

Bill is covered by plan No. 6. It affects freehold lot No. 59 at Geraldton, which is held by the Geraldton municipality as a site for a town hall. It is a very old reserve, and is not required. The Geraldton Municipal Council desire to convert the area into a municipal bowling green. Since it is not suitable either in size or shape for a town hall—as members will see if they examine the plan—there is no objection to altering its purpose from that of a municipal council building to that of a reserve for public requirements. The land cannot be surrendered to the Crown in view of the trust that is being held by the Geraldton municipality. It is necessary to round off a corner, and to take a small portion fronting Gregory-street to round off the whole. For this, parliamentary sanction is required. I believe I have clearly described the contents of the measure, and I move—

That the Bill be now read a second time.

On motion by Mr. Patrick, debate adjourned.

*House adjourned at 10.57 p.m.*

## Legislative Council,

*Wednesday, 13th November, 1940.*

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

### ROYAL COMMISSION, PASTORAL INDUSTRY.

#### *Report Presented.*

The CHIEF SECRETARY: I wish to lay on the Table the report of the Royal Commissioner who was appointed to inquire into matters relating to the pastoral industry.

The copy I have is an original, and as ten days or so will elapse before the report can be printed, I desire to lay on the Table of the House the copy I have, so that members may obtain from it whatever information they require. The recommendations of the Commissioner are separate. The complete report, when presented, will include certain illustrations regarding some matters that are referred to.

### BILL—LOTTERIES (CONTROL) ACT AMENDMENT.

Read a third time and transmitted to the Assembly.

### BILL—BUSH FIRES ACT AMENDMENT.

#### *Recommittal.*

On motion by Hon. G. B. Wood, Bill recommitted for the purpose of further considering Clause 11.

#### *In Committee.*

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

Clause 11, Amendment of Section 14:

Hon. G. B. WOOD: I move an amendment—

That in line 8 of paragraph (d) the word "and" be struck out, and the word "or" inserted in lieu.

Last night I thought I was successful in securing this particular amendment. It is strange that both the "Hansard" reporter and the "West Australian" reporter considered that the amendment had been agreed to, but you, Mr. Chairman, do not accept that point of view.

Hon. C. B. Williams: In other words, you went to sleep and allowed him to do that.

The CHAIRMAN: Before I state the question, I wish to inform the Committee that both Clerks informed me that "Hansard" had recorded Mr. Wood as proposing the amendment he has now placed before the Committee, and that it had been agreed to. Neither I nor the two Clerks have any recollection of the amendment. I further point out that this type of discrepancy would not occur during the Committee stage but for the generosity of the Chairman of Committees. It has been a rule for years in this

Chamber that every member desiring to move an amendment in Committee shall rise in his place and submit three copies of his amendment. I have never insisted on that course being pursued. Had I done so, this discrepancy would not have occurred.

Hon. G. B. Wood: I am not casting any reflection upon the Chair.

The HONORARY MINISTER: What Mr. Wood said is correct. He moved the amendment and I crossed it off my list, so "Hansard" is quite right. I have no objection to the amendment which has again been moved.

The CHAIRMAN: I do not know how the Honorary Minister arrived at his conclusion, that the amendment was carried since it was not put from the Chair. However, no harm has been done.

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

Clause 13—Amendment of Section 17:

Hon. A. THOMSON: I wish to move an amendment to proposed new Subsection 9.

The CHAIRMAN: The hon. member may not do so at this stage. I understood him to say originally that he wanted the Bill recommitted in order to move an amendment to Clause 11. Is the amendment one that could be made by the clerks?

Hon. A. Thomson: No.

The CHAIRMAN. Then the Bill will have to be recommitted at a later sitting.

Bill again reported with a further amendment.

## BILL—OPTOMETRISTS.

### *Recommittal.*

On motion by Hon. H. S. W. Parker, Bill recommitted for the further consideration of Clauses 34 and 41.

### *In Committee.*

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

Clause 34—Registration of persons practising as optometrists or as opticians.

Hon. H. S. W. PARKER: I move an amendment—

That after the words "practice of" in line 4 of paragraph (c) the words "or in carrying on the business of" be inserted.

The amendment is designed to meet the case of firms which have been carry-

ing on business as opticians for many years. One firm has been so engaged for 45 years. It might be said that there is a difference between the words "in the practice of optometry" and "carrying on the business of optometry." I am inclined to think there is such a difference and the amendment will make the position clear.

The CHIEF SECRETARY: I cannot see why the words should be inserted. The clause provides that, immediately prior to the commencement of the Act, a person must have been continually engaged within Australia for not less than five years in the practice of optometry either as an optometrist or optician or as an employee of an optometrist or optician, or partly as such optometrist or optician and partly as such employee. If the hon. member is desirous of providing that because a person has been carrying on business for a number of years he shall be entitled to registration whether qualified or not I cannot agree to the amendment.

Hon. H. S. W. PARKER: Let me give a specific case. Levinson & Sons have been practising as opticians for many years. At one time they were the leading opticians. At the same time it is difficult to say that the individual members of the firm have been so practising because as a matter of fact they have employed thoroughly competent men to do the work. Opticians are employed in the shop. It is considered by a lawyer of standing that unless these words are inserted the firm in question may not be permitted to continue practising optometry. I understand that three or four other firms are similarly situated.

The CHIEF SECRETARY: There is nothing to prevent the firm mentioned from carrying on when this Bill becomes law. All it will have to do is to comply with the new provision, portions of which deal with firms of that description. The object of the measure is to ensure that those who are registered as optometrists shall be qualified men. If we allow persons who are not qualified to be registered, the object of the Bill will be defeated. I oppose the amendment.

Hon. J. J. HOLMES: Levinson & Sons have for many years been carrying on business as opticians, and have always employed qualified people in connection with that branch of their activities. By reason of this Bill that firm will have to cease carrying on

that work, and will have to engage some person whose name must be specifically posted up outside the shop. The man's name may be Smith, and after a while he may decide to go elsewhere and take with him all the customers who previously went to Levinson and Sons. It would be hard upon the firm in question, or any other carrying on the same business, if that should happen. Some amendment to the clause is necessary.

Hon. L. CRAIG: Under this clause I fail to see what is to prevent some limited company from claiming to be registered as opticians because it had previously been engaged in that business, which might include the trying on and selling of spectacles. After registration that firm might not employ any qualified optician, but it would still be registered. It will be necessary to guard against the registration of such companies or partnerships which do not employ qualified opticians. Woolworths and Coles sell spectacles, and they may claim that they are entitled to be regarded as opticians, and may apply for registration. The clause should be closely examined because of the dangers that lurk in it.

The CHIEF SECRETARY: Mr. Parker's amendment would not assist the firm in question, but when associated with the other amendments he has in mind it would constitute a danger. If Levinson & Sons have always employed qualified opticians and always will do so, I see no reason why they should object to the Bill as drafted. Provision is made for the registration of such firms provided that the name of the registered optometrist is stated. Mr. Holmes said that the man employed by Levinson's might later on take all the clients away with him. That sort of thing is already being done here and there.

Hon. J. J. Holmes: It is not necessary under any other legislation to display a man's name outside the premises, as will be necessary under this Bill.

The CHIEF SECRETARY: The Bill provides that the name of the qualified registered optometrist must be stated. That will afford protection to the public. The insertion of these words in the clause do not in themselves amount to very much, but in association with the other amendments they are serious.

Hon. W. J. MANN: It is well known that for years there has been a regular herd of unqualified men going around the country, testing people's sight or pretending to prescribe glasses; and it is also well-known that they have no qualifications whatever. Under the Bill, so long as they can prove that they have been going about the country selling glasses at fabulous prices, they will be able to secure registration. Glasses of the type that are sold by these men are also sold by the hundred in fancy goods stores, but those stores never put themselves up as opticians. Now we propose to protect those vendors of glasses and they will walk in just as a number of architects secured registration. Some people drew up plans and pretended to be engineers and showed that they had been working for architects and had designed buildings. To-day those people are registered architects. The firms quoted by Mr. Parker are quite different from the many men who sell glasses without having any knowledge of them.

Hon. H. S. W. PARKER: The object is really to put the business on a sound basis. It is not desired that a firm should lose its connection by having that portion of its business carried on except by a qualified man, but it will be prohibited from putting up over its premises, unless registration is secured, the word "Optometrist."

Hon. L. B. BOLTON: The amendment at first seemed to me to be quite in order, but I have just been handed what is said to be the considered view of the council of the Western Australian Optometrical Association. I have not had time to study the document and I suggest that the Chief Secretary report progress so that we may have an opportunity of studying the considered view of the association. This is a very important measure and we should respect the views of those in authority, that is, if it is our desire to protect the public. The information I have may prove of use to members. At any rate it is worthy of consideration.

The CHIEF SECRETARY: I have no objection to reporting progress, but if we go on reporting progress every time a measure comes before the Committee, we shall not make very much advance. I am not complaining, but I do wish that members

would make themselves au fait with measures before the House and amendments that are submitted, so that they may be dealt with as quickly as possible. This Bill passed through Committee and to-day it was recommitted to allow Mr. Parker to submit his amendment. Anyway, I agree to report progress.

Progress reported.

## BILL—FISHERIES ACT AMENDMENT.

### *Second Reading.*

**THE CHIEF SECRETARY** (Hon. W. H. Kitson—West) [5.11] in moving the second reading said: By this Bill it is proposed to amend the Act which has been in existence since 1905. Since that year there has been a considerable alteration in the conditions in the fishing industry and only one or two minor amendments have been made to the Act. It is believed that the Bill will result in considerable improvement in the administration of the law and will bring it more into line with the fisheries legislation as it exists in other parts of the Commonwealth. In the main the Bill provides for an increase in the penalties which may be imposed for illegal fishing. It provides for widening the powers of inspectors and for the establishment of trout acclimatisation societies; also for increased powers in relation to the collection of statistical data. The comparatively low penalties imposed on fishermen have not acted as a deterrent, and I am informed that the same old faces are to be seen in the court time after time. It has happened also that the fines inflicted for second and third offences have on occasions been lower than those inflicted for first offences. We have reached the stage now when it would appear that a certain section of the fishermen are treating the matter of breaking the law, more or less as a joke, and it is these notorious poachers who have been using gear which has been handed back to them by order of the court that we are anxious to deal with more effectively. These men know that under the Act their gear may be confiscated and that it is within the power of the court to order that gear to be returned to them. Very frequently that is done and so these individuals are enabled to carry on almost with impunity, simply because it has

not been possible to employ sufficient inspectors to police the more important waters as they should be policed.

