

Legislative Council,

Thursday, 16th October, 1924.

	PAOE
Bills: Noxious Weeds, recom.	1305
Fremantle Municipal Tramways, 22., Com.	1305
Private Savings Bank, further recom.	1309

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

BILL—NOXIOUS WEEDS.

Recommittal.

On motion by Hon. H. J. Yelland, Bill recommitted for the purpose of further considering Clause 9. Hon. J. W. Kirwan in the Chair; the Colonial Secretary in charge of the Bill.

Clause 9—Notice not to be enforced if local authority in default:

Hon. H. J. YELLAND: This clause gives power to the local authority to deal with the destruction of noxious weeds on roads and reserves, and says that no person shall be liable to comply with any notice to destroy noxious weeds on his property if the local authority neglects to carry out its own duty. Clause 29 states that the Crown must clear all land within one mile of any land already cultivated. In order to bring the two clauses into line I move an amendment—

That the words "adjacent to" be struck out and "within one mile of" inserted in lieu.

The COLONIAL SECRETARY: This amendment would not suit at all. It would restrict the efforts of municipalities in clearing of noxious weeds the land under their jurisdiction. The methodical way of dealing with the matter is to clear the land in sections. The municipality might clear certain roads and streets, but under this amendment would not be able to compel owners adjacent to those streets to clear their property at the same time. It would be unfair to compel municipalities to clear the whole of the area under their jurisdiction unless they were empowered to compel property owners to do the same thing with their land.

Hon. F. E. S. WILLMOTT: The blackberry pest is a serious one for the far south. The New Zealand Government have offered £10,000 for an effective means of eradicating it in the Dominion. Some of my land is bordered by a creek, and I have to keep the banks of the creek clear of blackberries. About half a mile upstream there is a road board reserve on which the blackberry grows to a height of 15 feet, and every year I get a fresh crop of blackberries on my land from that source. The road board will prosecute me if I do not destroy this pest on

my land, whereas it is from their reserve that I get it. Without this amendment I shall be at the mercy of any lazy road board that may have jurisdiction over the locality. In the Warren district the main roads are choked with blackberry.

Hon. J. R. Brown: Is that a noxious weed?

Hon. F. E. S. WILLMOTT: It is the most noxious weed in the State. The amendment will relieve landholders from a grave injustice that may be imposed on them.

Hon. H. J. YELLAND: I appreciate the attitude of the Leader of the House concerning municipalities, but unless the clause is amended, the Bill will become practically useless when applied to the larger areas controlled by road boards. If the clause could be redrafted so as to protect road board areas without imposing any hardships upon municipalities, I would be willing to accept such a clause.

Hon. A. LOVEKIN: The point raised appears to be rather an important one and the Minister has shown us the necessity for protecting the municipalities. I suggest that we report progress so that the matter may be reviewed and the clause redrafted.

Hon. V. HAMERSLEY: There is another phase of the question that should not be overlooked. Cattle rove over areas outside a municipality and they will be the means of carrying seeds of noxious weeds. It would be unfair to force owners of properties to eradicate noxious weeds from their holdings if cattle are permitted to range over areas in the way I have described.

The COLONIAL SECRETARY: Every local authority, under Clause 8, must destroy noxious weeds on lands and roads under their control. In the instance described by Mr. Willmott, it would be merely necessary to report to the inspector that the source of the infection was the reserve upstream and the road board would be compelled to clear that land under Clause 10.

Hon. F. E. S. Willmott: If that covers the position, I am satisfied.

The COLONIAL SECRETARY: No inspector would allow such a condition of affairs as Mr. Willmott suggests to continue.

Amendment put and negatived.

Clause put and passed.

Bill reported without further amendment.

BILL—FREMANTLE MUNICIPAL TRAMWAYS.

Second Reading.

Debate resumed from the 7th October.

