier date.

Hon. Frank Wilson: It did not affect us much.

The MINISTER FOR LANDS: It is a considerable time since it was first made known to the industrial world that the process of manufacture of what are known as white or yellow, phosphorus matches involved a great element of danger to the workers engaged in that particular industry. As a result of investigations by those interested in factory legislation, and of the publicity given, the people of the United Kingdom, as also of continental countries, were made aware of the fact that a large number of the employees in this particular industry were condemned to a life of misery, and ultimately to a death which was almost too horrible to relate. The matter was first taken up by the Association for the Promotion of Labour Regulation, an organisation which, while not of an extreme character, has interested itself in what might be termed the broad humanitarian principles involved in securing better conditions for those engaged in factory work. As a result of the work of the society I have mentioned, namely, the International Association for Labour Regulation, the matter was brought before the Swiss Legislature, and, through them, before the Governments of the civilised world, and at a conference convened by Switzerland, the home of many of these humanitarian and advanced movements, the Berne Convention decided that it was in the interests of those employed in the manufacture of matches that the use of white, or, as it is sometimes termed, yellow phosphorus should be absolutely prohibited. Since that decision was made known a number of the nations of the world have expressed their adherence to what is known as the Berne Convention. Those nations at the present time are the United Kingdom, France, Germany, Switzerland, Austria, Denmark, and Finland, and I believe since the information became available in regard to these nations I have mentioned, others are following in their footsteps in ex-

pressing their adherence to the decision of the Berne Convention, and enacting legislation for the prohibition of the use of white phosphorus, leading to the disease known as necrosis or fussy jaw. After the Parliament of the United Kingdom had determined on legislation in this respect, which was embodied in a measure submitted in 1906, the matter was brought before the notice of the Commonwealth authorities through the medium of the Secretary of State for the Colonies, and the Commonwealth Government were asked to fall in line with the United Kingdom, to march with the more progressive nations of the world, and to adhere to the Berne Convention. The difficulty, however, is that while the Federal Government could take action by prohibiting the importation of these matches, the limitations of the Constitution prevent the Federal authorities from prohibiting the manufacture of these matches within the borders of the State. That is entirely a matter for the domestic legislation of the State. I regret that in a question of this kind, where it would be essentially to our advantage to act nationally rather than piecemeal by individual State measures, the Federal Government are not in a position to legislate, and to adhere to such convention as a nation, rather than an aggregation of scattered units. However, the matter was brought before the various State Governments, first by Mr. Fisher, when previously Prime Minister, then by Mr. Deakin, and later on by Mr. Fisher again, and the conference of State Premiers carried a resolution practically agreeing that each of the State Governments would introduce a measure for this particular purpose. Up to date this has been done by Tasmania only, but I understand that during the present year, as the result of the re-enactment of that resolution at the recent conference of State Premiers, each State will embody this legislation on its statute book, and that when the whole circle of measures is complete then the Federal Government will be able to comply with the earnest requisition of the Home Authorities, and express their adherence to the Berne Convention.

Hon. Frank Wilson: They have prohibited the importation.

The MINISTER FOR LANDS: Yes, but that would not prevent manufacturers who may possibly be prevented from carrying on that manufacture elsewhere from taking advantage of our local tariff and establishing a match factory, using white phosphorus in the manufacture of those matches, in any one of the individual States. While in Western Australia no one will, at the present time, so far as I understand, come within the provisions of the Bill, or render themselves liable to the penalty imposed, it is, I think, desirable that we should take time by the forelock, enact this measure, and so practically warn any manufacturer who may desire to embark on this undesirable form of industry from so venturing in this or any other of the States. The memorandum which was submitted at the time the Bill was introduced in the House of Commons reads as follows:—

On the 26th September, 1906, at the Berne International Conference on Labour Regulation, a convention was signed by the representatives of Germany, Denmark, France, Italy, Luxemburg, the Netherlands, and Switzerland, agreeing to prohibit in their respective countries the manufacture, importation, and sale of matches which contain white phosphorus. For reasons explained in the memorandum which was laid before Parliament in 1906, His Majesty's Government were not at that time able to agree to this prohibition. For the better protection from necrosis of persons employed in factories where white phosphorus is used, it has recently been found necessary either to impose regulations more stringent than those hitherto enforced, or to prohibit the use of white phosphorus altogether. After consultation with the manufacturers the latter alternative has been adopted. White phosphorus is not used in the manufacture of matches which strike only on a prepared surface; substitutes for white phosphorus in the manufacture of strike-anywhere matches are in use, but are patented. By arrangement with

the holders of the only patent which to the knowledge of the Home Office is being used in the industry in the United Kingdom a clause has been inserted in the Bill making them available on reasonable terms to all manufacturers. As a consequence of the prohibition of the manufacture of white phosphorus matches, and in order to enable the Government to adhere to the Berne Convention, the Bill proposes also the prohibition of the importation and sale of such matches.