The object of the Bill therefore is to tighten the law and to increase the penalty for certain offences and to confiscate nets used in closed waters. The Bill proposes also that the power at present enjoyed by inspectors shall be increased to enable the inspectors more effectively to cope with the problem of illegal fishing. While we may from time to time evolve measures for conserving our fisheries, it can be said that the future is more or less in the hands of the inspectors who are charged with the duty of supervising closed waters and particularly ensuring that immature fish are not captured. The future of our fisheries is an important matter to the State. One of the main proposals in this regard is that an inspector of fisheries may use any boat, motor or otherwise, for the purpose of carrying out his duties. I believe that in the past it has frequently occurred that an inspector, while on patrol on the foreshore, has observed more or less serious breaches of law on the water, but at such a distance from the shore that he was unable to reach the offenders. In many such cases, privately-owned boats have been in the vicinity, but the right to use them has been denied by the owners or those in charge, and of course the lawbreakers have been able to escape. By the Bill we are providing that an inspector may require any person in charge of a boat to permit such inspector to use it in the execution of his duty. A proviso is inserted that reasonable compensation shall be paid to the owner of the boat for the time it is used. That proviso is, I consider, sufficient safeguard against any hardship that may be suffered by the owner.

Another provision—one I think particularly important—proposes to put the trout acclimatisation societies in Western Australia on a better basis. Provision is made for the establishment of acclimatisation societies at appropriate centres. Hitherto the work done by these societies has devolved upon the Fish and Game Society of Western Australia, which receives small subsidies from the Government from time to time, but which functions in Perth; consequently some difficulty has been experienced in supervising hatching operations in the country centres. If the measure passes, acclimatisation socie-

ties will be given wide powers of control—under the supervision of the Fisheries Department—over all the hatching, rearing, distribution and protection of trout in their respective districts. As I said, the Government has from time to time made cash grants to the Fish and Game Society.

Hon. W. J. Mann: Very small.

The CHIEF SECRETARY: That is so. The Fisheries Department has not been actively associated with the work, which has been left almost entirely in the hands of the society or its branches. If the Bill passes, the societies will receive proper legal status; they will have a free hand within their districts provided they do their work in an efficient manner.

Another provision in the Bill seeks to give slight additional powers for the collection of statistical information. It might be said that workers in the field of fisheries investigation have gradually come to realise that such investigations are of little value without information covering the intensity of fishing. Proper statistical information is a sure foundation for sound administration. Very little has been attempted in Western Australia in the way of fisheries research; but the Commonwealth Government has decided to provide a research ship for work on our coast and also to establish a marine biological laboratory, which I understand will be erected at or close to Woodman's Point. Our Fisheries Department, which is co-operating with the C.S.I.R., is anxious to supplement this research work by instituting a comprehensive system of statistics.

I have briefly explained the main features of the Bill. The clauses can be more fully dealt with, if necessary, in Committee. I hope members will appreciate the motives that actuated the introduction of the measure and will give it their approval, thereby providing for the more efficient policing and development of an industry which must have protection provided for it in order to ensure its future. The Bill is not a large one, but certainly is important.

Hon. W. J. Mann: It is fairly comprehensive.

The CHIEF SECRETARY: It is important and has been too long delayed. The fact that we are at last waking up to the value of the fishing industry to the State is particularly good reason why we should now be prepared to amend the Act, which has been on the statute-book for a great many

years. The passage of the Bill will give our Fisheries Department a better opportunity to do those things which it has advocated for so long and which it has not been possible to do without legislative authority. As I said, we shall be co-operating as closely as possible with the C.S.I.R. I am extremely hopeful, as the result of the efforts of the council, of our own Fisheries Department, and of the people who are keenly interested not only in the fishing industry, but also in that most important item, trout acclimatisation, which may have such a big effect on our tourist activities, that members will support the Bill. I would have liked a number of other amendments to be included in the Bill, but it has not been considered advisable at this stage to include them. The Bill deals with matters which are really of the utmost importance.

Hon. H. Tuckey: Some important matters have not been dealt with in the Bill.

The CHIEF SECRETARY: Yes. Many matters connected with the administration of the Fisheries Department might well have been included in the Bill. I move—

That the Bill be now read a second time.

On motion of Hon. W. J. Mann, debate adjourned.

## **BILL—TRAMWAYS PURCHASE ACT AMENDMENT.**

### *Second Reading.*

Debate resumed from the 6th November.

HON. SIR HAL COLEBATCH (Metropolitan) [5.23]: It is with a very clear conscience that I rise to oppose the second reading of this Bill. I regard it as just a stage in a long-continued conflict between the two rival forms of public ownership, municipalisation as against nationalisation. Personally, I have always favoured the former and all the experience I have gained and the knowledge I have gathered simply confirm me in my early conviction. From every point of view, whether one considers service to the public or sound financial results, nationalisation can nowhere hold a candle to municipalisation. All over the country one can see illustration after illustration of the splendid success of municipal enterprise. I cannot say the same for national services of the same character, and I venture to say that that is practically a

world-wide experience. The Chief Secretary has said that in time of war the interests of local authorities should not prevail against those of the State. I do not think that question arises at all in this instance. It is a question of rights, not of particular interests, but rights; and, as I have always stood strongly against the invasion by the Federal Government of the rights of States, so I protest against any invasion by the State of the rights of local governing bodies.

The Chief Secretary interjected.

Hon. Sir HAL COLEBATCH: I shall deal with the whole position; the Chief Secretary need not be afraid that I shall shirk any feature of it. The State, the local governing authorities and the Federal authorities have their great difficulties to face, particularly in wartime; but my contention is that each should face its own difficulties, not try to pass them on to someone else. I see on the notice paper that the next item is the Civil Defence (Emergency Powers) Bill. That measure is going to cast a great deal of responsibility upon local authorities and will involve them in much expense. All local governing authorities—the City of Perth, country municipalities and country road boards—will find their resources taxed to the utmost limit. This is the last, instead of the first, time when an invasion should be made upon those resources. I hope and believe that in this matter, as in another Bill that was rejected by this Chamber a few weeks ago, representatives of country districts will realise that it is the ratepayer, the road board and the municipal council that are attacked, and not in particular the Perth City Council. I have said that I oppose the Bill with a clear conscience. The Chief Secretary mentioned what happened 28 years ago, when I entered this Chamber. Practically my first action then was to lead the opposition against the measure for the purchase of the tramways. I had no personal interest in the City of Perth; I was not a ratepayer. I opposed the measure on principle, because I realised then, as I realise now, that it was part of a campaign for nationalisation as against municipalisation. I have always opposed the particular provision now under discussion. I opposed it 28 years ago on the ground that it gave utterly inadequate compensation to the City of Perth for the rights that were being taken from it. It is not necessary to go into the details of that

transaction. Hon. members who do not know the details can easily ascertain them by a perusal of "Hansard" of those days. But these facts are outstanding: it was a magnificent deal from the point of view of the company, an utterly bad deal from the point of view of the State. Confirmation of that fact can be seen at once by the value of the company's shares at the time the negotiations were opened and the value when the sale was completed. I will remember, and I have no doubt other members will recollect, the great rejoicing amongst the section represented by the company's interests when the Bill was passed, and they obtained £475,000 for an asset of steadily-decreasing value. Members are aware that the municipal council made a good sound agreement with the tramway company, an agreement that enabled it, after the lapse of a certain period, to purchase the whole of the undertaking without any payment for goodwill, and an agreement which further provided that in the year 1939 the whole undertaking should revert to the council without any payment whatever, except that some provision was made for payment of the actual price of land that had been acquired. The City Council had made an excellent agreement from its point of view and that of the ratepayers. A valuation at the time, which was not disputed, arrived at the conclusion that £375,000 was an outside price for what the company had to sell, and that the other £100,000, making the total of £475,000, really represented rights which the company did not possess, rights which were gradually dwindling away. Because of that, when I found it was impossible to defeat the Bill as a whole, I submitted an amendment, instead of the provision now under consideration, that of the £475,000 purchase money, the portion which properly represented what the company had to sell should be handed to the company, namely, £375,000, and the balance, which represented a gift to the company of something that did not belong to it but did belong to the City Council, should be handed to the City Council. Had that been done, the City Council would have obtained interest on that sum just as it received 3 per cent. of the annual earnings from the Government, and at the end of 28 years the whole concern would have fallen into the hands of the City Council. Either the City Council would have had the £100,000, of which it would still be

getting the benefit, or, had the purchase not been made, the whole concern would eventually have fallen into its hands.

The Chief Secretary endeavoured to gain the sympathies of members—and, judging by certain interjections, he succeeded in making some appeal to them—by referring to the Government contract to supply electrical current to the City Council. I venture to think that the full story of that transaction is not well known. I remember every detail of it, but I have taken the trouble to refresh my memory in order to ensure that I make no mistake. The position is that a company under the name of the Perth Gas Co. had, a long time before, acquired the right to manufacture and sell gas. Subsequently an amending Bill extended this power to the right to generate and sell electricity. The City Council in that case, as in the case of the trams, protected the interests of the ratepayers to the extent of providing that, at the end of a certain period and under certain conditions, the City Council might purchase the undertaking. So the time arrived when the City Council could see it would be wise to purchase the undertaking of the Perth Gas and Electricity Co., and the purchase, as a matter of fact, was carried into effect in February, 1912. The City Council paid the sum of £463,000 for the concession. The Chief Secretary the other day suggested that the municipality would have experienced difficulty in raising the money necessary to purchase the tramways. I do not know by what right he reflects in that way upon the solvency and credit of the Perth City Council. Certainly as long ago as 1912, the City Council had no difficulty in raising the sum of £463,000 for the purchase of the Perth Gas and Electricity Co.