Hon. J. DUFFELL (Metropolitan-Suburban) [4.53]: I am not clear as to what the Bill really means. The title refers to the "Fremantle Municipal Tramways Act, 1924." Is the Bill to amend the Act under which the Fremantle Municipal Tramways and Electric Lighting Board operates, or is it a new measure to operate separately from

that Act? My doubts are raised by virtue of the provision setting out that the board shall provide and work bus services in connection with the existing tramway services. Under Clause 2, however, it is provided that they shall not only acquire but run motor buses, or similar vehicles, for the carriage of passengers, "on any roads." I understand the Tramways Board run tramways outside the Fremantle municipality, extending their operations to North Fremantle and Melville Park. Hitherto private individuals have been able to compete by means of charabancs in areas where the trams have been operating. That was indicated by the representatives of the West Province who spoke in support of the Bill. One went so far as to say that in one portion of the district children were carried by a motor bus for a distance of four miles for a penny.

Hon. E. H. Gray: That is a subsidised service.

Hon. J. DUFFELL: Certainly that hon. member qualified his statement by stating that the residents along the route subsidised that bus service to the extent of about £200 per annum. The people of Fremantle will be well advised not to enter into competition with any private person who will take passengers at that rate. It would be pernicious on the part of the Fremantle Tramway Board to obtain the powers so sought in the Bill in order to deprive residents of such a cheap service. In order to secure some information on the point, I moved the adjournment of the debate. I have already intimated to the Honorary Minister in charge of the Bill my objections to the measure. When he replies to the debate, he will be able to give me some explanation. Upon his explanation will depend my attitude towards the Bill.

Hon. H. A. STEPHENSON (Metropolitan) [4.57]: I have pleasure in supporting the Bill. I congratulate the Fremantle Tramways Board on the businesslike manner in which they conduct their concern. I lived in Fremantle for a number of years and therefore had an opportunity to notice the progress of their work. I wish other tramways were conducted in the same businesslike way. The board are long-sighted in requesting the powers sought in the Bill.

Hon. E. H. Harris: Do you not believe in private enterprise having a chance?

Hon. H. A. STEPHENSON: The board desire to establish a motor bus service in order to cater for additional tramway traffic. The tramways were established at considerable expense, and it is only right that the board should take steps to see that they secure sufficient traffic to assist the trams to pay their way. They do not ask for a monopoly and there has been no opposition to this request from outsiders, whether concerned in the running of buses or otherwise. Seeing that there is no opposition to the Bill, the people in the Fremantle district must be content with the position.

Hon. A. LOVEKIN (Metropolitan) [5.0]: I have before me a copy of the balance sheet and the accounts of the Fremantle Tramway Board for last year. It is pleasing to find that anything in the nature of a State trading concern is doing such good work and making progress.

Hon. G. W. Miles: It is not a State trading concern.

Hon. A. LOVEKIN: We might call it a semi-State trading concern. At any rate it is a prosperous concern, and I am not sure that they require the £200 subsidy to carry children four miles to school. I notice that they paid to the Government in their last year an amount of £27,253 for electric current, and they sold £56,000 worth and made a profit of something like £27,000. After interest was paid on the whole of their working they showed a profit of £17,590, from which they set aside £4,000 towards sinking fund, and £9,299 towards depreciation, whilst they divided between the Fremantle and East Fremantle municipalities £4,200. That is, they were able to give themselves half as much of the original interest on the total capital. Generally it is a prosperous state of affairs, especially when one bears in mind that the conveniences of the system and the fares charged are equal to if not better than, anything else we have in the State of a similar nature. Therefore when they ask for permission to run buses as feeders to the trams we must conclude that the management is good and that they are looking ahead for the benefit of their concern. We should do all we can to encourage the board in their enterprise, and therefore I shall support the Bill.

Hon. E. H. GRAY (West) [5.4]: I desire to support the Bill and to refer to Mr. Duffell's remarks.

Hon. J. Duffell: It is not for you to explain; that is the Minister's duty.

Hon. A. Lovekin: But he is one of the party.

Hon. E. H. GRAY: It was Mr. Potter who spoke about the buses subsidised by the Melville Road Board, one of the most progressive local bodies in the State. The operations of the Fremantle Tramways Board will not in any way interfere with that subsidised service which was started with the idea of giving the people in that road board area quicker communication with the metropolis by bus than they had by tram and train. This is good business from the Melville Board's standpoint and there is no possible chance of the Tramways Board competing with them. It would be foolish on the part of the Tramways Board to attempt to do so. I support the Bill.