That memorandum was submitted when the Bill was presented, and afterwards the Bill was adopted and is now part of the legislation of the United Kingdom. A letter which was submitted by the Federal Prime Minister in 1910 reads as follows:—

With reference to previous correspondence on the subject of the Berne Convention for the prohibition of the use of white phosphorus in the manufacture of matches, I have the honour to inform you that a further communication has been received from the Secretary of State for the Colonies, urging the desirableness of the Governments of the Australian States prohibiting the manufacture and sale of white phosphorus matches, in order that the Commonwealth Government may adhere to the convention. Lord Crewe states that he feels sure that the Governments of the States will desire, if possible, to meet the wishes of His Majesty's Government in such a matter. It is understood that your Government have in contemplation the proposal of a measure to your Parliament to establish the desired prohibition, and I shall be glad if the first opportunity can be availed of for its submission. So soon as all the States have legislated, the adherence of the Commonwealth to the International Convention will be requested and Australia thus brought into line with all the leading civilised nations of the world.

This is an instance where the leading continental nations have found it possible to unite together for a very desirable, very progressive, and very humanitarian ob-

ject, and it certainly does appear to me desirable that the Commonwealth of Australia should no longer be a laggard in this respect, holding, as it does, the reputation, in common with New Zealand, of being in advance with measures of this kind, and that there should be no further delay in passing this legislation and so enabling the Commonwealth to fall into line with other nations in expressing its adherence to this very desirable convention, and prohibiting the use of an article which has proved so dangerous and so detrimental to the workers engaged in its manufacture. I beg to move—

*That the Bill be now read a second time.*

Hon. Frank Wilson: Is this a copy of the Tasmanian Bill?

The MINISTER FOR LANDS: May I explain that the Bill is practically a copy of the Tasmanian measure with the exception of the definition of the words "to sell" and "sale." The Tasmanian definition reads as follows:—"The verb to sell in whatever person, number, tense, mood, or voice it reads, means—" and then follow the words as contained in the definition now before the House, with the addition of the following words, which do not appear in this measure:—"and all participles of the verb to sell and the noun sale and corresponding connotations." I concluded that was rather an unnecessary amount of verbiage to express the meaning of the words "sale" and "to sell" and the Crown Solicitor after looking through the Tasmanian Bill, advised that the wording could be simplified in the manner I have adopted.

Hon FRANK WILSON (Sussex): I am quite in accord with the Minister for Lands when he states that legislation of this description might well be placed on our statute-book. I want, however, to at once point out that the very fact that so many States have up to the present time refrained from passing this necessary legislation goes to prove that they, at any rate, do not deem it a very urgent matter. It is a very serious thing to endanger the lives of employees in any industries if we have those industries in our country. If I remember rightly, when

this matter was first brought under the notice of the previous Administration, mine as well as that of Sir Newton Moore, the advice we obtained from the department was that there was no necessity to pass legislation at the present time, for the simple reason that we do not manufacture matches in Western Australia and that the importation of such matches was prohibited by the Federal authorities. Further, I think it was pointed out, if my memory is correct, that if anyone dared to commence the manufacture of these articles, it would be an easy matter to put a Bill before the House in order to prevent them so doing.

Mr. Heitmann : I think it would be much fairer to have a Bill put through first.

Hon. FRANK WILSON : I agree with the hon. member, but I do not think many are made in Australia.

The Minister for Lands : There are factories in Melbourne.

Mr. Taylor : But not of this class.

Hon. FRANK WILSON : At any rate, that was the position. There was no danger, and I think that so far as Western Australia is concerned there are not likely to be any matches manufactured here for a good many years to come. Indeed, I do not think it is an industry that we would care very much about.

The Minister for Lands : I think the main idea is to secure the moral effect.

Hon. FRANK WILSON : It is a poorly paid industry as a rule, one that could not afford to pay high wages in competition with the world, and therefore I do not think it would be any acquisition unless we could use our own local woods for this manufacture. However, I think we should come into accord, especially as the home authorities have asked us to do so. There was no negligence on the part of the previous Administration so far as this legislation is concerned. It was simply that we were advised there was no urgency, and as we had much urgent legislation at that time to put through, it was allowed to stand over to a more favourable time when our friends opposite have so much time at their disposal to gather up the little odds and

ends that have accumulated during the last year or two.

Mr. Heitmann : You will get more than odds and ends yet.

Hon. FRANK WILSON : We are waiting for the full measures; in the meantime we are passing these through until Ministers can bring their guns to bear. I have no objection to offer to the passing of this measure. If it is the same as Tasmania has passed, I do not think we need take any exception to it whatever.

Mr. Heitmann : We could not do anything without poor little Tasmania.

Hon. FRANK WILSON : Tasmania has a good Liberal Government and they would pass legislation which is in the interests of humanity generally, and I am quite prepared to follow their lead in that respect.

Question put and passed.

Bill read a second time.

*In Committee.*

Mr. McDowall in the Chair; the Minister for Lands in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—Prohibition of sale:

Mr. DWYER : No penalty was provided in this clause; perhaps the Minister would look into the matter.

The MINISTER FOR LANDS : Yes.

Clause put and passed.

Clauses 6 to 14—agreed to.

Title—agreed to.

Bill reported without amendment, and the report adopted.

*House adjourned at 9.15 p.m.*