What happened after that? The City Council opened negotiations for the purchase of the very block of land on which the present power house stands. While those negotiations were in progress, the Government stepped in and bought the trams. The Government, having bought the trams, found that it had with the trams an electrical plant that was not what was needed. Whether it was played out or not, I do not know, but it was inadequate for the purpose. At about that time Mr. Merz, of Messrs. Merz & McLelland, was in Melbourne advising on an electricity scheme there. He came to Western Australia

and advised the Government to put in a comprehensive electricity scheme. The Government approached the Perth City Council, which protested against its rights being taken away. The City Council took the attitude that it was entitled to buy the concern. I point out that in many parts of the world very large electricity undertakings are conducted by municipalities. As an example, I may mention the great Bunnerong scheme in New South Wales conducted by the City Council of Sydney. It was the intention and desire of the Perth City Council to carry out this work. The advice of its experts—advice from which those experts have not departed up to the present time—was that the City Council could supply its requirements of electricity at certainly no higher figure than the .75d. per unit which was included in the agreement to which the Chief Secretary referred. After much conferring, an agreement was finally arrived at for the resale by the City Council to the Government of the electricity undertaking. A condition of that sale was that electrical current should be supplied to the council by the Government at .75d. per unit, not for 50 years but in perpetuity.

Hon. J. Cornell: The City Council did not ask for much!

Hon. Sir HAL COLEBATCH: And that agreement, arrived at in conference between the municipal and State authorities, was signed by the Premier of the day and sealed by the Executive Council. The Premier left the State on a visit to England and the Continent and, during his absence, the detailed agreement was submitted to the City Council for signature. The detailed agreement provided for the sale of current to the City Council at .75d. per unit for 21 years. The mayor and councillors waited on the Government, but the Government refused to make any alteration, in spite of the fact that it was repudiating the signature of the Premier and the seal of the Executive Council. The City Council refused to sign the agreement. In due course the Premier returned, further conferences were held, and finally the City Council reluctantly agreed to strike out the original condition, the condition on which it had passed over the property to the Govern-

ment, and instead of receiving current at that rate in perpetuity, it approved of a term of 50 years being inserted in lieu.

Hon. C. F. Baxter: Which Government was that?

Hon. Sir HAL COLEBATCH: The Government of the day that had such a craze for nationalising everything.

Hon. J. Cornell: The Scaddan Government.

Hon. Sir HAL COLEBATCH: The value of the electricity undertaking is shown by the fact that in spite of the Electricity Supply having to supply the City Council at what the Chief Secretary described as a loss, it is one of the very few State enterprises that pays. This is an indication that the City Council was really deprived of a very fine asset. The asset was taken from it, and the terms on which it was taken away were less favourable to the City Council than those it had agreed to accept. When members of this House speak of being ashamed of the agreement, I should like them to take into consideration the facts; I should like them to remember that the City Council was practically forced to sell the undertaking; I should like them to understand that the City Council parted with what has proved to be a very valuable concern, and that the 50 years period represents something less than the conditions on which the City Council agreed to sell, conditions which were signed by the Premier of the day and sealed by the Executive Council.

I repeat that this is just one step in the conflict between municipalisation and nationalisation. I referred very loosely perhaps to the experience in other parts of the world. Let us consider for a moment the experience right at our own door. The Fremantle Municipal Tramways and Electricity Supply was inaugurated in 1905 when the Fremantle power house was installed. In 1916 an agreement to take power from the Government was signed and the Fremantle power house was scrapped. The total borrowings by the Fremantle municipality for tramway and electricity purposes—I think one or two adjoining municipalities have a proportionate interest—amounted to £189,800, all of which was repaid by 1938. I want members to bear in mind that every penny of the money borrowed, the entire capital,

was repaid by 1938, so that the whole system stands free of debt. Contrast that with the experience of the Perth trams under nationalisation. The Fremantle board's free assets to-day are valued at £368,782. In addition, profits have been handed over to the Fremantle and East Fremantle Municipal Councils amounting to £52,000. A sum of £1,600 per annum is paid to the local councils to maintain the roadways along the tramway tracks.

The fares at Fremantle are not higher but in many cases are lower than those in Perth. Fremantle has 1d., 2d. and 3d. sections with right of transfer on 3d. sections, taking passengers from terminus to terminus, a distance of at least five miles. Children up to five years are carried free, and children from five to 14 years are charged 1d. with the right of transfer. Workers' return tickets are issued up to 8.55 a.m. on all routes for 4d., with transfer privileges. Thus a journey from the road board office at Bicton to the terminus at South Fremantle, and return, a distance of over 10 miles, may be made for 4d. The Fremantle rolling stock, I have no hesitation in saying, is maintained in better condition than that of Perth, and the same applies to the tracks. The conditions of labour for the running staff are better than those in Perth. The employees of the Fremantle board were at one time offered Perth conditions, but they preferred to retain their own. In addition the board subsidises an employees' provident fund to the extent of £500 a year. Each employee is paid, if absent from work through illness, a maximum of six days each year. Recently the Fremantle electricity supply has been extended to Rockingham, and notwithstanding the fact that the price Fremantle pays to the Government is 13 1-3 per cent. more than the rate paid by the City of Perth, it is supplying the primary producers and others with power at as low a rate as consumers are supplied in the City of Perth. In recent years trams and buses have been built in the board's own workshops. The board is paying to the Government for current supplied approximately £50,000 a year. It has installed on each end of its trams two special amber lights, roof-high, for the benefit of motorists and other drivers, and these are greatly appreciated. Thus, a



comparison between the municipally-owned tramways of Fremantle and the Government-owned tramways of Perth is entirely in favour of the principle of municipalisation.

We have this other fact, that in the case of losses that result from the operation of the nationally owned Perth trams, the loss falls upon the whole State, upon the whole of the taxpayers. If there is any loss in the case of the municipally owned Fremantle trams, the loss will fall upon the Fremantle people, who would have to make it good. I suggest that that is one of the reasons why municipally owned concerns are uniformly so much more successful than those conducted by the Government. The people who actually run municipally owned concerns know that if there is any profit, they get it, and that if there is any loss, they have to bear it; whereas in the case of a nationally run concern there very seldom is any profit, and losses have to be met by the taxpayers throughout the State. From the standpoint of fair justice I say the Government never had any right to take this concession from the City of Perth without compensation, and that such compensation is not met, and never has been met, by the 3 per cent. payment.

Hon. G. W. Miles: What was the Legislative Council of that day doing to allow this?

Hon. Sir HAL COLEBATCH: I believe that if Mr. Miles had been here, I should have succeeded; but any member of the Council at that time will agree that I made as big an effort as any man ever made in this Chamber, to stop the purchase of the trams by the Government. We even brought a man from his deathbed to vote against the proposal. We brought the Mayor of Perth here to plead his cause.

Member: And the Chamber would not hear him.

Hon. J. J. Holmes: Do you not remember the whole cartload of files sent up for you to peruse?

Hon. Sir HAL COLEBATCH: It was patent to everybody that the Government was making a very bad deal from the viewpoint of the State and a very good deal from the viewpoint of the company; and that to balance the two the City of Perth was flouted. I hope members will not be imposed upon by all the talk about cheap elec-

tricity to the City of Perth, supplied in pursuance of an agreement which was not fully honoured by the Government, an agreement practically forced upon the Perth City Council, and an agreement under which the Government acquired the magnificent enterprise which even the Government is able to make pay. For those reasons, and for the reason that the Perth City Council, like every local governing body in Western Australia, will need all the resources it can lay hands upon to meet extra expenses arising under war conditions, I urge the members of the House to reject the Bill.

**HON. J. CORNELL** (South) [5.49]:

When I closed my eyes for a few moments, I felt myself 28 years younger, and listening, 28 years ago, to the emphatic appeal made by Sir Hal Colebatch in those memorable days to defeat the purchase of the tramway system by the then Scaddan Government. That was Sir Hal's first session and my first session, and only four or five of the stalwarts of that period now remain. If the issue of 28 years ago were the issue of to-day, Sir Hal could be said to have put up an excellent case for municipalisation as against State control. But such is not the position. It is useless for Sir Hal to assert that the tramway system was filched from the Perth Municipality by the Government of the day. It was Parliament that did it. Comparisons, as Mrs. Malaprop said, are "odorous;" but the fact remains that this honourable House concurred in the taking-over of the trams by the Government for the purpose of placing them under State control. When I make a retrospect, then, without casting any reflection on the present personnel of this Chamber, I am bound to say that there cannot be any comparison between the stalwarts of 28 years ago and those of this day—not only from the point of mentality, but also in point of opposition to State control. The Perth City Council did endeavour to use all the means at its disposal in order to assert the city's rights. I well remember the then Mayor of Perth and the late Hon. A. G. Jenkins presenting a petition that the Mayor, Mr. Anstruther Molloy, be heard at the Bar of the House. I well remember how Mr. Molloy appealed to the late Mr. Bernard Parker, then Clerk Assistant of the Legislative Council, on the subject of how the Mayor of Perth should appear at the Bar. With the care character-

istic of Mr. Parker, he suggested that if London's Lord Mayor were appearing at the Bar of the House of Commons or at that of the House of Lords, he would come up like King Solomon dressed in all his glory. I well remember Mr. Molloy's sitting there in the corridor hoping that the permission would be granted and that he would be heard at the Bar of the House. I well remember, also, Mr. M. L. Moss who sat in the seat now occupied by Mr. Roche, getting up and protesting that he did not want a repetition of Tennyson's poem "The Brook" in this Chamber, and adding that were the then Mayor a reasonable Mayor, he, the hon. member, might hear him, but that he would not sit here and listen to the Mayor for ever. The incident proves that the Perth City Council did do its utmost to defeat the taking-over of the tramway system by the Scaddan Government. This House agreed that the system should be taken over. You, Mr. President, will remember that. So also will Mr. Hamersley, Mr. Drew, and Sir Hal Colebatch—

Hon. Sir Hal Colebatch: The House agreed by a very small majority, you know.