Hon. J. NICHOLSON (Metropolitan) [5.6]: I am pleased to join other hon. members in extending congratulations to this board on the success that has attended their efforts. I am led to hope that the

Government will not limit the operations of the Bill merely to the Fremantle Tramways Board. At the present time the Bill is distinctly singular, and the benefits that are sought to be conferred by it on the board should be extended to every municipality within the State. We recognise, for example, that in country districts, as well as in the metropolitan area, there is a growing need for such services as these motor buses. They help to regulate the traffic and will help, I have no doubt, to act as feeders to the railways in many country districts, whilst in the metropolitan area they can act as feeders to the trams. One can readily conceive that in the larger country towns it would be impracticable to construct tramways, but it would be possible to provide motor bus services. I refer to places such as York, Northam, and Katanning and similar towns. Power should be given to all municipalities and road boards to enjoy the privilege, if they desire to acquire it, that it is intended to give to the Fremantle Tramways Board. I am certain that the public generally would avail themselves of these services which would confer an undoubted advantage. If I can be given an assurance that the Minister will agree to widen the scope of the Bill to include all municipalities, I shall give it my support.

Hon. G. W. Miles: You cannot ask for such a thing in connection with this Bill.

Hon. C. F. Baxter: Do you intend that all municipal bodies and road boards shall be given this power?

Hon. J. NICHOLSON: Yes. At the present time the Bill is distinctly singular.

Hon. G. W. Miles: That is all it is intended to be.

Hon. J. NICHOLSON: Every board and municipality should be given the same right. If I get the assurance I have asked for I shall have much pleasure in supporting the Bill.

Hon. J. EWING (South-West) [5.9]: Some hon. members who are supporting the Bill are strongly against State trading.

Hon. A. Burvill: This is a municipal utility.

Hon. J. EWING: It can be said to be parallel with State trading. I have no intention of opposing the Bill because I realise that the Fremantle Tramways Board has done wonderfully well. At the same time it is proposed by the Bill to give the board great power. It will be possible for them to make regulations, and I wonder that Mr. Lovekin did not object to that. I merely rose to ask the Minister to give us his assurance that this will not be a monopoly, and that any person who wishes to compete with motor buses will be able to do so. At the same time, if we give the board power by regulation to fix its own fares, some ridiculously low charge

may be decided upon which will permit of no opposition. Having heard from Mr. Stephenson, who has lived in the district, of the good work that the board has done, and having learned also that nothing in the nature of a monopoly will be granted, I intend to support the Bill.

The HONORARY MINISTER (Hon. J. W. Hickey—Central—in reply) [5.11]: I was glad to hear the tributes paid to the work that has been done by the Fremantle Tramways Board. I give an assurance that there is no intention on the part of the board to secure anything in the nature of a monopoly. All that is sought is permission to run buses for the purpose outlined in the Bill. It is desired to start early in the business, because it is realised that if this is not done, sooner or later there will be opposition and that it may not be of a satisfactory nature. Regarding the point raised by Mr. Duffell, I assure him that it is not the intention of the board to interfere at all with the service referred to. Proof of that lies in the fact that everybody in Fremantle, and in particular the people alluded to by the hon. member, are aware that the Fremantle Tramways Board are asking for this permission from the Government. The service referred to is entirely different from that it is sought to establish with the aid of the Bill. The purpose of the Bill is to secure power to raise a loan to establish a motor bus service to act as feeders to the trams operating in Fremantle. There is no other object in view. There is certainly no desire or intention to secure a monopoly. Regarding fares, the board have been in operation for 20 years and they have always been able to deal fairly with their passengers. That is the best proof that in the future they will continue to act as they have done in the past.

Hon. J. J. Holmes: I think their fares are the cheapest in Australia.

The HONORARY MINISTER: That is what the board claims. The Minister for Lands is always holding up the Fremantle Tramways Board as a pattern for other boards to copy. Members may rest assured that there is nothing further from the minds of the board than to do anything but deal fairly with the people who are the board's customers. Regarding Mr. Nicholson's request, whilst I feel the Government would raise no serious objection to supporting something on the lines suggested, I am satisfied that such a proposal as that outlined by the hon. member would not be in conformity with the Title of the Bill we are now considering. Probably in some other way we can attain the object the hon. member desires. The Bill before us has a definite object, and it should be allowed to go through without any amendment.

Question put and passed.

Bill read a second time.