Hon. J. CORNELL: By a small majority; but the fact remains that Labour was represented in this Chamber by only six members—six members in a House of thirty.

Hon. J. J. Holmes: That was not the first time this House slipped.

Hon. J. CORNELL: The question of nationalisation was then a burning question. I remember the late Mr. Francis Connor debating the nationalisation of shipping here. There was no clonding of the issues. This House was fully aware that the proposal relative to the Perth Tramways meant nationalisation, and members voted accordingly. The only reservation made in the Bill was that the 3 per cent. should be paid to the Perth City Council and, I think, to the municipalities of Subiaco, Leederville and Victoria Park. That was the only reservation made in the Bill, and the question was to be renewed after the lapse of 28 years. If the House will not carry the present Bill, I would say that from the aspect of reason and logic it has seriously deteriorated compared with what it was in 1912. A thin red herring has been drawn across the trail so far as the ratepayers are concerned. I venture to say that about 90 per cent. of the then members of this Chamber have been

gathered to their fathers, and the same remark applies to a similar percentage of Perth City Council ratepayers. Now, are we to take the long view, or the narrow, circumscribed view? The position to-day is that the tramway system has extended its ramifications in every direction, both by the old electric trams and by trolley buses. But in none of these extensions does the Perth City Council or the Subiaco Municipal Council participate. To me it seems utterly illogical that we should continue to pay about £6,000 annually to two municipalities after the lapse of 28 years, while other municipalities, which have to pay more for the convenience of tram travel and have to pay higher tram fares, should not participate at all in tramway revenues. That, I emphasise, strikes me as completely illogical. If the 3 per cent. payment is to be continued to the Perth City Council and the Subiaco Municipal Council, then some consideration should be extended to other municipalities through whose territory the tramway system runs.

Analysed, the tramway system is no charge upon the ratepayers of either Perth or Subiaco, any more than it is a charge upon them when a loss is incurred on the tramway system of Fremantle, whose management Sir Hal Colebatch has eulogised. It is unfair and unreasonable that such a deduction should be made from Perth tramway receipts and passed back to two municipalities which put nothing into the pool to buy the trams, and which are putting nothing into the pool to-day, which have their roads looked after by the tramway management just as non-participating local authorities have. I feel that the payment should not continue, because it confers a benefit on one section of the taxpayers of this community at the expense of the greater section. The irony of the whole thing is that it takes place in these modern days of transport. If I had the powers of a dictator, I would wipe out the old and obsolete trams to-morrow and instal something that could at least be used in the defence of our country. I would introduce a form of transport having greater capacity for mobility than the old and obsolete trams. If the existing system were wiped out, the bodies could be converted into trolley buses or perhaps into fuel-driven buses. If that were done, there would be no need for an Act of Parliament to put an end to the payments to the City Council for they would.

automatically disappear. In the light of all the facts, I trust the House will on this occasion reverse the vote it recorded on last year's Bill. I trust members will adopt the long view and retain for the general taxpayers a sum of money that rightly belongs to the whole of the people, not to a particular section. I support the second reading of the Bill.

**HON. E. H. H. HALL** (Central) [6.2]: I have been most interested in listening to the remarks of the last two speakers who have taken us back 28 years and have traversed history. I also enjoyed listening to the very fine effort of Sir Hal Colebatch. After paying attention to his address, I was reminded of an old Moody & Sankey hymn—"Almost Persuaded." I have often heard of the wonderful oratorical efforts of Sir Hal when he was previously a member of this Chamber. In view of my rather impulsive nature, some members saw fit to warn me against the persuasive powers Sir Hal's spoken word might exercise over my mind. During his remarks I had to remind myself over and over again of the repeated warnings conveyed to me even when Sir Hal was 12,000 miles away. "Have you ever heard Colebatch speak?" I have been asked. "No, I have not," I replied. "Well," I would be told, "He can almost persuade one that black is white."

**Hon. G. W. Miles**: And that white is no colour at all.

**Hon. E. H. H. HALL**: While I was almost persuaded, I was brought down to earth again by Mr. Cornell and I am now able to view the question in the light of the common-sense manner in which the whole question was presented to the House by that hon. member. On one occasion Mr. Fraser said that since he had been a member of this House he had been led astray from his early training and had found it necessary to contradict those older than himself. I feel rather in that position myself and so I shall contradict Sir Hal's statement that the question must be viewed from the standpoint of whether we are in favour of municipalisation as against nationalism. If that were the issue, there is no doubt as to which way my vote would go.

**Hon. G. W. Miles**: Certainly not.

**Hon. E. H. H. HALL**: I have been made aware of various aspects of the question since the issue was raised last year. On that occasion I voted with the Government. This

time, because of the additional information I have gained and viewing the matter in the light of the remarks of Mr. Cornell, I am afraid I must again vote in favour of the Bill. I cannot throw any additional light on the question and so shall not take up much time of the House. I am pleased to have the opportunity to explain my reason for supporting the Bill. I repeat that the issue is not, as Sir Hal Colebatch would have us believe, one of municipalisation versus nationalisation. I was very pleased to hear of the excellent service rendered by various local governing bodies, particularly by the Fremantle Tramways Board.

**Hon. J. J. Holmes**: There is no political control in that instance.

**Hon. E. H. H. HALL**: I certainly admire the excellent performance of that board. It serves to remind me of splendid co-operative efforts that have achieved wonderful results in other parts of the world.

**Hon. G. Fraser**: The Fremantle tramway undertaking includes electricity supply as well as the running of the trams.

**Hon. E. H. H. HALL**: At any rate, the board's performance has been most creditable. Circumstances alter cases, and in these days there are so many justifiable calls upon the Government, particularly in the interests of the people in the country districts, that I would be lacking in my duty to those I represent were I not to support the second reading of the Bill. I was inclined, after listening to the speech delivered by Sir Hal Colebatch, to reserve my decision on the Bill until the Chief Secretary had replied to the debate, but, as I remarked before, Mr. Cornell brought me back to earth. On the score of the necessities of the country districts, and because Parliament itself agreed that the position should be reviewed after 1939, I shall support the Bill. Whatever may have influenced this Chamber 28 years ago—we know that the Labour Party's policy has always been in favour of nationalisation—it may be that this Chamber slipped. It has slipped since and it will go on slipping from time to time. The fact remains that Parliament agreed that this position should be reviewed and that the payment of the three per cent. on the gross takings should cease when Parliament determined. In the light of what has been disclosed, I consider I have no option but to support the second reading of the Bill.

**HON. W. J. MANN** (South-West) [6.7]: When the previous Bill was before the Chamber last year, I went to considerable trouble to acquaint myself, as far as I was able, with the detailed history of the tramway transaction. I came to the conclusion that the Government was fully justified in the action it took last year, in consequence of which I supported its legislative proposals. I have heard the long story once more this afternoon, but I am still of the same opinion. I consider the Perth City Council has no grounds for complaint. The tramway system has been, and is still, a magnificent asset for the city. As Mr. Cornell remarked, the council has not expended any money upon tramway extensions, yet those extensions, over the period of years covered by the agreement, have been very considerable. During the interim the City Council's income has grown tremendously and the tramways have been largely responsible for that happy state of affairs. They have certainly helped to build up the fine income that the council now enjoys. My vote will be cast with the Government in support of the Bill.

**HON. G. FRASER** (West) [6.9]: I must support the second reading of the Bill. I have arrived at that decision after giving careful consideration to the question not only now, but when the matter was before the House last session. I am not in the happy position of Sir Hal Colebatch in that I was not in Parliament when the tramway system was taken over by the Government. However, I remember the controversy in the Press at that time. I have refreshed my memory regarding the whole transaction and I am convinced that the Government of the day, by taking over the trams, rendered excellent service, not only to the City Council, but to other municipalities as well. Members will recollect that certain agreements were made with the various municipalities and that the terminating dates of those agreements varied. The result was that if only portion of the system had been handed back to the City Council, the company would have been able to run trams through the outer municipalities and still retained the right to enter the City of Perth. An awkward position would have arisen had the Government not taken over the complete system. When moving the second reading of the

Bill to authorise the taking over of the tramways in 1912 the then Premier said—

We have provided that the Government shall pay to the local authority three per cent. of the gross takings for so long as Parliament agrees.

Mr. Stubbs interjected, "For all time?" to which the Premier replied, "Until Parliament otherwise provides." The provision regarding the payment of the three per cent. on the takings of the tramways was to expire in 1939, but we are now in 1940. The time is opportune for Parliament to reach a definite decision on the issue of whether the payment is to continue for all time or is to cease. Considering the number of years during which the payment has been made, the local authorities have had a fair deal. The Bill is one to which this House can very well agree. I certainly support the second reading.

**HON. G. B. WOOD** (East) [6.12]: Last year I voted against a similar measure, but afterwards I realised I had made a mistake. I am quite pleased to reverse my attitude on this occasion, when I shall support the Bill. I have read most of the 1912 debates on the question and the whole of the Assembly debate on the Bill this session. Nothing I have read served to alter my determination to support the Bill. As to some of the points raised this afternoon, Sir Hal Colebatch said that the issue was really one of municipalisation versus nationalisation. After reading the 1912 debates, I claim that we have passed that stage. The issue is not whether we shall hand over the tramways to the Perth City Council or to the Government. The point to be considered is whether the City Council shall be allowed to continue securing its three per cent. rake-off, which it has enjoyed for the past 28 years. Personally, I think the council has received quite enough and I shall vote against the continuance of the payment. Sir Hal Colebatch mentioned that in 1912 the division was very close. That may have applied in the Council, but the matter was not taken to a division in the Assembly where opinion seemed to be almost unanimous. The Leader of the Opposition in 1912, the late Mr. Frank Wilson, said that part of his policy was that he would purchase the tramway system if he was returned to power. He

further said that the Government, considering all the circumstances, had made a good deal. I cannot reconcile that expression of opinion with Sir Hal Colebatch's statement that the Government of that day had made a bad deal. Certainly Mr. Wilson expressed the opinion that the system could be purchased for a lower figure, but nevertheless he admitted that the Government had made a good deal. However, I shall accord the Bill my support.

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

**HON. C. F. BAXTER** (East) [7.30]: Some interesting speeches have been made both by those in favour of and by those opposed to the measure. I do not intend to traverse a good deal of ground. Two considerations weigh with me. One is: by whom would the best use be made of this money? The second is whether the House is warranted in agreeing to any further funds being made available to the Government in view of the fact that the Government has not made the slightest attempt to curtail its extraordinary expenditure. In the minds of those who know the position well there is no doubt that the municipality concerned was jockeyed—if I may use the phrase—out of the ownership of the trams in the metropolitan area. Under the agreement reached some time ago, the tramway system should automatically have reverted to the municipality free of charge. Unfortunately the Government of the day was seized with the germ of nationalising not only the tramways but everything. There was a fover at the time to nationalise fish shops, butchers' shops and all kinds of establishments. On such ventures a considerable amount of money has been wasted, and the time is coming—and very soon—when the Government will have to shed much of the responsibility it now shoulders in connection with State enterprises, and allow them to revert to the rightful hands of local governing bodies and other organisations. No Government should attempt to conduct trading concerns such as those managed by the Government of this State. To determine whether the State should run enterprises of this kind, one has only to ask whether the tramway service is a credit to Western Australia.

**Hon. J. M. Macfarlane:** That is a very pertinent question.

**Hon. C. F. BAXTER:** Yes; and it is one to which only one answer can be given, namely, that the service is a disgrace to the State. The vehicles have long been out of date and the tracks are in anything but good order. Most of the railway lines are in better condition. That state of affairs does not exist when a municipal body controls such concerns. One has only to go to Glasgow to discover what a success local governing authorities can make of tramways and other services. I have always been strongly opposed to nationalisation. We cannot visualise what the future has in store for us, but we do know that finance will be difficult to obtain. I consider that municipal bodies that are doing such wonderful work in an honorary capacity—

**Hon. V. Hamersley:** Hear, hear!

**Hon. C. F. BAXTER:**—should be entrusted with any extra money that is available for expenditure because they get full value for money disbursed, whereas Governments—even those more economical than the present Government—do not do so. The Government will reply, through the Chief Secretary, that it is effecting economies. To make that statement is not sufficient. The Chief Secretary must tell us where those economies are being effected. A Government which, in a period of seven years, has increased its administrative costs by £2,000,000 per annum cannot claim to be effecting economies. It may be said that a good deal of the extra expenditure has been incurred in the payment of interest, but that comprises only a small proportion of the additional £2,000,000. Money is always available for expenditure in districts in which an election is impending. I know one district where an amount has been promised. I have urged the Government—not merely of late but over a long period of years—to give attention to effecting economy in the use of motor cars. The position is just as bad to-day as when I first spoke about it. A hybrid system has been introduced that will not get the Government anywhere. Returns which have been tabled covering the activities of certain Government departments indicate that in a period of seven years the cost of motor fuel has almost doubled, having increased from £17,000 to £31,000 per annum. If one goes through the yard behind the Public Works Depart-

ment, he will find not more than one or two Government cars there. Where are all the others? They are where they usually are, in private use, incurring expenditure which the Government requires money to meet. Another direction in which expenditure is continually flowing is on journeys by departmental officers to the Eastern States to attend conferences. Many of the matters discussed at those conferences could be adjusted over the telephone, but advantage is taken of the slightest excuse for sending men to the Eastern States. That is the way expenditure is increased; and while such extravagance continues I do not intend to support a measure of this kind. Apart from that consideration, the Government will to a certain extent receive double taxation this year. There is the current tax being received and also the meeting of assessments for the past year. Both will be received in the same year and the Government will not be very hard-pressed for funds. I would take a different view if I thought the Government was economical and was administering the affairs of the State on a sound basis. While it adopts its present attitude I will not support a measure designed to take money out of the hands of a local governing body that will make better use of it than the Government is likely to make. I intend to vote against the second reading.

**HON. J. M. MACFARLANE** (Metropolitan-Suburban) [7.40]: This question was debated exhaustively last year and Parliament decided not to accede to the request of the Government and thus deprive the municipalities of the 3 per cent. that they have received for such a long period. It has been admitted that if the Government had not interfered, the municipalities would, a few years ago, have owned the tramways entirely. Considering that they have been jockeyed out of their rights, 3 per cent. seems to me to be a poor compensation. A statement has been made that the ratepayers of to-day are not concerned, but they are, because failure to pay the 3 per cent. represents, so far as Subiaco is concerned, an increase in the rates of  $2\frac{1}{2}$ d. in the pound and a greater increase in the Perth City Council rates. I do not think that Nedlands is so seriously affected. The treatment meted out by Governments in connection with all these transactions has not been

quite moral, and hon. members looking at the matter from that point of view will be justified in considering that the municipalities concerned have a right to continue receiving the 3 per cent. which has been paid to them for such a long time under the agreement reached some years ago.

**Hon. G. B. Wood**: The people of Western Australia paid £475,000 for the tramways. The City Council did not buy the service.

**Hon. J. M. MACFARLANE**: Who did?

**Hon. G. B. Wood**: The people of Western Australia.

**Hon. J. M. MACFARLANE**: It is a pity the Government did take over the trams, because the service rendered is not as good as it ought to be. I do not know that there is a service like it in Australia. On several occasions I have asked questions as to when the boarding of trams would be made easier. Every hon. member has seen women and children struggling to enter these vehicles and many of the women have been loaded with parcels or carried babies. Far worse is it to see sickly and aged people trying to negotiate the high steps. Under pressure, the Tramway Department converted one or two cars, but when I asked whether that improvement was to be continued, I was told it would be too costly and the conversion of additional trams was not contemplated. Is not that a poor argument to be advanced by any body having responsibility for the travelling public? I oppose the Bill because the 3 per cent. paid is not an equitable return to the municipalities for the rights of which they have been deprived and because the service rendered by the Tramways Department is not of as high a standard as it ought to be.

**HON. J. NICHOLSON** (Metropolitan) [7.45]: The views expressed on this Bill by Sir Hal Colebatch should be welcomed by members. By reason of his experience of the events that happened when the original Tramways Purchase Act was passed, he was able to give the House at this late date a review of the position, and of the causes that led up to his taking the prominent part he did in opposing the original measure. The issue to-day, however, is not nationalisation as against municipalisation, although that was the issue put forward by the hon. member when the measure came before the House 28 years ago. I gather from Mr. Cornell that he thought

Sir Hal Colebatch was advancing to-day the ideals of municipalisation against nationalisation. He was not doing that. The Bill contains a vitally important issue, namely, is it just and equitable that this House should agree to pass a measure that will forfeit to the city of Perth for the purpose of its ordinary revenue a sum to which it is justly entitled? I was sorry to hear that one member who voted against a Bill similar to this last session was now prepared to reverse his vote.

Hon. G. B. Wood: Two are doing that, but the other is voting your way this time.

Hon. J. NICHOLSON: I am sorry that two members are changing their views on a matter so vitally important not only to the citizens of Perth but those of Western Australia. Are we doing what is just and right? I say unhesitatingly that we would inflict a wrong and do a grave injustice if we passed this Bill.

Hon. C. B. Williams: It will help to relieve the burden on the farmer and the producer.

Hon. J. NICHOLSON: It will have no such effect. The Bill is not justified. Because the Government is desirous of terminating what is a rightful payment, so as to take into revenue money it should pay for the rights that exist, it is not entitled to claim that the farmer or anyone else will benefit thereby. Mr. Baxter gave sound reasons why he is still voting against the Bill.

Hon. C. B. Williams: He owns city property and is afraid the rates will go up.

Hon. J. NICHOLSON: No. He advanced very sound reasons for his opposition, and surveyed the position concerning the gross expenditure by the Government over a long period of years. That extravagance does not justify the Government in saying now, "Because we have indulged in this large expenditure and gross extravagance we should terminate rights to which the citizens of Perth are justly entitled." We should remind ourselves of what led up to the agreement that was made in 1912 for the payment of the 3 per cent., and also what position the city of Perth was in when the agreement was made with the Perth Tramway Company. A concession was given by the city of Perth in favour of A. Dickenson and taken over afterwards by the Perth Tramway Company in 1897. Under that agreement it was stipulated that at the end

of 21 years the city of Perth should have the right to acquire the whole undertaking without the payment of any goodwill. A similar right recurred in 1928, and seven years after that the city of Perth had the absolute right to acquire the whole undertaking without the payment of any sum either for the tramways, rolling stock or goodwill. The only charge the city had to meet was the value of the freehold land of the undertaking. That was a most valuable right because in the 35 years following 1897 the whole undertaking became the absolute property of the city without any payment except the cost of the land. In 1912 the Government forced its way into the picture and determined it would become the possessor of the trams. It entered into an agreement with the City Council that the three per cent. would be paid in respect of rates, in perpetuity. Some changes were then made, and ultimately the agreement was modified to the extent that the amount should be paid until 1939, and thereafter until Parliament otherwise determined.

The Chief Secretary: I think you are a little mixed.

Hon. J. NICHOLSON: In what way?

Hon. C. B. Williams: I have never heard you make such a weak speech. You are scratching gravel all the time.

Hon. J. NICHOLSON: The Government stepped into the picture in 1912.

The Chief Secretary: Are you speaking of the agreement in regard to electric light and in regard to the tramways?