In Committee.

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

Clause 1—agreed to.

Clause 2—Power to provide motor omnibus services:

Hon. J. NICHOLSON: I move an amendment—

That the following proviso be added to Subclause 1:—“Provided that nothing herein shall confer an exclusive right on the said board to exercise the said powers, nor prohibit privately-owned omnibuses or vehicles from plying for hire.”

It is a question whether Subclause 2 would not give the board some power to prohibit the running of privately-owned vehicles. The Honorary Minister said it was not intended to create any exclusive right in favour of the board, and so there should be no objection to the amendment.

The HONORARY MINISTER: I see no necessity for the amendment. This Bill is for a specific object. The board are simply asking for an extension of their powers. To insert the proviso would be merely to overload the Bill.

Hon. C. F. BAXTER: The subclause gives the board a monopoly.

The HONORARY MINISTER: The subclause as it stands will meet all requirements.

Hon. J. J. HOLMES: The amendment should be accepted. Certainly it cannot do any harm, and it will clarify a doubtful position.

Hon. F. E. S. WILLMOTT: I cannot read into the subclause that the board are given any sole right.

Hon. J. Nicholson: Look at Subclause 2.

Hon. F. E. S. WILLMOTT: I have done so, and I cannot read a monopoly into it. Therefore I must oppose the amendment.

Hon. J. EWING: I think Mr. Willmott is right. The subclause says that the board may make by-laws for the regulation of “such” omnibuses, which means the buses authorised under this Bill; that is to say, the board’s buses. I am satisfied with the assurance given by the Honorary Minister.

Hon. J. DUFFELL: The Honorary Minister should not take exception to the proviso, which clarifies the matter. The Fremantle Tramways Board certainly do not seek a monopoly. But suppose, for the sake of argument, that a person has acquired a motor bus and applies for a license to ply for hire in Fremantle. Then suppose the board under the powers granted to them by this Bill oppose the granting of the license. In view of that contingency the proviso is desirable.

Hon. G. W. MILES: I oppose the amendment as altogether unnecessary. The subclause is quite clear.

Hon. J. Ewing: Yes. The word “such” before “motor omnibuses” governs the whole thing.

Hon. G. W. MILES: The board are not seeking any monopoly by this Bill.

Hon. J. DUFFELL: The Fremantle Municipal Tramways and Electric Lighting Act prevents any company or private person from constructing tramways in Fremantle, which is quite right. This Bill is to operate in conjunction with that Act. That is the point, and therefore the proviso should be inserted to prevent the obtaining by the board of any exclusive powers in connection with motor buses.

Hon. W. H. KITSON: I hope the amendment will not be pressed. There is no necessity for it. Subclause 2, dealing with the making of by-laws, is a necessary provision to enable the board to fix fares, and to do such things as prohibit the use of bad language on the motor buses. The amendment would simply load up the Bill with something that is quite unnecessary. It is only fair that the tramway board should have the right to acquire and run omnibuses as feeders to their trams.

Hon. G. W. Miles: Will the amendment harass the board?

Hon. W. H. KITSON: It might, and I see no reason for it.

Hon. C. F. BAXTER: Undoubtedly the Bill gives the board a monopoly, for the board will be able to refuse licenses to any would-be competitors. Subclause 2 will give the board full control over all other vehicles, in other words, will give the board a monopoly.

Hon. A. LOVEKIN: By no stretch of construction can it be suggested that the clause gives a monopoly to the board. What it gives to the board is power to acquire omnibuses. Without the Bill the board could not do that. But the Bill does not say it shall be unlawful for anybody else to run omnibuses for the carriage of passengers. Subclause (2) gives the board power to make by-laws for regulating the use of such omnibuses and other vehicles; in other words, if we are to give its proper interpretation to the word “such,” the omnibuses and vehicles acquired by the board. Even under the original Act the board has not any monopoly over tramway services; indeed it is specifically stated in that Act that the board shall have power to enter into an agreement with any other body running trams. There being no monopoly contemplated in the principal Act, there is certainly no monopoly given in the Bill.

Hon. A. J. H. SAW: I agree with Mr. Lovekin. I cannot see anything in the clause giving a monopoly to the board, and I can certainly see nothing of the kind in the right to make regulations for the running of the vehicles acquired by the board. The word “such” must be given its interpretation. There is no necessity for the amendment.