Hon. J. NICHOLSON: The agreement with regard to the tramways provided for the payment of 3 per cent. until 1939 and thereafter until determined by Parliament. Some members appear to think that the payment of the 3 per cent. is something to which the city is not entitled. The Municipal Corporations Act provides that so long as the tramways are run by any company, that company is bound, by the law as it exists to-day, to pay the 3 per cent. That is the position.

Hon. J. Cornell: It was the position.

Hon. J. NICHOLSON: It is the position to-day.

Hon. J. Cornell: No.

Hon. C. B. Williams: One was the case of private ownership.

Hon. J. NICHOLSON: If instead of the Government—

Hon. J. Cornell: If!

Hon. J. NICHOLSON: —owning the trams—

Hon. C. B. Williams: The people own the trams.

Hon. J. NICHOLSON: If the trams were owned by a private company, as was previously the case, that company would be required to pay the 3 per cent. so long as it owned and used them. In addition the agreement with the Perth Tramways also provided, as is provided in the Municipalities Act, for the payment of the 3 per cent. There was good reason for the payment. The tramways occupy considerable portions of the road, just as a building occupies certain land, and the people, in order to provide the necessary funds for carrying on the affairs of a municipality, must pay the rates that funds may be available for the development of the municipalities.

Hon. C. B. Williams interjected.

The PRESIDENT: Order!

Hon. J. NICHOLSON: If the hon. member is not satisfied to listen without interrupting, there is nothing to prevent his leaving the Chamber. The position is that 3 per cent. is something that is provided by law to be paid in respect of the tramways. Furthermore, I direct attention to the fact that there is provision made in other Acts that where private tramways run through areas in the country they are assessed. For instance, tramways which run through lands belonging to the Government, say through timber areas, are assessed on a certain basis and are bound to pay rates to the local authorities in those districts. There is justification for the payment of those rates. The position will be that the Government, if it seeks to carry this Bill, which I trust it will not, will work a grave injustice and do something which, I think, is not an act that should be carried into effect by any Government. It will mean also that if the Bill passes into law it will rob the municipality of rates or revenue which should be paid by the Government for the advantage it possesses. I am not going to take up the time of the House in reviewing the position which has been so ably presented by other speakers, but I repeat that the passing of the Bill would work a grave injustice on the municipality, and instead of reflecting credit on the Government, it would have the opposite effect. It would also deprive the municipality of Perth of revenue which, as has been pointed out in the course of addresses

delivered by other speakers, is not only greatly needed at the present time, but will be still further required from now onwards because of the obligations resting on municipalities as a result of the conflict in which the Empire is engaged. I hope sincerely that the position will be reconsidered by those members who voted against a similar measure last year, and that they will, as I intend to do, vote against the Bill.

HON. L. CRAIG (South-West) [8.5]: I have given careful consideration to the Bill. The hon. member who has just resumed his seat said there was some justification for one authority using a property and another authority paying something for that use, and if access to a property is taken by means of transport, some tribute has to be paid. In this case the question is whether the Government over all these years has not given some quid pro quo, and must the Government for all time continue to pay tribute to the municipality? The fact that the Tramways Purchase Act left it open for Parliament itself to decide whether this tribute should go on for all time, means that the Parliament in 1912 considered that the time would arrive when there should be an end to the payment of the tribute. The fact that Parliament fixed the date as 1939 rather suggests that it thought, if circumstances warranted it, Parliament could decide to extend the period. But I consider that the time has come when the tribute should cease. The Municipality of Perth has done pretty well for itself out of the Government during the last eight or ten years. The value of property has been greatly increased through the tramways being put through the streets, and that itself would increase the revenue of the municipality. In addition, the municipality has done very well out of the supply of electric current. So I suggest that the Government should not be asked to carry this tribute for all time, and, I might say, at a greatly increased rate. The annual contribution has increased from year to year, from £2,000 to £6,000.

Hon. J. Cornell: That is because of the tramway extensions.

Hon. L. CRAIG: Of course, The contributions have increased considerably, and, further, the municipality has derived additional revenue from the improved value of property. So it is a fair thing to say to the



municipality, "You have had a fair go; you have arguments in your favour, I admit, but those arguments are not as great as the arguments against you." I intend to support the second reading.

**HON. L. B. BOLTON** (Metropolitan) [8.8]: When a similar measure to this was before the House last session, as a representative of the Metropolitan Province, I voted against it, notwithstanding that a very excellent case was put up from the Government angle by the Chief Secretary. Again, on this occasion, it is my intention to record my vote against the Bill. It was very interesting to listen to the remarks of Sir Hal Colebatch who traced the history of the wonderful achievement of the Fremantle Tramway and Electric Lighting Board. Probably, if the city trams had been under the control of a board constituted on lines somewhat similar to the Fremantle board, the position of this system might have equalled that of the Fremantle board, a position of which the Fremantle board boasts to-day. We find that the Government desires to deprive the Perth Municipality of what, in my opinion, is a fair and equitable sum which is being paid in lieu of rates, as has been ably pointed out by Mr. Nicholson. If the tramways were a private undertaking they would necessarily have to pay rates to the City of Perth. When we study the Tramways Purchase Act which was passed in 1912, we see that it provided that 3 per cent. of the gross earnings should be payable to the municipality until 1939 or thereafter until Parliament should otherwise determine. My belief is that the time is not yet ripe for the Government to determine that agreement.

The Chief Secretary: When will the time be ripe?

**Hon. L. B. BOLTON**: Probably in a hundred years' time. Surely the City Council is entitled to some payment for the upkeep of the roads used by the tramways, and as Mr. Nicholson has told us, the 3 per cent. paid by the Government is really a payment in lieu of rates.

**Hon. J. Nicholson**: And would be payable if the Government were an ordinary company.

**Hon. L. B. BOLTON**: Yes, a company would have to make that payment. Whilst £6,000 might not appear a large amount from the Government's point of view, it is

really a big item to the City of Perth. The loss of that sum would mean that the rate-payers of the city would have to submit to an increase in their rates, certainly only about a penny in the pound, but it would be a serious item because the Government has other avenues of revenue which the municipality has not. The City Council has made excellent use of the finances at its disposal over the last few years, or at any rate, over those years since the municipality has been receiving the 3 per cent. payment from the tramways. I am not depreciating the excellent work that is done by the Government in some directions, but, in my opinion, the Perth City Council would make much better use of this money than the Government. As I consider that the time is not yet ripe when the Government should deprive the municipality of the 3 per cent. payment, I shall vote against the second reading of the Bill.

**HON. H. L. ROCHE** (North-East) [8.14]: I am supporting the Bill as introduced by the Minister, because on this occasion it seems to me that the Government is acting very reasonably in its attitude towards the Perth City Council. As I understand the position, under the purchase agreement, the Perth City Council was entitled to receive 3 per cent. of the gross revenue from the tramways until 1939. The money has been paid, and I regard it as a form of compensation or a gratuity to the municipality. It has been paid not only on the original figures, but also on a largely increased scale resulting from extensions of the services carried out since the acquisition of the system by the Government. The City Council has done nothing in particular to earn the payment of this gratuity. The Government, having observed the principle of the agreement, and having made payments for 28 years, is justified in now availing itself of the provisions of the agreement and requesting the termination of the payment. I support the second reading.

**HON. V. HAMERSLEY** (East) [8.16]: I have no reason to depart from the attitude adopted by me towards a similar measure on a previous occasion and I shall vote against the second reading. I well remember what occurred when the original purchase was made; I always look upon that transaction as one of the worst that I know

of. The Government of the day took from the City of Perth the city's undoubted rights. An honourable agreement was entered into between the City of Perth and an English company under which the company installed the tramway system. The company was giving Perth an excellent service; but the moment the Government took over the system, it was remarkable what a radical change took place, and Perth has been suffering ever since. Other municipalities in various parts of the world have been able to instal excellent tramway systems and other traffic systems and have shown definitely that they can control such undertakings better than can a Government. It is but natural that municipalities should be better able to control traffic systems within their boundaries, because they know exactly what the people require. I have heard a great many views expressed on our tramway system, but I do not remember that the private company which operated the system ever permitted overcrowding of trams. Immediately the Government took control, however, trams were permitted to be overcrowded. I also remember that when the private company was operating the system, the company regularly, about three times a day during summer, ran their large water van over the track and watered it. That was an excellent service. To-day, during the summer months, we have dust inside the trams and alongside the tram track, and the way the dust is stirred up by the trams is abominable.

Hon. G. B. Wood: But we have bitumen roads now.

Hon. V. HAMERSLEY: If the hon. member used the trams, he would know that they stirred up a tremendous quantity of dust.

Hon. G. B. Wood: But it is not as bad as it was.

Hon. V. HAMERSLEY: No, but we still have the dust nuisance. That, however, is beside the question. The City of Perth has had filched from it property that would belong to it to-day had the Government not acquired it. I venture the opinion that the fares would have been lower to-day had the City of Perth control of the system, and the people would be getting a better service, too.

Hon. G. B. Wood: You would not have a pass.

Hon. V. HAMERSLEY: I am not concerned about that; the hon. member's remark does not cut any ice. Had the city control of the system, I am confident our trams would have been more up to date and we would have far greater pleasure in using them. A trust has been reposed in us; it has been left to Parliament to decide this matter. I am sure that the people who reposed that trust in Parliament never dreamt that Parliament would repudiate the arrangement then entered into. Instead of our deciding that this payment to the City Council must cease, we should increase it. That would have been in the minds of the people when the arrangement was made. With the growth of our population, the value of the trams would have increased, the need for the service would have been greater, and Parliament would have been forced to increase the amount to be paid to the City Council. Such being my views, I must vote against the second reading. We would be doing wrong if we passed the Bill.

On motion by the Chief Secretary, debate adjourned.

### BILLS (2)—FIRST READING.

#### 1, Margarine.

Received from the Assembly.

#### 2, Legitimation Act Amendment.

### BILL—CIVIL DEFENCE (EMERGENCY POWERS).

*In Committee.*

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

Clauses 1 and 2—agreed to.

Clause 3—Civil defence council:

Hon. Sir HAL COLEBATCH: I have given much consideration to the Bill, which extends wide powers, but powers which in my own opinion are necessary. Practically the whole Bill depends upon Clause 3, which deals with the constitution of the council to which these great powers are to be given. I had it in mind that some suggestion might be made to the Government for an amendment to this clause, but I cannot conceive of any amendment that would be of much

use. We must trust the Government to realise that the council to which such enormous powers are to be given shall be so constituted as to merit the complete confidence of all sections of the public. We can safely rely upon the Government to appoint such a council. That is the only comment I desire to make on the Bill.

The CHIEF SECRETARY: I endorse the remarks of Sir Hal Colebatch. The measure gives power for the promulgation of regulations to cover almost everything one can imagine in connection with war. It would be impossible for one man, or indeed any number of men, to enumerate everything which the proposed council might have to deal with, and to deal with urgently. A great deal of the success of this legislation will depend upon the persons who are appointed to the council. At present I have no knowledge as to who will be appointed; but I feel sure the House will accept my assurance that the Government will do its utmost to make certain that each person appointed is worthy of our most implicit trust. If we are successful in obtaining such a council, I am confident that the regulations which it will be empowered to recommend will be such as the House will be quite prepared to accept.

Hon. J. NICHOLSON: I would like to add a word to what has been said in regard to the clause. Subclause 3 provides that the number of members of the council shall be unlimited and may be increased or reduced, as the Governor may think fit. Clause 5 makes provision for the payment of allowances and expenses to be made to members of the council. I have not the slightest doubt that the Government will make the best selection possible; but one realises the difficulty which confronts us in our present position, and which has demanded the introduction of this measure. Although the local authorities are seriously concerned and will have a great responsibility, only one representative is proposed for those bodies.

The Chief Secretary: You think they are entitled to more?

Hon. J. NICHOLSON: Well, the council is to be of unlimited number.

Hon. A. THOMSON: And will cover the whole State.

Hon. J. NICHOLSON: Yes, I appreciate the difficulty.

The Chief Secretary: At least one member is to be a representative of the local authorities, and the probability is there will be more.

Hon. J. NICHOLSON: I am not prepared to suggest any amendment. I have no desire to tie the hands of the Government in doing what is thought best.

Hon. C. F. Baxter: No one can tell how many members will be required.

Hon. J. NICHOLSON: That is so.

Hon. C. F. Baxter: Even the Government could form no idea at the moment.

Hon. J. NICHOLSON: I appreciate that fact.

Clause put and passed.

Clauses 4 to 6—agreed to.

Clause 7—Governor may make regulations:

Hon. A. THOMSON: Exceptional powers are proposed under paragraph (xx)—to erect shelters and other buildings and require local authorities, public bodies, corporations and persons with the necessary finance available or obtainable to erect shelters or other buildings for use by the public or for private use. In an emergency the council must have wide powers, but the paragraph will impose a big responsibility upon local and other authorities and even upon private persons. Suppose a person was required to erect a shelter.

Hon. W. J. Mann: It might be for his own benefit.

Hon. A. THOMSON: Then there could be no objection, but the powers are wider than I am inclined to approve.

Hon. H. S. W. Parker: An employer of labour would have to erect shelters for employees.

Hon. A. THOMSON: He in his own interests would provide shelters for them, and that might be the intention. A gentleman at Narrogin six months ago prepared an outline of a somewhat similar scheme whereby parts of the country might be evacuated and each person would play his part. Perhaps the Chief Secretary can give some additional information.

The CHIEF SECRETARY: The hon. member is not the only one who has felt concerned about the regulations that the council could recommend. All the States of the Commonwealth have been dealing with

legislation of this kind, following an agreement between the States and the Commonwealth. The object is to secure legislation as nearly uniform as possible in all matters associated with civil defence. Mr. Nicholson, on the second reading, suggested that New South Wales had gone further than is proposed here. He thought it would be desirable to get information of what is being done there, but his remarks applied more to compensation.

Hon. J. Nicholson: I drew attention also to legislation passed in England.

The CHIEF SECRETARY: Nobody can be definite regarding the nature of the regulations that might be made. If the occasion arose and preparations were needed for the protection of the people, there might not be time for the Government or any local body to deal with the whole of the necessities of the situation. Suppose we learnt to-night of the possibility of the metropolitan area being bombed and that no preparations in the way of air raid shelters had been made, I imagine there would be immense activity in Government circles, and amongst all sections of the community, to provide shelters of some sort immediately. The council would probably call upon citizens in a position to provide shelters for themselves and their families to do so, and require employers of labour to make provision for their employees and large departmental houses to arrange protection not only for their staffs but also for people who might be on the premises at the time of the raid. The Government would have to take steps to protect its employees and members of the public who might be on Government premises at the time.

Hon. J. J. Holmes: These regulations would not be subject to disallowance by Parliament.

The CHIEF SECRETARY: All regulations are subject to disallowance if Parliament is sitting.

Hon. A. Thomson: Would these regulations have to be tabled?

The CHIEF SECRETARY: Provision is made for the disallowance of regulations by Parliament.

Hon. C. F. Baxter: But if we pass the Bill, power over these regulations will be gone.

The CHIEF SECRETARY: A survey has been made of buildings in the metropolitan area from Fremantle to Midland Junction to ascertain what measure of protection they

would afford. A fair amount of work has been done in this and other directions, of which the public has no knowledge. In general, the protection available is very slight. The cellars of a few modern buildings would be almost sufficient to meet the requirements of people in those buildings, but most of our buildings are of such a nature that an aerial bomb would completely destroy them. Buildings that have stood for many years are not of a type to stand aerial bombing. In England the practice has been to strengthen cellars by interposing sandbags and providing strong strutting. In large departmental stores the staff and often customers are able to find refuge during a raid. Small businesses might find the Anderson shelter sufficient. This is a particular type of shelter that takes its name from Sir John Anderson.

Hon. J. Nicholson: I understand it is a steel structure.

The CHIEF SECRETARY: No, the material costs only about £10.

Hon. H. L. Roche: Is it not of sheet steel?

The CHIEF SECRETARY: I do not know much about the details, but have been informed that most of the shelters spoken of as Anderson shelters consist mainly of sandbags, and the cost of the material is only about £10. The labour of assembling is quite unskilled.

Hon. J. Nicholson: I believe a shelter has been put up in King's Park. I have not seen it yet, but shall do so.

The CHIEF SECRETARY: The kind of shelter proposed will be suitable for the requirements of the metropolitan area. The shelter in King's Park is well worth inspection by country visitors. It may be that some householders will be required to provide their own shelters. Many of them will not have the wherewithal to do so, and some financial assistance will have to be given them. Employers might be required to provide shelters for employees, and this applies also to the Government. Again, local authorities may be required to provide shelters for people who happen to be within the bounds of their jurisdiction during an air raid. As regards New South Wales, I have here an extract from a report by the Director of National Emergency Services, dated the 1st October, regarding organisations established in New South Wales to provide air raid shelters for the

protection of the population against enemy attack. The paragraph relating to air raid shelters reads—

Upon the advice of the Technical Committee, which is a committee representative of the Institute of Engineers, the Institute of Architects and the Master Builders' Association, under the chairmanship of the Government Architect, the standard of protection approved in Great Britain has been adopted in this State. The general principle is that the individual is expected to provide for his own protection at his place of residence, but it is the responsibility of the authorities to provide shelter for persons caught away from their homes or place of employment and also in those cases where congestion of buildings, etc., present special difficulties.

A certain amount of progress has been made in the way of educating the public as to the best means of securing protection in their homes. The Sydney Municipal Council has built in the Sydney Domain samples of protective trenches from the ordinary hole in the ground to the more elaborate trench with protection from overhead fire. A pattern of a brick refuge with 5 inches of reinforced concrete overhead cover, has also been built by this council.

These shelters have caused a great deal of public interest and an employee has been appointed to explain them to inquirers. Pamphlets are also being distributed to householders and others concerned.

Beyond these sample shelters, no public shelters have so far been erected. Plans, specifications, etc., are, however, being prepared for shelters which will, presumably, become the responsibility of the authorities to erect in the event of the position deteriorating to such an extent as to warrant this course. The aim is to have everything prepared so that the shelters could be commenced within seven days, if necessary.

We are aware that every State has taken some precautions and that some States are further advanced than others in this respect. Western Australia is perhaps the last State to deal with legislation of this nature. Everything will depend upon the proposed council as to the success or otherwise of the methods laid down in the Bill for the protection of the civil population. The demands made upon large employers of labour and the Government and local authorities are considerable. The council I visualise is not likely to recommend regulations which would be beyond the capacity of the persons concerned to observe. How far it will be necessary to go no one can say; but if the necessity does arise, no one will complain of the expense.

Hon. J. J. Holmes: The sooner we pass the Bill, the better.

Hon. H. L. ROCHE: I concede to the Chief Secretary that extraordinary powers, in view of the war position, must necessarily be conferred upon the Government, and that no one can foresee the trend of events within the next month, or six months, or for that matter six years. On the issue raised by Mr. Thomson, this clause places altogether too much responsibility upon private persons and local authorities as well as corporations. The Chief Secretary suggested that the contemplated council will be the deciding factor; but as I understand the position, the Governor will issue regulations and cause the costs involved to be allotted by Executive Council, not necessarily by the council under the Bill. Otherwise the costs entailed might be too heavy for local authorities and large businesses. The Bill transfers too much responsibility to those less able to bear it.

Hon. C. F. BAXTER: Paragraph (xx.) gives me also a great deal of concern. The paragraph does not say that the persons alluded to should be employers. The only qualification appears to be that such persons shall have the necessary finance. It is not stated whether certain shelters are to be erected on the premises of the persons responsible for erecting them. While powers are given by the Bill, regulations will have to be framed; and of course those regulations will be laid on the Table in Parliament.

Hon. H. L. Roche: Provided Parliament is sitting.

Hon. C. F. BAXTER: If Parliament should be in recess, it would speedily resume its sittings. Although the powers in the Bill are very wide indeed, we should allow them to stand.