Hon. H. A. STEPHENSON: I see no necessity for the amendment. Subclause (2), it seems to me, anticipates other vehicles, not being the vehicles of the board, running,

and in respect of those other vehicles the board is to have power to prescribe the fares. There is in the Bill no suggestion of the creation of a monopoly.

Hon. J. CORNELL: The purpose of Subclause 2 is by no means clear, and therefore it seems to me that no great harm would be done by agreeing to the amendment.

Amendment put and negatived.

Hon. J. NICHOLSON: I move an amendment—

That at the end of Subclause (2) the words "subject to the provisions of the Traffic Act, 1913," be added.

Why should we confer on any board the power to make by-laws for regulating the use of motor omnibuses and other vehicles? Surely that is the function of the traffic authorities created under the Traffic Act!

Hon. J. E. DODD: The Bill does not give the board power to set aside the Traffic Act.

Hon. J. NICHOLSON: The object of the Bill is to authorise the board to purchase omnibuses. Subclause (2) empowers the board to make by-laws and regulations for the running of omnibuses.

Hon. J. E. DODD: The board is to have power to control its own vehicles, but under the Bill no power is given to the board to in any way interfere with the Traffic Act.

Hon. G. W. MILES: The Traffic Act cannot fix fares.

Hon. F. E. S. WILLMOTT: The municipality fixes the fares.

Hon. J. NICHOLSON: The board will be able to defy the Traffic Act, and will have power to over-ride the traffic authorities, who are the proper people to regulate fares. Under Subclause (2) the board would be a power to itself, and would enjoy certain exclusive rights. Why not let us adhere to the Traffic Act?

The HONORARY MINISTER: I cannot see any need for the amendment. This activity would automatically come under the Traffic Act. The subclause merely gives the board power to make by-laws for regulating the use of motor buses, just as there are regulations governing the use of the railways.

Hon. A. LOVEKIN: It is necessary that the provisions of the Traffic Act should apply to these buses as to other buses, but the amendment should be inserted at the beginning of the subclause in order to govern the whole of the subclause.

Hon. J. NICHOLSON: I agree to that.

Hon. A. LOVEKIN: Under the Traffic Act regulations may be made to prohibit the use of vehicles that cannot be safely used, to determine the number and kind of lights to be carried, and prescribe the use of efficient brakes, and such regulations should apply to these motor buses.

Hon. W. H. KITSON: I see no need for the amendment. If it is agreed to, will it not take away from the board a right

they at present possess? They have the right to prescribe certain by-laws and regulations regarding tramways, and this measure is to be incorporated with their Tramways and Electric Lighting Act, 1903. I cannot imagine such a body doing anything in contravention of the Traffic Act, but they should have the right to prescribe the desired regulations, regardless of what appears in the Traffic Act.

Hon. J. DUFFELL: These buses are intended to carry passengers and for safety's sake every possible precaution should be taken to ensure that the provisions of the Traffic Act are complied with. I cannot understand Mr. Kitson's objection, especially in view of the steep grades prevailing in Fremantle.

Hon. A. J. H. SAW: It would be wise to accept the amendment. The mere inserting of the words will not interfere with any of the powers of the board to make regulations, because the amendment will apply to Subclause (2) only.

Hon. A. LOVEKIN: The Tramways Act does not give the board any power to make regulations, and this will be the first occasion on which they will have had power to do so. Another provision in the Traffic Act regarding which regulations may be made is to minimise the noise and the issue of fumes or smoke from motor vehicles. That is very necessary.

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

Title—agreed to.

Bill reported with an amendment.

BILL—PRIVATE SAVINGS BANK.

Further Recommittal.

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

Clause 3—Interpretation:

The COLONIAL SECRETARY: I moved for the recommittal of the Bill, for two reasons. Firstly, the Solicitor General contemplated amending the drafting of one amendment, and secondly it was desirable that the amendments made yesterday should be submitted to the Parliamentary Draftsman. The amendments are acceptable, and the only alteration necessary is the removal of two brackets from one of the amendments. That is an alteration that can be made by the Clerk.

Clause put and passed.

Bill again reported without further amendment.

House adjourned at 6.2 p.m.