The CHAIRMAN: The question before the Chair is that Clause 7 stand as printed. Practically the whole of the discussion has been on paragraph (xx.) and there is no indication of any amendment.

Hon. A. THOMSON: I move an amendment—

That in line 3 of paragraph (xx) the words "and persons" be struck out.

Employees are concentrated on the premises of the employer and under his control; but to require a private person in a financial position to erect such shelter for the protection of the public is rather unjust. He

might be required to provide a small shelter for his family, and shelters in houses owned by him.

Hon. G. Fraser: But the clause says, "for private use."

Hon. A. THOMSON: We are clothing the body that is to be appointed with great powers, such as have never been conferred on any other body in Western Australia. Now is the time to clarify the position. As it reads, Clause 3 provides that the council would be able to compel anybody to erect a shelter.

Hon. H. S. W. Parker: The council must have money available.

Hon. A. THOMSON: I am not desirous of raising obstructions, but this is a serious matter, and I suggest that the clause be postponed to enable the Chief Secretary to consult the Crown Law Department.

Hon. J. Nicholson: I believe that owners of property in England were made to erect shelters.

Hon. E. H. H. Hall: For the public use?

Hon. J. Nicholson: No, for private use. I have been told that by people who know.

Hon. A. THOMSON: We are not dealing with something we have been told but with the Bill. If the position were clarified I would agree to the clause.

Hon. Sir HAL COLEBATCH: I hope the Committee will not agree to the amendment. If we are going to pick out all the little difficulties that may arise, not only shall we not finish, but we will not make a good job of the measure. Other clauses give even greater powers which, if improperly used, would do much more harm than Mr. Thomson considers is likely to arise as a result of this clause. The clause refers to precautions to be taken in the event of air raids and other hostile attacks. We hope the emergency will not occur. If it does not, this paragraph will never be put into effect. If such an emergency does arise, however, members will feel that they have undertaken a heavy responsibility if they restrict the powers necessary to deal with that emergency. So long as the Government appoints a council having the full confidence of the people, we can safely entrust to that council the carrying out of the provisions of the Bill.

Hon. G. FRASER: If the words "and persons" are removed, the only bodies that the council will have the power to compel to erect shelters will be local authorities,

public bodies and corporations. There are, however, many business people who have employees for whom shelters should be provided.

Hon. W. J. MANN: The council is being given powers to deal with cases that are almost beyond our comprehension. We should be very careful that we do nothing to hamstring the council. It is common knowledge that already the German air raids on Britain have necessitated a total reconsideration of air raid precautions. Many more shelters, of a more elaborate type, are being built. We do not know what is before us.

Hon. J. J. Holmes: A person who refuses to erect a shelter ought to be compelled to do so.

Hon. W. J. MANN: Quite so. I intend to vote for the Bill in its entirety.

Hon. A. THOMSON: The matter having been discussed, at length, I will withdraw the amendment.

The CHAIRMAN: It is just as easy to put the amendment as to have it withdrawn.

Amendment put and negatived.

Clause put and passed.

Clauses 8 to 16—agreed to.

Title—agreed to.

Bill reported without amendment, and the report adopted.

## BILL—SALE OF LAND (VENDORS' OBLIGATIONS).

### *Recommittal.*

On motion by Hon. J. Nicholson, Bill recommitted for the further consideration of Clauses 3 and 6.

### *In Committee.*

Hon. J. Cornell in the Chair; Hon. G. Fraser in charge of the Bill.

Clause 3—Notification of condition of title to be given.

Hon. J. NICHOLSON: This clause presupposes that a separate document is to be given to the purchaser. I have pointed out the danger of documents being lost. It is always a good plan to have notices of this kind embodied in the document concerned, because usually one exercises more care over a document than over loose sheets of paper. I therefore move an amendment—

That the following words be added to sub-clause (1):—"Any notification as aforesaid will be deemed sufficient if contained in the contract of sale or in any separate writing.

Hon. G. FRASER: I am prepared to accept most of the amendment, but I am afraid that if the document happened to be printed, notification regarding a mortgage could be embodied in such a manner as to be quite easily overlooked. If the document were typewritten it would be quite all right. The amendment could be improved by deleting the words "contained in" and inserting the words "endorsed prominently on".

Hon. J. NICHOLSON: The word "prominently" would be quite unsuitable, because of the difficulty of interpreting what it means.

Hon. H. S. W. Parker: The word "clearly" would be a better one.

Hon. J. NICHOLSON: The words should be used in the document rather than endorsed upon it. I suggest such wording as "the purchaser acknowledges that he has received notification of the following encumbrances." What is contained in the document is the vital matter.

The CHAIRMAN: Is Mr. Fraser prepared to accept the word "clearly"?

Hon. G. Fraser: Yes. That would be inserted after the word "if."

The CHAIRMAN: I will amend the amendment accordingly.

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

#### Clause 6—Offences:

Hon. J. NICHOLSON: I move an amendment—

That the proviso to Subclause (2) (as inserted in a previous Committee) be struck out.

The proviso related to the extension of the period wherein which proceedings could be taken from six months to 12 years. At the end of 12 years the chance of a person retaining documents essential to prove the conditions laid down in the Bill would be remote. Furthermore, certain witnesses may have died or left the State in the interim. The proviso will render people liable to proceedings in circumstances that do not prevail anywhere else in the British Empire. The limitation of six months is placed in the Justices Act because the law recognises that proceedings have to be taken within a reasonable time. The proviso is unjust and ridiculous, and I hope it will be struck out.

Hon. G. FRASER: Is not the case put up by the hon. member ridiculous? When a

person receives his title deeds the transaction is concluded. How can he be liable 12 months afterwards if he has complied with certain conditions? I am dealing with contracts.

Hon. H. S. W. Parker: The hon. member is trying to make a criminal offence out of a civil offence.

Hon. G. FRASER: By their actions members seem to desire that criminals shall escape prosecution. Under the Transfer of Land Act the term "12 years" is frequently used.

Hon. J. Nicholson: But it is not a question of six months imprisonment. No penalty attaches to a person who is in possession.

Hon. G. FRASER: Action can also be taken within a period of 12 years, for the recovery of debt for rent upon a covenant under a lease.

Hon. H. S. W. Parker: The period is six years.

Hon. G. FRASER: The information was supplied to me by a legal authority.

Hon. J. Nicholson: He is a poor one.

Hon. G. FRASER: A period of 12 years is granted to mortgagees wherein to take action. Many contracts of sale extend up to 35 years. People sell contracts and mortgage them, and the persons who are defrauded may know nothing about it for some years.

Hon. J. Nicholson: That can be dealt with under the Criminal Code, or the Code could be enlarged to embrace such cases.

Hon. G. FRASER: This Bill will do just as well. I want to protect the public against the smart Alects who have been able to defraud people for so many years. These offences are quite common, but they are difficult to deal with. If the amendment is carried we might as well throw out the Bill.

Hon. Sir Hal Colebatch: A person must take action within six months if knowledge of the offence comes to him.

Hon. J. J. HOLMES: I do not know that all commonsense emanates from members sitting on the other side of the House.

Hon. G. Fraser: No one suggested it did.

Hon. J. J. HOLMES: I cannot understand why the penalty should be restricted to 12 years whereas a contract may extend over 35 years.

Hon. G. Fraser: I am prepared to go the limit.

Hon. J. J. HOLMES: I think the limit should be the duration of the contract. That would be merely commonsense.

Hon. H. S. W. PARKER: We have amended the Bill requiring notification to be made in the contract. We are now giving to the purchaser a notification on the contract as to whether there is any mortgage or no mortgage. Are such persons devoid of intelligence?

Member: You would claim that does not say too much for our Education Department.

Hon. H. S. W. PARKER: It is because of these things that lawyers live, and this Bill will help them to live a little better. We are now requiring the purchaser to be told if there is any mortgage, right-of-way, easement of a party wall, and all sorts of ridiculous things. Now the Committee desires to go further. The purchaser can tear up his contract and then come along years later and charge the vendor with not having given him notice. Why should not the purchaser be required to exercise a little commonsense and lodge a caveat? Under this provision a vendor may be blackmailed for 12 years.

Hon. J. J. Holmes: Will not the vendor have a copy of the contract?

Hon. H. S. W. PARKER: There is nothing to compel the purchaser to sign a copy for the vendor.

Hon. G. Fraser: The vendor usually has the original and the purchaser the duplicate.

Hon. H. S. W. PARKER: I would advise you to consult another solicitor. The Bill is absurd and ridiculous.

Hon. G. FRASER: I am surprised that Mr. Parker should raise such contentions. He suggested that I had got my information from a solicitor.

Hon. H. S. W. Parker: You said so.

Hon. G. FRASER: No, only on one point. My own experience caused me to introduce the Bill. The hon. member referred to the tearing up of a contract. I have seen hundreds of them, and I have not yet known a purchaser to hold the

original contract of sale. If the purchaser tears up his contract, he has no proof of any deal. The vendor retains the original because, when the purchase is completed and the transfer is to take place, the vendor is the one who puts the transfer through, not the purchaser.

Hon. J. J. Holmes: I thought we amended the Act to require duplicates to be stamped.

Hon. G. FRASER: I do not know that that provision is always carried out. Mr. Holmes asked why the 12-year period had been adopted. I regarded that as a compromise. If the hon. member is prepared to support me, I shall move a further amendment later on to go the limit.

Hon. E. H. H. Hall: Test the feeling.

Hon. G. FRASER: I cannot do so at this stage.

Hon. W. J. MANN: I supported Mr. Nicholson's amendment on the understanding that the purchaser would in future have no logical grounds for ignorance.

Hon. G. Fraser: What if the notification is not on the document?

Hon. J. Nicholson: It may be in a separate writing.

Hon. W. J. MANN: Then I did not follow the amendment closely. I think we should insist that the notification be on the document itself.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Bill again reported with a further amendment.

*House adjourned at 9.42 p.m.*